

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-24-0047
RULE 82, RULES OF THE SUPREME)
COURT) **FILED 12/3/2024**
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**ORDER ADOPTING ON A PERMANENT BASIS
AMENDMENTS TO RULE 82 OF
THE RULES OF THE SUPREME COURT OF ARIZONA**

On June 3, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf proposing to amend, on an emergency basis, Rule 82, Rules of the Supreme Court of Arizona. On August 22, 2024, this Court entered an order: (a) adopting the proposed amendments, as modified, on an emergency basis in accordance with the attachment to this order; and (b) opening the petition for public comment about whether the amendments should be adopted permanently.

Having considered the petition, public comments, and a reply to those comments,

IT IS ORDERED that the amendments to Rule 82 of the Rules of the Supreme Court of Arizona that were adopted on an emergency basis on August 22, 2024, are adopted permanently in

accordance with the attachment to this order, effective immediately. The amendments shown on the attachment are the same as the amendments shown on the attachment to this Court's August 22, 2024, order.

DATED this 3rd day of December, 2024.

_____/s/_____
ANN A. SCOTT TIMMER
Chief Justice

Arizona Supreme Court No. R-24-0047

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

RULES OF THE SUPREME COURT OF ARIZONA

Rule 82. Judicial Ethics Advisory Committee

(a) – (e) [No change]

(f) Comment Period. The advisory committee must seek comment prior to issuance of a formal advisory opinion through the distribution of a summary of the facts and questions presented. The comment period must be open for at least thirty (30) days. After the comment period ends, the advisory committee must consider all submitted comments and, in light of those comments, decide whether to issue a formal advisory opinion or take other appropriate action.

(g) Supreme Court Review. If the advisory committee decides to issue a formal advisory opinion, the chairperson must file the proposed opinion, subject to redaction to preserve confidentiality of the source of the request and that of any commenters, with the Clerk of the Supreme Court for Supreme Court review. Within thirty (30) days after the proposed opinion's submission, the court may take any action it deems appropriate, including declining review of the opinion, approving the opinion, ordering that the opinion not be posted or distributed, modifying the opinion, or directing the advisory committee to make specified changes or reconsider certain issues.

(fh) Opinion Distribution. If the Supreme Court does not take any action on the proposed opinion within thirty (30) days or after it declines review or approves the opinion (with or without modifications), the formal advisory opinion will be deemed final. ~~Immediately upon approval, the advisory committee's~~ The formal advisory opinion shall be initially distributed to the requester, the justices, clerk and chief staff attorney of the supreme court, the chief judges of the court of appeals, the presiding judges of the superior court, the director of the Administrative Office of the Courts, and the chief bar counsel to the Arizona State Bar. Formal opinions shall be accumulated and distributed to all other judges at least annually. Records of advisory committee determinations and opinions shall be maintained at the committee's office.

(gi) Reconsideration. Within thirty (30) days after the distribution of a formal opinion to all judges, any person, court or agency authorized to request an opinion under this rule may petition the advisory committee to reconsider the opinion by submitting a request for reconsideration to the advisory committee's office in the form of a letter or memorandum explaining the basis for the request. The advisory committee shall respond to the request by either reaffirming or revising the formal opinion. If the advisory

¹Additions to the text of the rule are shown by underscoring and deletions are shown by ~~strike through~~.

committee revises the opinion, it must resubmit the opinion to the supreme court for review. If warranted, the advisory committee or the supreme court may also reconsider an opinion at any time on its own motion. Revised opinions shall be distributed in the same manner as original opinions.

(h) Opinion as Defense. Reliance on a formal advisory opinion may be raised as a defense in any disciplinary proceeding.