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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:

**PETITION TO AMEND
RULES 42 and 45, RULES OF THE
ARIZONA SUPREME COURT**

In Re: R-24-0003

**ARIZONA PROSECUTING
ATTORNEYS' ADVISORY
COUNCIL COMMENT IN
SUPPORT OF PETITION**

The Arizona Prosecuting Attorneys' Advisory Council (APAAC) respectfully submits its comments in support of Rule Change Petition R-24-0003, addressing the role of the government lawyer in the public practice of law. Petition and Appendix A propose an integrated scheme of amendments to Rule 42, Rules of the Supreme Court, as well as an amendment to Rule 45

requiring continuing legal education for the government lawyer. The term “government lawyer” is defined as set forth in the proposed amendments. The Petition and Appendices are incorporated herein by reference.

I. APAAC SUPPORTS PETITION R-24-0003.

APAAC’s support of the Petition consists of three separate comments addressed below:

A. Amendments to Rule 42, Rules of the Supreme Court.

APAAC supports clarifying the Ethical Rules and Comments as set forth in Appendix A to the Petition. APAAC takes no position on the specific wording proposed by the Petitioner [representing the Task Force on Ethics Rules Governing the State Attorney General, County Attorneys, and Other Public Lawyers]. APAAC respects the expertise of the individuals contributing to the Task Force, as well as the thoroughness of the Task Force as it addressed the role of the government lawyer and representation of the government client.

B. Amendment to Rule 45, Rules of the Supreme Court.

Fair administration of justice being evident in the Petitioner’s purpose, APAAC supports the implementation strategy requiring one hour of continuing legal education as recommended in the Petition, Appendix C,

underlined in Rule 45, (a) Continuing Legal Education Requirements, subsec. 2.

APAAC, however, does not express a comment or recommendation on which of the two alternative, bracketed implementation strategies, is the preferred method of implementation. One method requires a CLE credit of the government lawyer annually while the other option requires that the credit be obtained within two years after the effective date of the rule amendment or the appointment of the attorney as a government lawyer. APAAC expresses no opinion on the matter.

C. APAAC Working Group on a Manual for the Public Practice of Law.

APAAC has convened a multi-disciplinary ethics working group whose objective is to produce a *Manual on the Public Practice of Law*. This project will deliver what essentially is an Arizona government lawyer's ethics manual. The project is not contingent upon the passage of this Petition. The Working Group's goal exists independent of the Petition and the project will be completed without approval of the Petition as a necessary first condition. APAAC's continuing work upon this manual is noted favorably by the Supreme Court Ethics Task Force in its own record of proceedings.

While the two projects are not in any symbiotic relationship, should this Petition pass, the manual's progress will be amended, and the changes will be favorably incorporated by the manual prior to the manual's completion and release. The manual is intended to be the authoritative source of best ethical practices for the Arizona government lawyer.

II. CONCLUSION.

For the reasons stated above APAAC respectfully requests that Petition R24-0003 be approved.

Respectfully submitted this 1st day of May, 2024.

By /s/ Elizabeth Burton Ortiz

Elizabeth Burton Ortiz
Executive Director, APAAC

By: /s/ William P. Ring

William P. Ring
Chairperson, APAAC