

John R. Lopez IV, Chair  
Attorney Regulation Advisory Committee  
1501 W. Washington, Suite 104  
Phoenix, AZ 85007  
(602) 452-3378  
CLDCommittees@courts.az.gov

**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of

PETITION TO AMEND RULES  
33(b) AND 33.1(c) RULES OF THE  
SUPREME COURT OF ARIZONA

Supreme Court No. R-24-\_\_\_\_\_

Petition to Amend Rules 33(b) and  
33.1(c), Rules of the Supreme Court  
of Arizona

Under Rule 28, Rules of the Supreme Court of Arizona, Justice John R. Lopez IV, Chair of the Attorney Regulation Advisory committee, respectfully requests this Court adopt amendments to Rules 33(b) and 33.1(c), Rules of the Supreme Court of Arizona, concerning procedure for proceedings before the Committee on Character and Fitness.

**I. Purpose of the Proposed Rule Amendments.**

The Committee on Character and Fitness may recommend the revocation or suspension of a license to practice law in Arizona after notice and a hearing under Rule 33(b) and Rule 33.1(c). The procedures for conducting these hearings and to appeal a recommendation from these hearings are in Rule 36(f) and (h), respectively.

The proposed change seeks to direct attorneys or their counsel from the committee rules to the procedural hearing rules.


## **II. The Proposed Rule Changes.**

The proposed changes to Rules 33(b) and 33.1(c) would help those subject to a character and fitness hearing more easily identify the applicable procedures. The proposed amendments to Rules 33(b) and 33.1(c) would direct the reader to the procedures in Rule 36.

## **III. Conclusion.**

For the foregoing reasons, Petitioner respectfully requests the Court amend Rules 33(b) and 33.1(c), Rules of the Supreme Court of Arizona, as proposed in the attached *Appendix*.

RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of April, 2023.

By: 

John R. Lopez IV, Chair  
Attorney Regulation Advisory Committee  
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## APPENDIX

Additions are shown by underline; deletions are shown by ~~striketrough~~.

### **Rule 33 Committees; Practices**

**(a) [No change]**

#### **(b) Power of Court to Revoke or Suspend License.**

1. Nothing contained in this rule shall be considered as a limitation upon the power and authority of this Court upon petition of either Committee or the Board or other proper body or person, or on its own motion, to revoke or suspend, after due notice and hearing, the right of an attorney to practice law in this state for fraud or material misrepresentation in the procurement of admission to practice.

2. A hearing conducted by the Committee will be in accordance with Rule 36(f) and any appeal therefrom in accordance with Rule 36(h).

**(c) [No change]**

### **Rule 33.1 Committee; Entity Regulation**

**(a) through (b) [No change]**

#### **(c) Power of Court to Revoke or Suspend License.**

1. Nothing contained in this rule shall be considered as a limitation upon the power and authority of the Arizona Supreme Court upon petition of the Committee on Alternative Business Structures, probable cause committee, bar counsel, or on its own motion, to file a petition with the presiding disciplinary judge to revoke or suspend, after due notice and hearing, the license of an alternative business structure in this state for fraud or material misrepresentation in the procurement the ABS's license.

2. A hearing conducted by the Committee will be in accordance with Rule 36(f) and any appeal therefrom in accordance with Rule 36(h).

**(d) through end [No change]**