

TO:

Rule 28 Distribution

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ATTACHMENT¹

RULES OF THE SUPREME COURT

Rule 42. Arizona Rules of Professional Conduct

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ER 8.5. Jurisdiction

(a) **Disciplinary Authority.** A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction and shall be subject to all sanctions provided for in these rules including, but not limited to, suspending any authorization to practice law in Arizona or prohibiting the lawyer from practicing law in Arizona. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.

(b) [No change]

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Rule 60. Sanctions

(a) **Types and Forms of Sanctions, Attorneys.** Misconduct by an attorney subject to the disciplinary authority of this jurisdiction, individually or in concert with others, shall be grounds for imposition of one or more of the following sanctions:

1. Disbarment or Unadmitted Attorney's Prohibition on Practicing. Disbarment may be imposed by judgment and order entered by the court, a hearing panel, or the presiding disciplinary judge. Likewise, if the attorney is not admitted in this jurisdiction, the attorney may be prohibited from practicing law in this jurisdiction by judgment and order entered by the court, a hearing panel, or the presiding disciplinary judge.

2. Suspension or Suspension of Unadmitted Attorney's Authorization to Practice. Suspension may be imposed by judgment and order entered by the court, a hearing panel, or the presiding disciplinary judge for an appropriate fixed period of time not in excess of five (5) years. ~~Suspended members shall remain suspended until the court enters an order reinstating the member to the practice of law in Arizona or upon order of the presiding disciplinary judge pursuant to Rule 64(e)(2)(B).~~ Likewise, if the attorney is not admitted in this jurisdiction, the attorney's authorization to practice law in this jurisdiction may be suspended by judgment and order entered by the court, a hearing panel, or the presiding

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

disciplinary judge for an appropriate fixed period of time not in excess of five (5) years. Suspended attorneys, whether admitted to practice in this jurisdiction or not admitted to practice in this jurisdiction, shall remain suspended from the practice of law in this jurisdiction until the court enters an order reinstating the attorney to the practice of law in Arizona or upon order of the presiding disciplinary judge pursuant to Rule 64(e)(2)(B).

3. – 6. [No change]

(b) – (e) [No change]

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Rule 64. Reinstatement Eligibility

(a) – (d) [No change]

(e) [No change]

1. [No change]

2. *Six Months or Less.*

A. [No change]

B. Opposition. Within ten (10) days of service of the affidavit, or within the time period permitted by the presiding disciplinary judge, the state bar may file and serve an opposition to the affidavit. If an opposition is filed, the matter shall be submitted to the presiding disciplinary judge for review and the ~~member~~attorney may not resume the practice of law until reinstated by order of the presiding disciplinary judge. If no timely opposition is filed, the state bar shall be deemed to consent to reinstatement, and the ~~member~~attorney may resume the practice of law upon order of the presiding disciplinary judge.

3. Suspended ~~members~~attorneys shall remain suspended until an order is entered by the presiding disciplinary judge or the court reinstating the ~~member~~attorney to the active practice of law. This provision shall not apply to ~~members~~attorneys who are summarily suspended by the board pursuant to Rule 62 of these rules and have filed their application for reinstatement within two years from the effective date of the suspension or otherwise qualify for reinstatement pursuant to paragraph (f)(1)(B) of this rule.

(f) [No change]

Rule 65. Reinstatement; Application and Proceedings

(a) **Application for Reinstatement.** Except as may otherwise be provided in Rules 63(g) and 64, a lawyer may be reinstated to active ~~membership~~practice only as provided in this rule.

1. – 2. [No change]

3. Required Fees and Payments.

A. – C. **[No change]**

D. **Membership Fees and Other Charges.** No reinstatement shall become effective until all membership fees and other charges accruing after the application for reinstatement has been granted have been paid.

4. – 5. **[No change]**

(b) [No change]

(c) Lifting Prohibition on Practicing. An order prohibiting a non-admitted attorney from practicing law in Arizona may be lifted or modified if the issuing authority finds that the circumstances warrant doing so after considering the analogous requirements for reinstatement.