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7 **IN THE SUPREME COURT**  
8 **OF THE STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. \_\_\_\_\_

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11 **PETITION TO AMEND RULE 36(h),**  
12 **ARIZONA RULES OF THE**  
13 **SUPREME COURT**  
14

**PETITION**

15 Pursuant to Rule 28, Arizona Rules of the Supreme Court, undersigned  
16 counsel petitions the Supreme Court to amend Rule 36(h), Ariz. R. Sup. Ct., to  
17 address confidentiality concerns of applicants who may be admitted conditionally.  
18 The first suggestion is to follow the recommendations of the American Bar  
19 Association (“ABA”) Model Rule on Conditional Admission and make the entire  
20 process confidential. This can easily be accomplished by deleting section (h)(3) of  
21 Rule 36. An alternative suggestion is to provide a mechanism by which the  
22 applicant’s medical records are sealed automatically when a recommendation for  
23 conditional admission is sent to this Court for review.  
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28 The text of the proposed amendment is set forth in Appendix A (attached).

1 **DISCUSSION**

2 Arizona may allow conditional admission for applicants with substance abuse  
3 and/or mental health concerns that could previously have precluded them from  
4 admission. The applicant must show meaningful and sustained rehabilitation and  
5 otherwise satisfy the eligibility requirements for admission. *See* Rule 36(g), Ariz.  
6 R. Sup. Ct. When the Committee on Character and Fitness (“Committee”)  
7 recommends conditional admission, the Committee must file its written decision and  
8 its recommended terms of conditional admission with the clerk of the Court, for this  
9 Court’s consideration. Currently, when that happens, everything filed with the clerk  
10 becomes public. *See* Rule 36(h)(3). That includes the applicant’s medical records  
11 and any psychological reports. If the applicant wishes those records to be kept  
12 confidential from the public, the applicant must file a motion to seal the records  
13 under Rule 36(h)(3).  
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19 The clerk is then authorized to seal “medical or psychological reports and  
20 records.” However, the clerk is not authorized to seal the “Terms of Conditional  
21 Admission,” and this Court has denied applicant requests to seal those.  
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23 To clarify and sum up— the entire file (other than certain enumerated  
24 exceptions) is confidential while it is with the Committee. *See* Rule 37. Yet when  
25 the Committee recommends confidential admission, the parts of the file that the  
26 Committee sends to the clerk of the Court then become public. And the burden is  
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1 then on the applicant to file a request to seal any medical records. Finally, the Court  
2 will not seal the Terms of Conditional Admission, which often recite requirements  
3 that make it clear there is a mental health condition (such as visits with a therapist  
4 or psychiatrist, medication, attendance at AA or similar programs, random  
5 drug/alcohol testing). This process goes against the recommendations of the ABA  
6 Model Rule and makes no sense to undersigned counsel.  
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9 **A. ABA Model Rule Recommends Complete Confidentiality.**

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11 The 2025 model rule stemmed from a three-year project spearheaded by the  
12 ABA Commission on Lawyer Assistance Program's (CoLAP's) Law School  
13 Committee. The result was Resolution 608. Resolution 608 was distributed to, and  
14 approved by, multiple ABA committees and sections, before it was ultimately  
15 adopted by unanimous vote by the ABA's Board of Governors. *See* "Leading the  
16 Way: New ABA Model Rule on Conditional Admission to the Practice of Law  
17 Confirms Best Practices by TLAP," *see also* Resolution 608, copy attached.<sup>1</sup>  
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21 The purpose of the revised Model Rule is to protect applicants with substance  
22 misuse issues or mental illness from discrimination pursuant to the Americans with  
23 Disabilities Act (ADA). *See* General Information Form to Resolution 608.  
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28 <sup>1</sup> Also available at [www.americanbar.org/news/reporter\\_resources/midyear-meeting-2025/house-of-delegates-resolutions/608/](http://www.americanbar.org/news/reporter_resources/midyear-meeting-2025/house-of-delegates-resolutions/608/).

1 In addition, this resolution primarily seeks to eliminate stigma within  
2 the profession that is associated with alcoholism, other substance abuse  
3 disorders, and mental illness; in order to promote open conversations  
4 involving treatment without fear of professional repercussions; and also  
5 to protect law students and bar applicants from discrimination solely  
6 based upon those health issues. This corresponds to the core mission of  
7 the ABA COLAP, and the Commission respectfully request the ABA  
8 House of Delegates adopt this Resolution.

9 *See Report to Resolution 608, Conclusion, at p. 5.*

10 The Model Rule recommends complete confidentiality repeatedly:

- 11 • Conditions should be based on the recommendations of qualified  
12 professionals, when appropriate, and must protect the privacy interests of the  
13 conditionally admitted lawyer as required in this Rule. (Model Rule, p. 4.)
- 14 • **3. Confidentiality.** Except as otherwise provided in this Rule, or the Court  
15 orders otherwise, the fact that an individual is conditionally admitted and the  
16 terms of the Conditional Admission Agreement and Order shall be  
17 confidential. The Admissions Authority shall use reasonable efforts to  
18 structure the conditional admission to ensure that the record of admissions,  
19 conditional admission terms, conditions, and monitoring remain confidential.  
20 These provisions for confidentiality shall not prohibit or restrict the ability of  
21 the applicant to disclose to third parties that the applicant has been  
22 conditionally admitted under this Rule. (Model Rule, p. 4.)
- 23 • The Conditional Admission Agreement and any Conditional Admission Order  
24 should remain confidential unless otherwise ordered by the Court, unless the  
25 applicant applies for admission in another jurisdiction, or is the subject of  
26 lawyer disciplinary proceedings. Admissions Authorities and Courts must  
27 maintain the confidentiality of medical information as required by law.  
28 (Model Rule, pp. 4-5.)
- **5.Notification to the Disciplinary Authority.** Upon issuance of a  
Conditional Admission Agreement and any Conditional Admission Order, the  
Admissions Authority shall transmit a confidential copy of Conditional  
Admission Agreement, any Conditional Admission Order, and the bar  
application file to the Lawyer Disciplinary Authority. (Model Rule, p. 5.)

