

**Scharf-Norton Center for Constitutional Litigation
at the GOLDWATER INSTITUTE**

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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:

PETITION TO AMEND SUPREME
COURT RULE 34(e)

Supreme Court
No.

**PETITION TO AMEND RULE
34(e), RULES OF THE
SUPREME COURT**

Pursuant to Ariz. S. Ct. R. 28, Jonathan Riches, Timothy Sandefur, and Adam Shelton, individually and on behalf of the Goldwater Institute, respectfully petition this Court to adopt amendments to Rule 34(e), Ariz. S. Ct. R. (“Rule 34”), governing the methods for Admission on Motion of attorneys already admitted to the practice of law in another jurisdiction. These amendments would allow an attorney who is admitted to practice law in any other state, territory, or the District of Columbia, and who is in good standing in every jurisdiction where the attorney is admitted, to apply for streamlined admission to practice law in Arizona. Among other things, the

proposed amendments would address Arizona’s severe shortage of legal services, a problem that ranks among the worst in the nation and leaves too many residents without meaningful access to counsel.¹

Petitioners propose four targeted amendments.

First, remove the requirement that, as a condition of admission by motion, the jurisdiction in which the attorney is licensed must offer reciprocal admission to Arizona attorneys (“reciprocity requirement”).

Second, eliminate the requirement that an attorney must have been engaged in the “active practice of law” for three of the past five years (“active practice requirement”).

Third, deem the juris doctor requirement for admission satisfied for certain foreign-educated lawyers (“foreign education provision”).

Fourth, permit licensed attorneys who are in good standing in another jurisdiction to conditionally practice law in Arizona while the character and fitness examination is pending, on conditions to be determined by the Arizona Committee on Character and Fitness.

Petitioners made a similar proposal in 2024, but the proposal was not adopted.

¹ Nationwide, there are approximately four lawyers for every 1,000 residents. By contrast, Arizona has only 2.14 lawyers per 1,000 residents. As a result, Arizona ranks among the bottom five states nationwide in lawyers per capita. *See* Am. Bar Ass’n, *Demographics, ABA Profile of the Legal Profession 2024* (2024), <https://www.americanbar.org/news/profile-legal-profession/demographics>.

A redlined draft of the proposed changes is attached as Appendix A. A clean draft of Rule 34, as amended, is attached as Appendix B.

I. Background and Purpose of the Proposed Rule Amendment

The proposed rule change would allow an attorney admitted to practice law in another jurisdiction, holding an active license in good standing, to submit a streamlined application to practice law in Arizona. The amendments are narrow in scope and would permit attorneys who have already demonstrated fitness and competency to provide much-needed legal services to Arizonans.

These changes also build on legal and professional policy reforms in Arizona, as well as broader national efforts to reduce unnecessary barriers to cross-jurisdictional practice for qualified professionals. In 2019, Arizona became the first state in the nation to broadly recognize out-of-state occupational and professional licenses for all Title 32 professions, including those in the medical field. A.R.S. § 32-4302 (“Notwithstanding any other law, an occupational or professional license or certificate shall be issued, in the discipline applied for and at the same practice level as determined by the regulating entity, pursuant to this title to a person who establishes residence in this state...”). In the years that followed, twenty more states adopted similar recognition policies.² Given the

² See <https://ij.org/legislative-advocacy/states-reforms-for-universal-recognition-of-occupational-licensing/>.

breadth of these laws and the many professions they encompass, the continued exclusion of interjurisdictional attorney licensure stands out as a troubling anomaly. The proposed amendments build on Arizona’s policy reforms for other licensed professions and would position Arizona as a national leader in reducing barriers for licensed attorneys while expanding the availability of legal services to Arizona residents in a state that suffers from a shortage of such services.

A. Reason for the Change

The practice of law has changed dramatically over the past two decades. Advances in computer technology, along with expanded access to Internet service, electronic communications, and digital research databases, have made it possible for attorneys to work effectively from virtually anywhere. The COVID-19 pandemic accelerated this transformation, requiring millions of attorneys to work remotely and appear before courts virtually or telephonically. These changes have proven both convenient for lawyers and beneficial for clients.³

The practice of law is uniquely suited to remote work. Much of an attorney’s work—independent legal research, writing, and client communications—can be performed from any location without loss of quality or efficiency. Moreover, remote

³ According to Clio’s 2020 Legal Trends report, 56% of consumers would prefer videoconferencing over a phone call and 69% prefer working with a lawyer who can share documents electronically through a web page, app, or online portal. 2020 Legal Trends Report (Clio), <https://www.clio.com/resources/legal-trends/2020-report/>.

work arrangements benefit law firms by reducing overhead expenses, which help lower the costs of legal services to clients. One study estimates that the availability of remote work options has facilitated the interstate relocation of nearly 24 million Americans.⁴ Reflecting this reality, in 2022, the Association of Professional Responsibility Lawyers—the nation’s leading organization for legal ethicists—urged the ABA to amend Model Rule 5.5 to permit lawyers to provide services to clients regardless of the geographic location of the lawyer or the client.⁵ Like the proposed amendments here, that reform recognizes the reality that legal services can and should be delivered without artificial geographic constraints.

When Petitioners advanced a similar proposal in 2024, the Arizona Attorney Regulation Advisory Committee cited these developments as a reason to adopt a more cautious, wait-and-see approach. But Arizonans need access to legal services now, and Arizona should lead, not follow, in addressing that need. As explained below, the proposed amendments pose no meaningful risk to the public and would position Arizona as a leader in attorney regulation and access to justice.

⁴ Scott Lincicome and Ilana Blumsack, *Remote Work*, Cato Institute (Dec. 15, 2022), <https://www.cato.org/publications/remote-work>.

⁵ Debra Cassens Weiss, *Lawyers Should be Able to Practice Law in Any State, Says Group Urging ABA Model Rule Change*, ABA Journal (Apr. 20, 2022), <https://www.abajournal.com/web/article/lawyers-should-be-able-to-practice-law-in-any-state-says-group-urging-aba-model-rule-change>.

Arizona's current rules do not meaningfully account for the realities of modern legal practice, the interstate flexibility that remote work enables, or the benefits inter-jurisdictional practice provides to clients, lawyers, and law firms. Under existing rules, an attorney who handles matters in different states generally must be licensed in each jurisdiction. To avoid professional and criminal sanctions, attorneys must therefore seek admittance to multiple state bars—an undertaking that entails significant additional costs, delays, and administrative burdens. These barriers discourage attorneys from expanding their services, limit the availability of competent counsel, and ultimately drive up the cost of legal services.

