SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-25-0029
RULE 42 (ER'S 1.16 AND 3.3),	)	
RULES OF THE SUPREME COURT	)	
	)	**FILED 8/28/2025**
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	)	
	)	
	)	

ORDER AMENDING ETHICAL RULES 1.16 AND 3.3, RULE 42 OF THE RULES OF THE SUPREME COURT OF ARIZONA

A petition having been filed proposing to amend Ethical Rules 1.16 and 3.3, Rule 42 of the Rules of the Supreme Court of Arizona, and comments having been received, upon consideration,

IT IS ORDERED that Ethical Rules 1.16 and 3.3, Rule 42 of the Rules of the Supreme Court of Arizona, are amended in accordance with the attachment to this order, effective January 1, 2026.

DATED this 27th day of August, 2025.

/s/

ANN A. SCOTT TIMMER
Chief Justice

TO:

Rule 28 Distribution
Arizona Steering Committee on Artificial Intelligence
Hon Robert Brutinel
Hon Samuel A Thumma
Lisa M Panahi
Rosemarie Pena-Lynch
Steve B Koestner
Sherri McGuire Lawson
Gary M Kula
Shannon L Burns
Lina G Garcia

ATTACHMENT[1]

RULES OF THE SUPREME COURT OF ARIZONA

Rule 42. Arizona Rules of Professional Conduct

*   *   *

ER 1.16. Declining or Terminating Representation

(a) A lawyer shall inquire into and assess the facts and circumstances of each representation to determine whether the lawyer may accept or continue the representation. Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) **[No change]**

(2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client;~~ or~~

(3) the lawyer is discharged; or

(4) the client or prospective client seeks to use or persists in using the lawyer's services to commit or further a crime or fraud, despite the lawyer's discussion pursuant to Rules 1.2(e) and 1.4(a)(5) regarding the limitations on the lawyer assisting with the proposed conduct.

(b)-(e) [No change]

2003 Comment [amended ~~2025~~2026]

[1] Paragraph (a) imposes an obligation on a lawyer to inquire into and assess the facts and circumstances of the representation before accepting it. The obligation imposed by Paragraph (a) continues throughout the representation. A change in the facts and circumstances relating to the representation may trigger a lawyer's need to make further inquiry and assessment. For example, a client traditionally uses a lawyer to acquire local real estate through the use of domestic limited liability companies, with financing from a local bank. The same client then asks the lawyer to create a multi-tier corporate structure, formed in another state to acquire property in a third jurisdiction, and requests to route the transaction's funding through the lawyer's trust account. Another example is when, during the course of a representation, a new party is named or a new entity becomes involved. A lawyer should not accept representation in a matter unless it can be performed competently, promptly, without improper conflict of interest and to

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[1] Additions to the text of a rule or comment are shown by underscoring and deletions are shown by ~~strike-through~~.

completion. Ordinarily, a representation in a matter is completed when the agreed-upon assistance has been concluded. See ERs 1.2(~~c~~d) and 6.5. See also ER 1.3, Comment [4].

Mandatory Withdrawal

[2] A lawyer ordinarily must decline or withdraw from representation if the client demands that the lawyer engage in conduct that is illegal or violates the Rules of Professional Conduct or other law. The lawyer is not obliged to decline or withdraw simply because the client suggests such a course of conduct; a client may make such a suggestion in the hope that a lawyer will not be constrained by a professional obligation. Under paragraph (a)(4), the lawyer's inquiry into and assessment of the facts and circumstances will be informed by the risk that the client or prospective client seeks to use or persists in using the lawyer's services to commit or further a crime or fraud. This analysis means that the required level of a lawyer's inquiry and assessment will vary for each client or prospective client, depending on the nature of the risk posed by each situation. Factors to be considered in determining the level of risk may include: (i) the identity of the client, such as whether the client is a natural person or an entity and, if an entity, the beneficial owners of that entity, (ii) the lawyer's experience and familiarity with the client, (iii) the nature of the requested legal services, (iv) the relevant jurisdictions involved in the representation (for example, whether a jurisdiction is considered at high risk for money laundering or terrorist financing), and (v) the identities of those depositing into or receiving funds from the lawyer's client trust account, or any other accounts in which client funds are held. For further guidance assessing risk, see, e.g., as amended or updated, Financial Action Task Force Guidance for a Risk-Based Approach for Legal Professionals, the ABA Voluntary Good Practices Guidance for Lawyers to Detect and Combat Money Laundering and Terrorist Financing, A Lawyer's Guide to Detecting and Preventing Money Laundering (a collaborative publication of the International Bar Association, the American Bar Association and the Council of Bars and Law Societies of Europe), the Organization for Economic Cooperation and Development (OECD) Due Diligence Guidance for Responsible Business Conduct, and the U.S. Department of Treasury Specially Designated Nationals and Blocked Persons List.

[3] — [12] **[No change]**

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ER 3.3. Candor Toward the Tribunal

(a)-(d) [No change]

Comment [2003 amendment] [amended 2026]

[1] — [7] **[No change]**

[8] The prohibition against offering false evidence only applies if the lawyer knows that the evidence is false. A lawyer's reasonable belief that evidence is false does not preclude its presentation to the trier of fact. A lawyer's knowledge that evidence is false, however, can be inferred from the circumstances. See ER 1.0(f). Thus, although a lawyer

should resolve doubts about the veracity of testimony or other evidence in favor of the client, the lawyer cannot ignore an obvious falsehood. If a lawyer reasonably believes that evidence has been materially altered or generated with the intent to deceive the court, the lawyer has an obligation to conduct a reasonable inquiry before submitting the evidence to the court. The scope of the inquiry will vary according to the circumstances of each case, but factors to consider may include the probative value of the evidence, the value or importance of the case or issue, the source of the evidence, and what, if any, accessible, reliable, and affordable tools or methods are available to assess the evidence's authenticity or integrity. If after inquiry the lawyer still does not know that the evidence has been materially altered or generated with intent to deceive, the lawyer retains discretion to submit the evidence to the court.

[9] — [15] **[No change]**