1 In sum, I propose that Arizona align with the Model Rule and make  
2 conditional admission entirely confidential. I am not a disability expert and cannot  
3 provide any better reasoning than the reports already provided to the ABA and cited  
4 by the ABA, but those reasons seem valid to me. Based on my experience in  
5 representing hundred of applicants, they are absolutely devastated to learn that their  
6 personal health conditions are in a public file. I do believe this may prevent people  
7 from ever applying, or even worse—from seeking help while in law school.  
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11 It is unclear why the Court currently allows the record to become public until  
12 and unless the applicant request sealing. It is unclear why the Court currently will  
13 not seal the Terms of Conditional Admission. If I had an understanding as to the  
14 “why” of those facts, I would perhaps be better able to address them. My guess is  
15 that it has to do with public protection. If so, I think that it is unnecessary to make  
16 applicants’ personal health conditions public in order to protect the public. The very  
17 fact that there is conditional admission is in and of itself evidence that the Court is  
18 protecting the public. The individual details of each particular case are unnecessary.  
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22 **B. Alternative Suggestion.**

23 I am advocating for full confidentiality. However, on the chance that the  
24 Court is not in agreement, I would still like to see an improvement to the current  
25 situation where private matters automatically become public unless the applicant  
26 files a motion to seal. My suggestion on how to accomplish that still involves  
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1 deleting section (h)(3) of Rule 36. The Court could then fashion either a new section  
2 3, or add language to section 2, stating that the Committee shall include a request to  
3 seal when it sends the recommendation for conditional admission to the clerk of the  
4 Court. This could be a form included on the top of each file sent over. Once the  
5 form has been created, all the Committee needs to do is put it with every file.  
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8 Confidentiality of trust account records was formerly an issue when the State  
9 Bar investigated members' trust accounts. The rule was changed to make trust  
10 account records automatically confidential, rather than expecting each individual  
11 lawyer to file motions to seal. This is even more important here, where we have  
12 been asking applicants that are not yet even admitted to file motions with the Court.  
13 Correcting this situation is not only better for the applicants, it could also mean less  
14 work for the Committee and the Court.  
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18 Along those same lines, it would also be appreciated if the Court provided  
19 some guidelines to the Committee to avoid mentioning the applicant's particular  
20 health concerns in the findings of fact. The Committee could say "see sealed report,"  
21 *et cetera*. This would eliminate the need for applicants to file motions to seal  
22 portions of the findings of fact. Although again—if the Court agreed to make the  
23 entire conditional admission file confidential as recommended by the ABA Model  
24 Rule, that would take care of all of these issues.  
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1 **CONCLUSION**

2 Petitioner respectfully requests amendment of Rule 36(h), Ariz. R. Sup. Ct.,  
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4 for the reasons stated above and as proposed in Appendix A (proposed new text  
5 underlined).

6 Respectfully submitted this \_12th\_ day of January, 2026.  
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Denise M. Quinterri

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13 **ELECTRONICALLY** filed  
14 on the Court Rules Forum of the Arizona Supreme Court  
15 this \_12th\_ day of January, 2026.  
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**APPENDIX A**

**ARIZONA RULES OF THE SUPREME COURT**

**Rule 36. Procedure Before the Committee on Character and Fitness**

[. . .]

**(h) Review by the Court.**

1. *Petition for Review.*

A. An applicant aggrieved by any decision of the Committee on Character and Fitness may, within twenty (20) days after such decision, file a verified petition for review with this Court. The petition must succinctly state the facts that form the basis for the petition, and applicant's reasons for believing this Court should review the decision of the Committee.

B. A copy of the petition must be promptly served upon the Committee. The Committee will have thirty (30) days after service to transmit the applicant's file, including all findings and reports prepared by or for the Committee, and a response to the petition fully advising this Court as to the Committee's reason for its decision and admitting or contesting any assertions made by the applicant in the petition. Thereupon this Court will consider the papers so filed, together with the petition and response, and make such order, hold such hearings, and give such directions as it may in its discretion deem best adapted to a prompt and fair decision as to the rights and obligations of applicant judged in the light of the Committee's and this Court's obligation to the public to see that only qualified applicants are admitted to practice as attorneys at law. No reply in support of the petition may be filed unless ordered by the Supreme Court sua sponte.

2. *Review on Court's Own Motion.* All recommendations for conditional admission are subject to de novo review by the Court. The Committee on Character and Fitness, through the assigned panel, must file with the clerk its written decision recommending conditional admission and the terms of

1 conditional admission. The Court may decline review, or it may grant review  
2 on its own motion. If the Court declines review, the panel's recommendation  
3 for conditional admission will be final and the panel will issue the Order of  
4 Conditional Admission. If the Court grants review, the Court may issue such  
5 orders as may be appropriate for its review, including remanding the matter to  
6 the Committee for further action, ordering transmittal of the applicant's file,  
7 ordering additional briefing and/or setting the matter for oral argument. After  
8 receiving all the appropriate pleadings and record, the matter will be deemed  
9 submitted to the Court for its decision.

10 ~~3. *Sealing the Record.* Any document filed under Rule 36(h) will be considered~~  
11 ~~open to the public except that, upon request by any party or the panel, the clerk~~  
12 ~~of Court will seal medical or psychological reports and records. A party or the~~  
13 ~~panel may request that the Court seal a portion of any other materials submitted.~~  
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