This proposed amendment to Rule 34(e) addresses these concerns by reducing unnecessary burdens on attorneys already licensed in other jurisdictions, while fully preserving this Court's essential role in ensuring that those who provide legal services to Arizonans are qualified and competent to do so.

B. General description of the proposed Amendment

There are three principal pathways for admission to the practice of law in Arizona: (1) by admission by Bar Exam, as defined in Rule 35(a)(1); (2) admission by transfer of bar examination score from another jurisdiction; and (3) by admission on motion. The proposed amendment does not affect the first two pathways. Instead, it focuses on modernizing and expanding eligibility for admission by motion.

Under the existing Rules, admission on motion is available only to a narrow class of applicants. First, an applicant must be authorized to practice in a jurisdiction that also offers admission by motion for Arizona attorneys—in other words, there must be reciprocity between Arizona and the state where the applicant is already licensed. Second, an applicant must have engaged in the “active practice of law” for three out of the prior five years. Additionally, an applicant must have obtained a juris doctor degree, obtained a passing score on the Multistate Professional Responsibility Examination, be in good standing in all jurisdictions admitted, not currently subject to discipline in any jurisdiction, be of sound character and fitness, and complete a course on Arizona law.

The proposed amendment makes four changes to Rule 34(e).

First, the proposed amendment eliminates the requirement of state-by-state reciprocity. This retaliatory barrier does not protect clients or consumers. Instead, it merely penalizes individual attorneys for the policy choices of *other* jurisdictions which they cannot solely control, and it harms Arizonans who have no control over the California Bar by needlessly reducing the availability of legal services in Arizona. Whatever value retaliatory trade barriers might have in other contexts, this one doesn’t advance the interests of Arizonans who would benefit from greater access to competent legal representation.

When Petitioners advanced this proposal in 2024, the Attorney Regulation Advisory Committee opposed the elimination of reciprocity on the ground that this barrier purportedly helps ensure attorney competence and protects the public. In support of that position, the Committee noted that non-reciprocal, non-UBE states, such as California, Delaware, Florida, Hawaii, Louisiana, and Nevada, account for nearly 300,000 attorneys, more than 20 percent of the national total. The implication was that attorneys from those jurisdictions pose a heightened risk to the public. That implication is unsupported by evidence. To the contrary, data from the ABA Center for Professional Responsibility demonstrates the opposite. An analysis of Survey on Lawyer Discipline Systems data by Professor Milan Markovic of Texas A&M School of Law shows that between 2015 and 2017, Arizona lawyers averaged 17.8 complaints per 100 attorneys per year.⁶ By comparison, Delaware had 4.2 complaints for every 100 attorneys, Florida had 7.0, Hawaii had 6.5, and Louisiana had 13.0. Neither California nor Nevada reported this information for all three years, but among states that did, Arizona had the highest average annual complaint rate. These figures undermine any claim that reciprocity—or the lack thereof—correlates with attorney competence or public protection.

⁶ Milan Markovic, *Protecting the Guild or Protecting the Public? Bar Exams and the Diploma Privilege*, 35 Geo. J. Legal Ethics 163 (2022).

The Committee also expressed concern that eliminating reciprocity would allow attorneys from Wisconsin, who may be admitted under the state’s Diploma Privilege Rule, to practice in Arizona. That objection rests on another unsupported assumption: that attorneys admitted without a bar examination are less competent. There is no evidence to support that premise.⁷ Indeed, Arizona currently permits non-attorney “legal paraprofessionals” to provide legal services in a number of situations, and even allows attorneys who have *failed* the bar examination to practice law in certain circumstances.⁸ ASU, the state’s largest law school, has adopted a “test-optional” pathway that allows admission without the LSAT. These developments substantially weaken the argument that standardized testing is a reliable proxy for professional competence.

Second, the proposed amendment eliminates the requirement that an applicant must have been primarily engaged in the “active practice of law” for three of the preceding five years. Among other things, this requirement excludes new attorneys, part-time practitioners, recent retirees, and attorneys who stepped away from practice for family or caregiving reasons. Indeed, the existing Rules disproportionately punish parents who may have prioritized raising a young family

⁷ In fact, the Markovic article demonstrates that ethics complaints are filed less frequently against Wisconsin Lawyers admitted under the Diploma Privilege Rule as lawyers that were admitted after passing a bar examination. *See id.* at 190-91.

⁸ *Arizona Lawyer Apprentice Program*, Ariz. Jud. Branch, <https://www.azcourts.gov/cld/Arizona-Lawyer-Apprentice-Program>.

before returning to the practice of law. It also discourages attorneys who relocate to Arizona from reentering the profession.

Notably, no other pathway for admission in Arizona imposes a comparable time-based active practice requirement. Under Rule 34(g), for example, an applicant may be admitted by transferring a qualifying bar examination score from another jurisdiction achieved within the last five years *without demonstrating any prior practice*. If a newly licensed attorney with *no* practice experience is deemed competent to practice law under that rule—even though such a person is presumably more likely to commit errors than an experienced attorney—it is irrational to bar other attorneys, many of whom may have far more experience, from admission simply because their careers don’t fit a rigid, continuous timeline.

The active-practice requirement reflects an outdated conception of legal practice and legal careers. It rules out attorneys who have taken contract or project-based work, including those who have done so while raising children or caring for aging parents. It also harms individuals who have taken a job for which a law degree is beneficial, but not required, for personal or economic reasons. In practice, this requirement simply does not work anymore,⁹ and disproportionately harms parents, who take time away from full-time practice for caregiving responsibilities.

⁹ See Sherry M. Hieber, “*Primarily Engaged in the Active Practice of Law*”: *Are We Keeping Up with the Times?*, 87 Bar Exam’r 25 (2018),

When Petitioners advanced this proposal in 2024, the Committee on Character and Fitness voted to partially support reform, suggesting retaining the three-year active practice requirement, but removing the requirement that those years occur within the preceding five years. The Committee’s vote was based, in part, on concern that the five-year requirement may adversely affect new parents who leave the practice of law to raise young children.

Petitioners continue to advocate for the full elimination of this requirement, particularly given its absence from UBE-based admission. However, Petitioners would support a shorter active-practice requirement without a temporal limitation, provided that the definition of “active practice” includes part-time and contract work.

