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ARIZONA SUPREME COURT

In the matter of:	)	
	)	
PETITION TO AMEND SUPREME	)	Supreme Court No. 24-_____
COURT RULE 45(a)	)	(expedited consideration
	)	and emergency adoption
	)	requested)
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court of Arizona, Petitioner respectfully petitions this Court to amend Supreme Court Rule 45 as shown in the Appendix, in light of the enactment of Senate Bill (SB) 1214, Continuing Education; Agency License Requirements (Laws 2024, Ch. 9) during the Second Regular Session of the 56th Legislature and this Court's discretion to determine whether to adopt similar provisions in Supreme Court Rule 45 pursuant to its authority to regulate the practice of law.

SB 1214 will become effective on September 14, 2024. Accordingly, Petitioner seeks expedited consideration of this petition and if this Court is inclined to adopt requirements similar to those provided in SB 1214 relating to CLE

requirements, Petitioner also seeks emergency adoption of the proposed amendments as set forth in the Appendix.

I. Background and Grounds for Petition Approval.

On March 25, 2024, Governor Hobbs signed SB 1214, which creates A.R.S. § 12-112.01 and provides that the Supreme Court shall allow members of the state bar who attend a continuing education program for a state agency license renewal requirement, and earn continuing education credit from that program to fulfill that license renewal requirement, to apply those credits to the annual CLE requirements, if the continuing education program consists of an organized program of learning, deals with matters directly related to the law, follows an agenda, and is accompanied by substantive or practical written materials or exercises. The text of A.R.S. § 12-112.01 is as follows:

12-112.01. Education programs; state agency license requirements; state bar; definition

A. The supreme court shall provide that if a member of the state bar attends a continuing education program and earns continuing education credit to fulfill a state agency license renewal requirement, the member shall also earn credit for the member's annual continuing legal education activity requirement for the continuing education program to fulfill the state agency license renewal requirement if that continuing education program does all of the following:

1. Consists of an organized program of learning.
2. Deals with matters directly related to the law.
3. Follows an agenda.
4. Is accompanied by substantive or practical written materials or exercises.

B. For purposes of this section, “state agency license renewal requirement” means an amount of continuing education a person must obtain in order to satisfy a requirement imposed by law to maintain or renew a professional license issued by an agency, board, commission or department of this state.

This Court regulates the practice of law as a function of its responsibility to administer an integrated judiciary and in turn, furthering the administration of justice in its administration of the judicial branch. Its regulation of the practice of law includes establishing the CLE requirements for attorneys, which it has done through the promulgation of Rule 45, Rules of the Supreme Court.

Supreme Court Rule 45(a), specifically, establishes the requirements regarding the annual number of CLE hours attorneys are required to complete, the areas in which the CLE hours must be completed, and how many hours may be counted toward CLE for certain activities. Accordingly, should this Court opt to exercise its discretion to allow attorneys to count toward their CLE requirements credit from a continuing education program they attend for a state agency license renewal requirement, Petitioner recommends that such provisions be added to Supreme Court Rule 45(a) as a new subsection 7, as set forth in the Appendix and as follows:

Rule 45. Mandatory Continuing Legal Education

(a) Continuing Legal Education Requirements.

1. through 6. [No change]

7. An active member of the bar, not exempted, who attends a continuing education program to satisfy a

state agency license renewal requirement is eligible to claim one hour of continuing legal education credit for every hour of credit earned in satisfaction of the member's state agency license renewal requirement if the continuing education program consists of an organized program of learning, deals with matters directly related to the law, will increase the participant's professional competence as a lawyer, follows an agenda, and is accompanied by substantive or practical written materials or exercises. "State agency license renewal requirement" has the meaning provided in A.R.S. § 12-112.01.

(b) through (k) [No change]

II. Preliminary Comments.

This proposed rule amendment was sent to the State Bar for pre-filing comments, and the State Bar recommended adding the language requiring that the continuing education program increase the participant's professional competence as a lawyer. Petitioner has no objection to this recommendation, as it is currently a requirement for other CLE credit under MCLE Regulation 104(A)(1) and is reflected in the proposed verbiage set forth in the Appendix.

III. Request for Expedited Consideration and Emergency Adoption.

SB 1214 will become effective on September 14, 2024. Petitioner believes that expedited consideration is warranted so that this Court can determine whether it desires to adopt provisions for CLE similar to those provided in SB 1214.

Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court expedite its consideration of this petition for inclusion on the

August 2024 Rules Agenda. If this Court is inclined at its August 2024 Rules Agenda to adopt provisions for CLE similar to those provided in SB 1214, Petitioner requests that this Court consider adoption of the proposed amendments as set forth in the Appendix on an emergency basis at that Agenda, open the petition for comment, and consider adopting the proposed amendments on a permanent basis at this Court's December 2024 Rules Agenda.

Respectfully submitted this 10th day of July, 2024.

By /s/ David K. Byers
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APPENDIX

Rules of the Supreme Court of Arizona (new language is underlined)

Rule 45. Mandatory Continuing Legal Education

(a) Continuing Legal Education Requirements.

1. through 6. [No changes]

7. An active member of the bar, not exempted, who attends a continuing education program to satisfy a state agency license renewal requirement is eligible to claim one hour of continuing legal education credit for every hour of credit earned in satisfaction of the member's state agency license renewal requirement if the continuing education program consists of an organized program of learning, deals with matters directly related to the law, will increase the participant's professional competence as a lawyer, follows an agenda, and is accompanied by substantive or practical written materials or exercises. "State agency license renewal requirement" has the meaning provided in A.R.S. § 12-112.01.

(b) through (k) [No change]