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9
10 IN THE SUPREME COURT
11 STATE OF ARIZONA
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PETITION TO AMEND RULE 39
OF THE ARIZONA RULES OF
THE SUPREME COURT,

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}
} Supreme Court No. R-_____

Pursuant to Arizona Supreme Court Rule 28(a), this petition seeks to amend Arizona Supreme Court Rule 39(b) to allow a pending Arizona Bar applicant, who is already licensed to practice law in another jurisdiction, to make the same appearances in courts of record and administrative tribunals as a certified limited practice law student or law graduate pending admission to the Arizona Bar. *See* Attachment A, Proposed Amended Rule.

While law students and recent law graduates, pending Arizona Bar admission, may appear in courts of record and administrative tribunals with the presence of a supervising or designated attorney, those attorneys licensed in other jurisdictions and pending the same Arizona Bar admission may not. *Compare* Ariz. Sup. Ct. R. 39(c)(4)(C), 39(c)(5)(C) *with* 39(b).

1 This proposed rule change would help significantly with office staffing
2 shortages, case management, and attorney recruitment. It is increasingly difficult to
3 recruit and retain attorneys in Arizona, and many offices statewide are facing
4 substantial staffing shortages. Allowing attorneys, licensed elsewhere and pending
5 Arizona Bar admission, the ability to appear in courts and administrative tribunals
6 would assist in recruiting those experienced attorneys and managing ever-
7 increasing caseloads. While offices can, and do, utilize law students and graduates
8 to gain experience and handle cases, those offices cannot employ already-licensed
9 attorneys from other jurisdictions in the same capacity. And notably, these already-
10 licensed attorneys have been engaged in the active practice of law for three of the
11 last five years preceding the application for admission. Ariz. R. Sup. Ct. 39(b)(1).

12 While there is a process to appear *pro hac vice*, this process is burdensome
13 and inefficient. To appear *pro hac vice*, the applicant must apply to appear in each
14 individual case in which they seek to appear. The *pro hac vice* process is well-suited
15 for an attorney from another jurisdiction seeking to participate in a single case, or a
16 limited number of cases, while maintaining their practice in the other jurisdiction,
17 as opposed to seeking to join the Arizona Bar and representing clients in Arizona
18 full-time.

19 This amendment would help both prosecution and defense offices, as well as
20 private law firms, in providing legal services and representation sooner and by
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1 already-experienced, licensed attorneys. In addition, it would also assist Arizona
2 clients who face a shortage of attorneys available to represent their interests.

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4 RESPECTFULLY SUBMITTED this 12th day of December 2023.

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8 By: /s/ Elizabeth Burton Ortiz
9 Elizabeth Burton Ortiz
10 APAAC

11 Electronic copy filed with
12 the Clerk of the Arizona Supreme Court
13 this 12th day of December 2023.
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ATTACHMENT A
(new language is underlined)

Rules of Supreme Court of Arizona

Rule 39. Temporary Authorization to Practice Law

...

(b) Practice Pending Admission.

...

(2) *Appearances.* ~~Until the applicant's admission is granted, the applicant may not appear before a court of record or tribunal in Arizona that requires pro hac vice admission unless the applicant is granted such admission pursuant to Rule 39(a).~~ Permitted Activities and Requirements of an Attorney Pending Admission in Arizona; Presence of Supervising or Designated Attorney. Subject to the same requirements as a law student, under (c)(4)(C) of this Rule, or law graduate, under (c)(5)(C) of this Rule, the applicant may appear before a court of record or tribunal in Arizona until the applicant is granted such admission pursuant to Rule 39(a).