The Attorney Regulation Advisory Committee opposed this change on the ground that it might allow a long-retired attorney with no recent practice or CLE to gain admission. Even setting aside the fact that that concern is wholly speculative, there is a more targeted solution. Attorneys who have not been engaged in the active practice of law within the preceding five years could complete additional CLE on Arizona law and professional responsibility. That would address potential risks

<https://thebareexaminer.ncbex.org/article/fall-2018/primarily-engaged-in-the-active-practice-of-law-are-we-keeping-up-with-the-times/>; *see also* Sarah W. Keller, *Law License Reciprocity’s Discriminatory Exclusion of Working Mothers*, 75 Okla. L. Rev. 409 (2023).

while allowing market forces to determine whether such attorneys are retained by clients. It is certainly preferable to categorical exclusion.¹⁰

Third, the proposed amendment allows for the admission of foreign-educated lawyers who are already licensed to practice law in the United States. Under the current rule, an applicant must “hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admission to the Bar of American Bar Association at the time of graduation.” The proposed change preserves that requirement but adds a narrow alternative for those with a foreign legal education that has been deemed substantially equivalent to a juris doctor degree by the state or states in which the applicant is already authorized to practice law.

This change ensures that foreign-educated attorneys are eligible for licensure if they are already engaged in the practice of law and their education has already been vetted and deemed substantially equivalent by another U.S. jurisdiction. The amendment would apply only where the licensing state employs a rigorous equivalency analysis.

Fourth and finally, the proposed amendment would allow an attorney in good standing in another jurisdiction to conditionally practice law in Arizona while the

¹⁰ Consider the fact that the Bar will sometimes sanction attorneys for relatively minor infractions by requiring them to take additional CLE, rather than by categorically excluding them from practicing law. It is not rational to treat competent, fully compliant attorneys from other jurisdictions worse when they seek admission by motion, than Arizona attorneys known to have violated professional responsibility rules.

attorney's character and fitness review is pending. The proposed amendment also permits the Committee on Character and Fitness to establish presumptive standards for fitness. This proposal preserves the Committee's authority to conduct a full character and fitness review while allowing attorneys who have already passed such reviews elsewhere—and who present no red flags—to begin serving Arizona clients without unnecessary delay. That balances public protection with the need to expand access to legal services.

C. The general movement in favor of universal licensing

The proposed rule complements other policy reforms enacted by the Arizona Legislature to expand occupational and professional licensing eligibility for those licensed outside of Arizona, and it continues this Court's efforts to make multistate and interstate practice easier for attorneys and their clients.

As set out above, in 2019, Arizona was the first state to enact universal licensure for the majority of occupations and professions. A.R.S. § 32-4302. Under that law, licensing boards must recognize out-of-state occupational licenses for people who have been licensed in their professions for at least one year and are in good standing in all states where they are licensed, subject to certain other administrative conditions. The key aspect of this universal licensing law is that workers are not required to duplicate training and other requirements that often needlessly delay or prevent them from getting to work. This eliminates costly,

time-intensive, and unnecessary barriers to work in over 65 occupations and professions, including the medical field.

Universal licensing has delivered concrete benefits for Arizona professionals, workers, and consumers alike. Over 8,000 licenses have already been granted in Arizona since universal recognition went into effect, in professions ranging from medicine to engineering to cosmetology.¹¹ Arizona's landmark reform also sparked a national movement: twenty states have since adopted similar laws, with several others currently considering similar reforms.¹²

The proposed rule change would allow Arizona to once again lead the nation in reforms, and to build on changes this Court has already made to allow for interstate and multistate legal practices. In 2011, this Court was one of the first in the country to adopt the Uniform Bar Examination in full.¹³ Arizona is also part of

¹¹ *Arizona is Now the First State to Recognize Occupational Licenses from Other States*, In Defense of Liberty Blog, Goldwater Inst. (Apr. 10, 2019)

<https://www.goldwaterinstitute.org/arizona-is-now-the-first-state-to-recognize-occupational-licenses-from-other-states/>.

¹² *New Goldwater Report: Universal Recognition Has Helped Arizonans Get to Work*, Goldwater Inst. (Feb. 22, 2023), <https://www.goldwaterinstitute.org/new-goldwater-report-universal-recognition-has-helped-arizonans-get-to-work>.

¹³ Administrative Order No. 2011-141, Ariz. Supreme Court (Dec. 22, 2011), https://www.azbaradmissions.org/ex_feesdeadlines_aO2011-141.

the first group of states that will use the “NextGen” bar examination currently being developed to test the universality of the U.S. legal system.¹⁴

Such reforms are vitally needed. A 2020 study by the American Bar Association found that Arizona was one of three states with the lowest number of attorneys per capita, having 2.1 lawyers per 1,000 residents.¹⁵ The study further found that two-thirds of Arizona counties have fewer than one lawyer per 1,000 residents.¹⁶ This is a distressing statistic, as there is no reason to doubt that Arizonans need, and would benefit from, a greater availability of competent legal services. A larger supply of such services will reduce prices, bringing legal assistance within the reach of more Arizonans. And empowering more competent practitioners to enter the market will increase the quality of legal services as well, by increasing the number of qualified legal thinkers, encouraging them to cooperate and to compete, thus enabling the best legal talent in other states to come to Arizona.

¹⁴ *Arizona Announces Plan to Adopt NextGen Bar Exam in July 2027*, Nat’l Conference of Bar Exam’rs (Dec. 5, 2023), <https://www.ncbex.org/news-resources/arizona-adopt-nextgen>.

¹⁵ Stephanie Francis Ward, *2020 State of the Profession Report Shows Dearth of Lawyers in Rural Areas, Attorney Debt Struggles*, ABA Journal (July 28, 2020), <https://www.abajournal.com/news/article/abas-profession-profile-shows-a-dearth-of-lawyers-in-rural-areas-and-attorney-debt-struggles>.

¹⁶ *Id.*

This Court has already recognized the need to expand access to legal services. Most notably, the Court authorized non-lawyer ownership of law firms and adopted rules permitting paraprofessionals to provide limited legal services.¹⁷ Both reforms have increased the supply of legal services in the state and reduced costs and burdens on clients in need of legal help.¹⁸ And they have done so without reducing the quality of the services provided. Indeed, during the first 22 months of the Alternative Business Structure (ABS) program, *no* complaints were recorded against ABS firms.¹⁹

Like these model reforms, the proposed rule would expand access to legal services in a manner that is fair to attorneys, protective of clients and consumers, and fully consistent with Arizona’s leadership in attorney regulation and access to justice.

