

1 Hon. John R. Lopez IV, Chair  
2 Attorney Regulation Advisory Committee  
3 Supreme Court, State of Arizona  
4 1501 W. Washington, Suite 104  
5 Phoenix, AZ 85007

6 IN THE SUPREME COURT  
7  
8 OF THE STATE OF ARIZONA

9 In the Matter of: ) Supreme Court No. R-23-0046  
10 )  
11 ) **COMMENT OF THE ATTORNEY**  
12 ) **REGULATION ADVISORY**  
13 ) **COMMITTEE**  
14 ) **TO THE PETITION TO AMEND**  
15 ) **RULE 36, ARIZONA RULES OF**  
16 ) **THE SUPREME COURT**

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17 The Attorney Regulation Advisory Committee (“ARC”) responds with its  
18 comment on the Petition filed by Denise Quinterri on October 16, 2023, to amend  
19 Rule 36. The Petition proposes to change the procedure by which the Committee  
20 on Character and Fitness (“the Committee”) conducts hearings on violations of  
21 conditional admission.

22 The current rule requires a majority of the Committee to convene to  
23 consider violations of any conditional admission order. Rule 36(g)(6). This  
24 has been the rule since January 1, 2015. *See* Order in R-14-0011.

25 The Committee currently has 22 members. While most of the members  
26 reside in Maricopa County, in recognition of the need for geographic diversity,  
27 five numbers reside outside Maricopa County. The rule requires the Committee  
28 to hold a hearing “as soon as practicable.” Rule 36(g)(6). Given the number of  
Committee members and the geographic diversity, scheduling a prompt hearing  
has proven challenging. The attorney members as well as most of the public

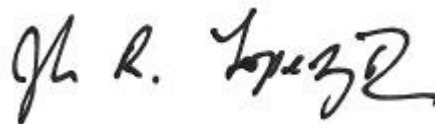
1 members of the Committee have professional obligations. Finding a date for  
2 a hearing can mean a delay of a month or more in setting a hearing date.

3 The delay in scheduling a hearing can be prejudicial to the  
4 conditional admittee and the public which we serve. To better serve the Court's  
5 objectives in creating this rule, and to better serve the public and the  
6 conditional admittee, an expeditious hearing with fewer Committee members is  
7 recommended.

8 There is no discoverable history to explain the Court's 2015  
9 change requiring a majority of the Committee to hear conditional  
10 admission violations. ARC can discern no disadvantage or prejudice  
11 resulting from a reduction in the number of hearing participants.

12 The Attorney Regulation Advisory Committee in consideration of  
13 the views of the Committee on Character and Fitness recommends a panel be  
14 composed of seven members to hear violations of conditional admission  
15 consisting of at least two attorney members of the committee and at least one  
16 public member of the committee. This number is larger than the panel size  
17 of five members for a Hearing pursuant to Rule 36(f), yet not so large as to  
18 create a repetition of the current scheduling challenges.

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20 RESPECTFULLY SUBMITTED this 3rd day of April 2024.

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24 \_\_\_\_\_  
25 Hon. John R. Lopez IV, Chair  
26 Attorney Regulation Advisory  
27 Committee

28 **ELECTRONICALLY filed on the  
Court Rules Forum of the  
Arizona Supreme Court this 3<sup>rd</sup>  
day of April, 2024.**