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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of:

PETITION TO AMEND RULE 53,  
RULES OF THE ARIZONA  
SUPREME COURT

Supreme Court No. R-24-0046

**COMMENT**

Pursuant to Rule 28(e) of the Arizona Supreme Court, I submit this comment in support of R-24-0046, Petition to Amend Rule 53, Rules of the Arizona Supreme Court.

As the petition recognizes, the Arizona State Bar has reported an increase in bar complaints lodged against attorneys by individuals with *no first-hand knowledge* of the allegations being made. The petition also recognizes that some of these complaints are based on nothing more than media coverage, in particular media coverage of election-related litigation. The significant increase in complaints of this

nature certainly brings to light the risk of the “disciplinary process being weaponized by partisans,” which should be a concern to all Arizonans.

For these reasons, the Arizona State Senate also proposed legislation this session to improve upon the structural deficiencies within the complaint process. Not only can the current process be weaponized by partisans, but it can also be weaponized for any reason. In order to address these concerns, S.B. 1471 required individuals filing complaints with the State Bar to have an attorney-client relationship with the subject of the complaint or another substantial nexus to the alleged misconduct. While the bill did not receive a vote in the House, a majority of Senators voted in favor of this policy.

Attorneys enter the profession knowing that they will be held to high ethical standards. Accordingly, disciplinary proceedings can be daunting for any attorney, even if eventually resolved in the attorney’s favor. But it is not only attorneys and the profession that are burdened by weaponized complaints. The public is also done a disservice. Weaponized complaints divert resources away from those complainants who have been *directly* impacted by an attorney’s unethical behavior, and they have the potential to baselessly erode the public’s trust in the profession.

For all of these reasons, I support R-24-0046 and believe it is a good first step towards rectifying the misuse of the bar complaint process and providing safeguards against weaponization.

Dated this 29th day of May, 2024.

/s/ Warren Petersen  
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