II. Contents of the proposed amendment

The subsection to which amendments are proposed are set forth here in redline form.

¹⁷ *News Release: Arizona Supreme Court Makes Generational Advance in Access to Justice*, Ariz. Supreme Court (Aug. 27. 2020), <https://www.azcourts.gov/Portals/201/Press%20Releases/2020Releases/082720RulesAgenda.pdf>; Ariz. Code of Judicial Admin., § 7-210, <https://www.azbar.org/media/eoob51ae/ao-legal-paraprofessionals-acja-7-210.pdf>.

¹⁸ Shoshana Weissmann, et al., *The World Needs More Lawyers*, 7–9 Federalist Society Regulatory Transparency Project (Sept. 28, 2023), <https://rtp.fedsoc.org/wp-content/uploads/The-World-Needs-More-Lawyers.pdf>.

¹⁹ *Id.* at 9.

(e) Admission on Motion.

1. An applicant who meets the requirements of (A) through (G) of this paragraph (e)(1) may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

A. ~~either (i) have been admitted to the practice of law in another jurisdiction by bar examination to practice law in another jurisdiction allowing for admission of Arizona lawyers on a basis equivalent to this rule and primarily engaged in the active practice of law in one or more state(s), territories, or the District of Columbia for 3 of the 5 years immediately preceding the date upon which the application was filed, or (ii) have been admitted by bar examination to practice law in another jurisdiction that does not allow for admission of Arizona lawyers on a basis equivalent to this rule and thereafter were admitted to and primarily engaged in the active practice of law in another jurisdiction allowing admission of Arizona lawyers on a basis equivalent to this rule for 3 of the 5 years immediately preceding the date upon which the application is filed;~~

B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation or completed a foreign legal education that has been deemed substantially equivalent to a juris doctor degree by the state or

states from which the applicant has received authorization to engage in the practice of law notwithstanding the provisions of Rule 34(b)(D);

C. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction;

D. establish that the applicant is currently an active member in good standing or resigned in good standing concerning discipline, payment of mandatory dues, and compliance with mandatory legal education, in all jurisdictions where admitted;~~although, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission;~~

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

F. establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and

G. submit evidence of successful completion of the course on Arizona law described in paragraph (j) of this rule.

2. For the purposes of this rule, if an applicant is authorized to practice law in another United States jurisdiction, has not been disbarred or suspended from the practice of law in any jurisdiction, and demonstrates good standing in all jurisdictions admitted, the applicant shall be conditionally authorized to practice law in Arizona while the character and fitness examination is pending on conditions to be determined by the Arizona Committee on Character and Fitness.

~~the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice; however, in no event shall any activities that were performed in advance of bar admission in some state, territory, or the District of Columbia be accepted toward the durational requirement:~~

~~A. representation of clients in the practice of law;~~

~~B. service as a lawyer with a local, state, or federal agency, including military service;~~

~~C. teaching law full time at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;~~

~~D. service as a judge in a federal, state, territorial, or local court of record;~~

~~E. service as a judicial law clerk;~~

~~F. service as corporate counsel; or~~

~~G. service as corporate counsel in Arizona while registered pursuant to Rule 38(a).~~

~~Active practice performed within Arizona pursuant to Rule 38(a) may be applied to meet active practice requirements found in Rule 34(e)(1)(A)(ii) provided all other requirements of Rule 34(e) are met.~~

3. For purposes of this rule, an applicant shall be considered to be an “active” member of the jurisdiction(s) in which they are authorized to practice law if the applicant has held a law license in “active” status ~~the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located. The “active practice of law” is further defined to require that at all times in the durational period the applicant has held a law license in “active” status.~~

4. An applicant shall not be eligible for admission on motion if within 3 years of filing the application the applicant has either 1) failed the Bar Exam, or 2) passed another jurisdiction's bar examination accepted by the Court, but failed to achieve the minimum passing score deemed acceptable by the Court.

5. The applicant shall pay the applicant fee as established by the Court. ~~The Court shall approve jurisdictions considered “reciprocal” to Arizona, and the Committee shall publish and make available a list of reciprocal jurisdictions.~~

III. Conclusion

Petitioners request that this Court adopt amendments to Rule 34(e) as proposed herein.

Respectfully submitted January 8, 2026 by:

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**Scharf-Norton Center for Constitutional
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APPENDIX A

Rule 34. Application for Admission

(a) Methods of Admission to the Practice of Law in Arizona. Persons desiring to be admitted to the practice of law in the State of Arizona may apply for admission by one of three methods: (1) admission by Bar Exam, as defined in Rule 35(a)(1), (2) admission on motion, or (3) admission by transfer of bar examination score from another jurisdiction.

(b) Applicant Requirements and Qualifications.

1. No applicant will be recommended for admission to the practice of law in Arizona by the Committee on Character and Fitness unless the Committee is satisfied that:

- A. the applicant is over the age of 21 years;
- B. the applicant is of good moral character;
- C. the applicant is mentally, emotionally and physically able to engage in the practice of law, and possesses the required knowledge of the law to do so;
- D. the applicant is a graduate with a juris doctor from a law school provisionally or fully approved by the American Bar Association at the time of graduation or the applicant is a graduate with a juris doctor and has been actively engaged in the authorized practice of law in one or more states, territories, or the District of Columbia for at least 3 of the last 5 years prior to filing an application for admission to practice in Arizona;

E. if ever admitted to practice in any jurisdiction, foreign or domestic, the applicant is presently in good standing concerning discipline, payment of mandatory dues and compliance with mandatory legal education, or the applicant resigned in good standing in that jurisdiction; although, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission.

F. the Bar Exam applicant has successfully completed the course on Arizona law described in paragraph (i) of this rule; and

G. for applicants seeking admission under Rule 35, the applicant has earned a score deemed sufficient by the Court on a professional responsibility examination.

i. An applicant must pass a professional responsibility examination, which shall be the Multistate Professional Responsibility Examination prepared by the National Conference of Bar Examiners or an alternate professional responsibility examination, as deemed appropriate by the Court. An applicant seeking to take the Multistate Professional Responsibility Examination shall file an application

directly with, and pay the fees specified by, the National Conference of Bar Examiners.

ii. The Court shall establish the minimum acceptable score for the Multistate Professional Responsibility Examination.

iii. An applicant must submit proof satisfactory to the Committee on Examinations that the applicant has taken the Multistate Professional Responsibility Examination and received a minimum acceptable score within 8 years of a successful Bar Exam or within the time frame for taking the oath of admission after the successful Bar Exam in order to have the applicant's score accepted by the Committee on Examinations.

2. An applicant may be allowed to sit for the Bar Exam prior to the award of a juris doctor degree if the applicant:

A. is a currently enrolled student in good standing at a law school fully or provisionally approved by the American Bar Association;

B. is expected to graduate with a juris doctor degree within 120 days of the first day of early exam administration;

C. has satisfied all requirements for graduation with a juris doctor except for not more than 8 semester hours or its equivalent in quarter hours at the time of early exam administration;

D. will not be enrolled in more than two semester hours or its equivalent in quarter hours during the month of early bar examination testing and the immediately preceding month;

E. has been determined by their school to be academically prepared for early testing;

F. provides by the deadline to the Committee on Character and Fitness, on a form provided by the Committee, an affidavit attested to by the applicant and the law school that they meet the above criteria. The law school's decision whether to certify that the student meets the criteria is final and shall not be subject to review by the Committee or the Court.

No applicant shall be recommended to practice law until graduation or satisfaction of all requirements for graduation, and completion of all requirements for admission to the practice of law under these rules. If an applicant under this subsection has not graduated with a juris doctor within 120 days of the first day of early exam administration, all parts of the Bar Exam, including the score, are void and the applicant's examination scores shall not be disclosed for any purpose.

Scores may not be released until such time as satisfactory proof of award of juris doctor, as determined by the Court, is provided to the Committee. An early examination that is voided shall count as an Attempt under Rule 35(a)(3).

At the completion of the juris doctor requirements and within 60 days after graduation, the applicant must cause his or her law school, dean, or registrar to submit to the Committee on Character and Fitness proof of graduation, showing his or her juris doctor was conferred within 120 days of the first day of early exam administration. Failure to complete the course of study within 120 days of the examination and provide evidence of graduation within an additional 60 days shall render the applicant's score void.

3. All applicants who received a passing grade on the Bar Exam and who are found to be otherwise qualified under these rules shall be recommended for admission to the practice of law.

4. The Committee on Character and Fitness shall endeavor to complete its inquiries, some or all of which may be delegated to the National Conference of Bar Examiners, to be in a position to recommend for or against a successful examinee's admission to the practice of law no later than the time the results of the Bar Exam are available for examination applicants. This time limitation is aspirational only and may be extended for further inquiry and formulation of a recommendation when the circumstances of a case so require.

(c) Application and Character Report Materials. Any person desiring to be admitted to the practice of law in the State of Arizona must submit to the Committee on Character and Fitness an application in the form supplied by the

Committee. The application for admission must be accompanied by required supporting documents and application fee.

1. The Bar Exam applicant shall also complete and submit a character report accompanied by a character investigation fee as established by the Court. For Bar Exam applicants only, the character report and related fee may be submitted separately from the application for admission.

2. An applicant for admission under Rules 34(e) or 34(g) shall submit character investigation materials together with the application.

(d) Documents Required in Support of Application. The following must accompany every application:

1. subject to the exception made in paragraph (b)(1)(D) of this rule, the applicant's law school diploma, or other evidence satisfactory to the Committee on Character and Fitness showing the applicant is a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of graduation;

2. if the applicant has been previously admitted to practice law in any jurisdiction, foreign or domestic, the certificate of the appropriate court agency(ies) or the mandatory bar association, whichever has custody of the roll of attorneys in such jurisdiction, indicating the date of admission and that the applicant is presently in good standing concerning discipline, payment of mandatory dues and compliance

with mandatory continuing legal education, or that the applicant resigned in good standing in that jurisdiction; although, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission.

3. a full-face image of the applicant in a format as established by the Court; and

4. a complete set of the applicant's fingerprints. The Committee on Character and Fitness is authorized to receive criminal history information regarding any applicant for admission from any law enforcement agency in conjunction with the admissions process. If after two attempts, the FBI determines the fingerprints provided are not readable, the applicant must submit a written statement, under oath, that the applicant has not been arrested, charged, indicted, convicted of or pled guilty to any felony or misdemeanor, other than as disclosed on the application.

(e) Admission on Motion.

1. An applicant who meets the requirements of (A) through (G) of this paragraph (e)(1) may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

A. ~~either (i) have been admitted to the practice of law in another jurisdiction by bar examination to practice law in another jurisdiction allowing for admission of Arizona lawyers on a basis equivalent to this rule and primarily engaged in the active practice of law in one or more state(s), territories, or the District of Columbia for 3 of the 5 years immediately preceding the date upon which the application was filed, or (ii) have been admitted by bar examination to practice law in another jurisdiction that does not allow for admission of Arizona lawyers on a basis equivalent to this rule and thereafter were admitted to and primarily engaged in the active practice of law in another jurisdiction allowing admission of Arizona lawyers on a basis equivalent to this rule for 3 of the 5 years immediately preceding the date upon which the application is filed;~~

B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation or completed a foreign legal education that has been deemed substantially equivalent to a juris doctor degree by the state or

states from which the applicant has received authorization to engage in the practice of law notwithstanding the provisions of Rule 34(b)(D);

C. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction;

D. establish that the applicant is currently an active member in good standing or resigned in good standing concerning discipline, payment of mandatory dues, and compliance with mandatory legal education, in all jurisdictions where admitted;~~although, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission;~~

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

F. establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and

G. submit evidence of successful completion of the course on Arizona law described in paragraph (j) of this rule.

2. For the purposes of this rule, if an applicant is authorized to practice law in another United States jurisdiction, has not been disbarred or suspended from the practice of law in any jurisdiction, and demonstrates good standing in all jurisdictions admitted, the applicant shall be conditionally authorized to practice law in Arizona while the character and fitness examination is pending on conditions to be determined by the Arizona Committee on Character and Fitness.

~~the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice; however, in no event shall any activities that were performed in advance of bar admission in some state, territory, or the District of Columbia be accepted toward the durational requirement:~~

~~A. representation of clients in the practice of law;~~

~~B. service as a lawyer with a local, state, or federal agency, including military service;~~

~~C. teaching law full time at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;~~

~~D. service as a judge in a federal, state, territorial, or local court of record;~~

~~E. service as a judicial law clerk;~~

~~F. service as corporate counsel; or~~

~~G. service as corporate counsel in Arizona while registered pursuant to Rule 38(a).~~

~~Active practice performed within Arizona pursuant to Rule 38(a) may be applied to meet active practice requirements found in Rule 34(e)(1)(A)(ii) provided all other requirements of Rule 34(e) are met.~~

3. For purposes of this rule, an applicant shall be considered to be an “active” member of the jurisdiction(s) in which they are authorized to practice law if the applicant has held a law license in “active” status ~~the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located. The “active practice of law” is further defined to require that at all times in the durational period the applicant has held a law license in “active” status.~~

4. An applicant shall not be eligible for admission on motion if within 3 years of filing the application the applicant has either 1) failed the Bar Exam, or 2) passed another jurisdiction's bar examination accepted by the Court, but failed to achieve the minimum passing score deemed acceptable by the Court.

5. The applicant shall pay the applicant fee as established by the Court. ~~The Court shall approve jurisdictions considered “reciprocal” to Arizona, and the Committee shall publish and make available a list of reciprocal jurisdictions.~~

(f) Admission on Motion Application Filing; Fees. Any applicant seeking admission on motion to the practice of law in Arizona must meet the requirements of paragraph (e) of this rule and:

1. shall file an application for admission on motion, including character investigation information, in a manner established by the Court, including all required supporting documents;
2. shall pay the application fee as established by the Court; and
3. may request that the Committee perform an initial review of the applicant's application to determine whether the applicant meets the active practice requirement. The request must be received prior to the Committee commencing its investigation. Upon applicant's written request, the Committee shall determine whether applicant meets the active practice requirement and provide the applicant with a written determination. If applicant fails to meet the active practice requirement, the Committee shall refund that portion of the application fee as determined by the Court.

(g) Admission by Transfer of Bar Examination Score.

1. An applicant who has taken another jurisdiction's bar examination that is deemed acceptable by the Court and who meets the requirements of (A) through (G) of this paragraph (g)(1) may be admitted to the practice of law in this jurisdiction. Admission under this Rule 34(g) must be accomplished through score transfer from another jurisdiction's bar examination or other test of minimum competency deemed acceptable by the Court.

The applicant shall:

A. have achieved a score on another jurisdiction's bar examination that is equal to or greater than the minimum acceptable score established by the Court and that was earned within 5 years prior to the applicant's taking the oath of admission and being admitted to the practice of law in Arizona;

B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation;

C. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction, earned within 8 years of the date of application or within the time frame for taking the oath of admission after the successful bar examination in order to have the applicant's score accepted by the Committee on Examinations;

D. establish that the applicant is currently a member in good standing concerning discipline, payment of mandatory dues and compliance with mandatory continuing legal education in every jurisdiction, foreign or domestic, wherever admitted to practice law, or the applicant resigned in good standing; although, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission;

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

F. establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and

G. submit evidence of successful completion of the course on Arizona law described in paragraph (i) of this rule.

2. For the purpose of paragraph (g)(1)(A) of this rule, a score is considered to have been earned on the date of administration of the other jurisdiction's bar examination that resulted in the score.

3. An applicant who failed to earn the minimum acceptable score established by the Court within 4 attempts, regardless of where the bar examination was taken, shall not be eligible for admission by transfer of bar examination score under this paragraph.

4. Before being admitted under this Rule 34(g), the applicant must complete a course on Arizona law, the content and method of delivery of which shall be approved by the Supreme Court.

(h) Admission by Transfer of Bar Examination Score Application Filing; Fees.

Any applicant seeking admission to the practice of law under Rule 34(g) shall:

1. file an application for admission by transfer of bar examination score, including character investigation information, in a manner established by the Court, including all required supporting documents, and
2. pay the application fee as established by the Court.

(i) Completion of Course on Arizona Law. Before being admitted, applicants applying to practice law in Arizona under Rules 34(e), 34(g), or 35 must complete a course on Arizona law, the content and delivery of which shall be approved by the Supreme Court.

(j) Deficiency in Character Report Materials. If the Committee on Character and Fitness finds that the character report materials are deficient, the Committee shall advise the applicant in writing of the deficiency and shall allow a reasonable

time for the applicant either to submit additional written information or relevant documentation, or to correct or otherwise remedy the defects in the applicant's supporting documents. Thereafter, if such deficiencies have not been cured within the designated time period, the application shall be considered abandoned by the applicant and the Committee's review of the investigation into the applicant's character shall cease, and the Committee shall advise applicant of such abandonment and the reasons therefore. If the application has been abandoned for more than one year and the applicant later seeks to continue the admission process, applicant must submit a new application and associated fees.

(k) Failure to Meet Standards; Effect on Time for Reapplication. If the Committee or the Court has denied an applicant admission to the practice of law by reason of the failure to meet the standards required by paragraph (b) of this rule, such applicant may not reapply for a period of 5 years from the date of denial of admission, unless the Committee or the Court orders otherwise.

(l) Completion of Professionalism Course.

1. *New Admittee Professionalism Course.* Except as otherwise provided in this rule, within one year after being admitted to the practice of law, the applicant shall complete the state bar course on professionalism, or an equivalent course on the principles of professionalism approved or licensed by the Board of Governors of the State Bar of Arizona for this purpose.

A. A new admittee taking inactive status immediately upon admission is exempt from completing such a course but shall complete one within 12 months of becoming an active member of the state bar.

B. A new admittee who is an active member but neither resides nor practices law in Arizona is exempt from completing such a course but shall complete one within 12 months of becoming a resident of or commencing the practice of law in Arizona.

2. *Summary Suspension.* A new admittee who fails to comply with the requirements of paragraph (1)(1) of this rule shall be summarily suspended from the practice of law in Arizona, upon motion of the state bar pursuant to Rule 62, provided that a notice by certified, return receipt mail of such non-compliance shall have been sent to the member, mailed to the member's last address of record in the state bar office at least 30 days prior to such suspension, but may be reinstated in accordance with these rules.

APPENDIX B

Rule 34. Application for Admission

(a) Methods of Admission to the Practice of Law in Arizona. Persons desiring to be admitted to the practice of law in the State of Arizona may apply for admission by one of three methods: (1) admission by Bar Exam, as defined in Rule 35(a)(1), (2) admission on motion, or (3) admission by transfer of bar examination score from another jurisdiction.

(b) Applicant Requirements and Qualifications.

1. No applicant will be recommended for admission to the practice of law in Arizona by the Committee on Character and Fitness unless the Committee is satisfied that:

- A. the applicant is over the age of 21 years;
- B. the applicant is of good moral character;
- C. the applicant is mentally, emotionally and physically able to engage in the practice of law, and possesses the required knowledge of the law to do so;
- D. the applicant is a graduate with a juris doctor from a law school provisionally or fully approved by the American Bar Association at the time of graduation or the applicant is a graduate with a juris doctor and has been actively engaged in the authorized practice of law in one or more states, territories, or the District of Columbia for at least 3 of the last 5 years prior to filing an application for admission to practice in Arizona;

E. if ever admitted to practice in any jurisdiction, foreign or domestic, the applicant is presently in good standing concerning discipline, payment of mandatory dues and compliance with mandatory legal education, or the applicant resigned in good standing in that jurisdiction; although, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission.

F. the Bar Exam applicant has successfully completed the course on Arizona law described in paragraph (i) of this rule; and

G. for applicants seeking admission under Rule 35, the applicant has earned a score deemed sufficient by the Court on a professional responsibility examination.

i. An applicant must pass a professional responsibility examination, which shall be the Multistate Professional Responsibility Examination prepared by the National Conference of Bar Examiners or an alternate professional responsibility examination, as deemed appropriate by the Court. An applicant seeking to take the Multistate Professional Responsibility Examination shall file an application

directly with, and pay the fees specified by, the National Conference of Bar Examiners.

ii. The Court shall establish the minimum acceptable score for the Multistate Professional Responsibility Examination.

iii. An applicant must submit proof satisfactory to the Committee on Examinations that the applicant has taken the Multistate Professional Responsibility Examination and received a minimum acceptable score within 8 years of a successful Bar Exam or within the time frame for taking the oath of admission after the successful Bar Exam in order to have the applicant's score accepted by the Committee on Examinations.

2. An applicant may be allowed to sit for the Bar Exam prior to the award of a juris doctor degree if the applicant:

A. is a currently enrolled student in good standing at a law school fully or provisionally approved by the American Bar Association;

B. is expected to graduate with a juris doctor degree within 120 days of the first day of early exam administration;

C. has satisfied all requirements for graduation with a juris doctor except for not more than 8 semester hours or its equivalent in quarter hours at the time of early exam administration;

D. will not be enrolled in more than two semester hours or its equivalent in quarter hours during the month of early bar examination testing and the immediately preceding month;

E. has been determined by their school to be academically prepared for early testing;

F. provides by the deadline to the Committee on Character and Fitness, on a form provided by the Committee, an affidavit attested to by the applicant and the law school that they meet the above criteria. The law school's decision whether to certify that the student meets the criteria is final and shall not be subject to review by the Committee or the Court.

No applicant shall be recommended to practice law until graduation or satisfaction of all requirements for graduation, and completion of all requirements for admission to the practice of law under these rules. If an applicant under this subsection has not graduated with a juris doctor within 120 days of the first day of early exam administration, all parts of the Bar Exam, including the score, are void and the applicant's examination scores shall not be disclosed for any purpose.

Scores may not be released until such time as satisfactory proof of award of juris doctor, as determined by the Court, is provided to the Committee. An early examination that is voided shall count as an Attempt under Rule 35(a)(3).

At the completion of the juris doctor requirements and within 60 days after graduation, the applicant must cause his or her law school, dean, or registrar to submit to the Committee on Character and Fitness proof of graduation, showing his or her juris doctor was conferred within 120 days of the first day of early exam administration. Failure to complete the course of study within 120 days of the examination and provide evidence of graduation within an additional 60 days shall render the applicant's score void.

3. All applicants who received a passing grade on the Bar Exam and who are found to be otherwise qualified under these rules shall be recommended for admission to the practice of law.

4. The Committee on Character and Fitness shall endeavor to complete its inquiries, some or all of which may be delegated to the National Conference of Bar Examiners, to be in a position to recommend for or against a successful examinee's admission to the practice of law no later than the time the results of the Bar Exam are available for examination applicants. This time limitation is aspirational only and may be extended for further inquiry and formulation of a recommendation when the circumstances of a case so require.

(c) Application and Character Report Materials. Any person desiring to be admitted to the practice of law in the State of Arizona must submit to the Committee on Character and Fitness an application in the form supplied by the

Committee. The application for admission must be accompanied by required supporting documents and application fee.

1. The Bar Exam applicant shall also complete and submit a character report accompanied by a character investigation fee as established by the Court. For Bar Exam applicants only, the character report and related fee may be submitted separately from the application for admission.

2. An applicant for admission under Rules 34(e) or 34(g) shall submit character investigation materials together with the application.

(d) Documents Required in Support of Application. The following must accompany every application:

1. subject to the exception made in paragraph (b)(1)(D) of this rule, the applicant's law school diploma, or other evidence satisfactory to the Committee on Character and Fitness showing the applicant is a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of graduation;

2. if the applicant has been previously admitted to practice law in any jurisdiction, foreign or domestic, the certificate of the appropriate court agency(ies) or the mandatory bar association, whichever has custody of the roll of attorneys in such jurisdiction, indicating the date of admission and that the applicant is presently in good standing concerning discipline, payment of mandatory dues and compliance

with mandatory continuing legal education, or that the applicant resigned in good standing in that jurisdiction; although, if the applicant is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission.

3. a full-face image of the applicant in a format as established by the Court; and

4. a complete set of the applicant's fingerprints. The Committee on Character and Fitness is authorized to receive criminal history information regarding any applicant for admission from any law enforcement agency in conjunction with the admissions process. If after two attempts, the FBI determines the fingerprints provided are not readable, the applicant must submit a written statement, under oath, that the applicant has not been arrested, charged, indicted, convicted of or pled guilty to any felony or misdemeanor, other than as disclosed on the application.

(e) Admission on Motion.

1. An applicant who meets the requirements of (A) through (G) of this paragraph (e)(1) may, upon motion, be admitted to the practice of law in this jurisdiction.

The applicant shall:

A. have been admitted to the practice of law in another jurisdiction in one or more state(s), territories, or the District of Columbia;

B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation or completed a foreign legal education that has been deemed substantially equivalent to a juris doctor degree by the state or states from which the applicant has received authorization to engage in the practice of law notwithstanding the provisions of Rule 34(b)(D);

C. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction;

D. establish that the applicant is currently an active member in good standing or resigned in good standing concerning discipline, payment of mandatory dues, and compliance with mandatory legal education, in all jurisdictions where admitted;

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

F. establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and

G. submit evidence of successful completion of the course on Arizona law described in paragraph (j) of this rule.

2. For the purposes of this rule, if an applicant is authorized to practice law in another United States jurisdiction, has not been disbarred or suspended from the practice of law in any jurisdiction, and demonstrates good standing in all jurisdictions admitted, the applicant shall be conditionally authorized to practice law in Arizona while the character and fitness examination is pending on conditions to be determined by the Arizona Committee on Character and Fitness.

3. For purposes of this rule, an applicant shall be considered to be an “active” member of the jurisdiction(s) in which they are authorized to practice law if the applicant has held a law license in “active” status.

4. An applicant shall not be eligible for admission on motion if within 3 years of filing the application the applicant has either 1) failed the Bar Exam, or 2) passed another jurisdiction's bar examination accepted by the Court, but failed to achieve the minimum passing score deemed acceptable by the Court.

5. The applicant shall pay the applicant fee as established by the Court.

(f) Admission on Motion Application Filing; Fees. Any applicant seeking admission on motion to the practice of law in Arizona must meet the requirements of paragraph (e) of this rule and:

1. shall file an application for admission on motion, including character investigation information, in a manner established by the Court, including all required supporting documents;
2. shall pay the application fee as established by the Court; and
3. may request that the Committee perform an initial review of the applicant's application to determine whether the applicant meets the active practice requirement. The request must be received prior to the Committee commencing its investigation. Upon applicant's written request, the Committee shall determine whether applicant meets the active practice requirement and provide the applicant with a written determination. If applicant fails to meet the active practice requirement, the Committee shall refund that portion of the application fee as determined by the Court.

(g) Admission by Transfer of Bar Examination Score.

1. An applicant who has taken another jurisdiction's bar examination that is deemed acceptable by the Court and who meets the requirements of (A) through (G) of this paragraph (g)(1) may be admitted to the practice of law in this

jurisdiction. Admission under this Rule 34(g) must be accomplished through score transfer from another jurisdiction's bar examination or other test of minimum competency deemed acceptable by the Court.

The applicant shall:

- A. have achieved a score on another jurisdiction's bar examination that is equal to or greater than the minimum acceptable score established by the Court and that was earned within 5 years prior to the applicant's taking the oath of admission and being admitted to the practice of law in Arizona;
- B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation;
- C. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction, earned within 8 years of the date of application or within the time frame for taking the oath of admission after the successful bar examination in order to have the applicant's score accepted by the Committee on Examinations;
- D. establish that the applicant is currently a member in good standing concerning discipline, payment of mandatory dues and compliance with mandatory continuing legal education in every jurisdiction, foreign or domestic, wherever admitted to practice law, or the applicant resigned in good standing; although, if the applicant

is not in good standing or did not resign in good standing in all jurisdictions solely because of unpaid mandatory fees or incomplete mandatory continuing legal education requirements, and the applicant has attempted to but cannot cure such deficiencies in the other jurisdiction(s), the Committee on Character and Fitness may evaluate the circumstances and make a recommendation to the Supreme Court for admission or denial of admission;

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any jurisdiction;

F. establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and

G. submit evidence of successful completion of the course on Arizona law described in paragraph (i) of this rule.

2. For the purpose of paragraph (g)(1)(A) of this rule, a score is considered to have been earned on the date of administration of the other jurisdiction's bar examination that resulted in the score.

3. An applicant who failed to earn the minimum acceptable score established by the Court within 4 attempts, regardless of where the bar examination was taken, shall not be eligible for admission by transfer of bar examination score under this paragraph.

4. Before being admitted under this Rule 34(g), the applicant must complete a course on Arizona law, the content and method of delivery of which shall be approved by the Supreme Court.

(h) Admission by Transfer of Bar Examination Score Application Filing; Fees.

Any applicant seeking admission to the practice of law under Rule 34(g) shall:

1. file an application for admission by transfer of bar examination score, including character investigation information, in a manner established by the Court, including all required supporting documents, and
2. pay the application fee as established by the Court.

(i) Completion of Course on Arizona Law. Before being admitted, applicants applying to practice law in Arizona under Rules 34(e), 34(g), or 35 must complete a course on Arizona law, the content and delivery of which shall be approved by the Supreme Court.

(j) Deficiency in Character Report Materials. If the Committee on Character and Fitness finds that the character report materials are deficient, the Committee shall advise the applicant in writing of the deficiency and shall allow a reasonable time for the applicant either to submit additional written information or relevant documentation, or to correct or otherwise remedy the defects in the applicant's supporting documents. Thereafter, if such deficiencies have not been cured within the designated time period, the application shall be considered abandoned by the

applicant and the Committee's review of the investigation into the applicant's character shall cease, and the Committee shall advise applicant of such abandonment and the reasons therefore. If the application has been abandoned for more than one year and the applicant later seeks to continue the admission process, applicant must submit a new application and associated fees.

(k) Failure to Meet Standards; Effect on Time for Reapplication. If the Committee or the Court has denied an applicant admission to the practice of law by reason of the failure to meet the standards required by paragraph (b) of this rule, such applicant may not reapply for a period of 5 years from the date of denial of admission, unless the Committee or the Court orders otherwise.

(l) Completion of Professionalism Course.

1. *New Admittee Professionalism Course.* Except as otherwise provided in this rule, within one year after being admitted to the practice of law, the applicant shall complete the state bar course on professionalism, or an equivalent course on the principles of professionalism approved or licensed by the Board of Governors of the State Bar of Arizona for this purpose.

A. A new admittee taking inactive status immediately upon admission is exempt from completing such a course but shall complete one within 12 months of becoming an active member of the state bar.

B. A new admittee who is an active member but neither resides nor practices law in Arizona is exempt from completing such a course but shall complete one within 12 months of becoming a resident of or commencing the practice of law in Arizona.

2. *Summary Suspension.* A new admittee who fails to comply with the requirements of paragraph (1)(1) of this rule shall be summarily suspended from the practice of law in Arizona, upon motion of the state bar pursuant to Rule 62, provided that a notice by certified, return receipt mail of such non-compliance shall have been sent to the member, mailed to the member's last address of record in the state bar office at least 30 days prior to such suspension, but may be reinstated in accordance with these rules.