

Hon. Andrew J. Becke
AZ State Bar # 025362
Vice-Chair, Committee on Character and Fitness
Supreme Court, State of Arizona
1501 W. Washington, Suite 104
Phoenix, AZ 85007

BEFORE THE COMMITTEE ON CHARACTER AND FITNESS

OF THE SUPREME COURT OF ARIZONA

In the Matter of:	)	R-26-0006
	)	
	)	RESPONSE TO PETITION TO
PETITION TO AMEND SUPREME	)	AMEND RULE 34(e), RULES OF
COURT RULE 34(e)	)	THE SUPREME COURT
	)	
	)	
	)	
	)	

The Arizona Supreme Court Committee on Character and Fitness (“Committee”) responds to the Petition to Amend [Rule 34\(e\)](#), Rules of the Supreme Court (“Petition”) filed by Jonathan Riches, Timothy Sandefur, and Adam Shelton, individually and on behalf of the Goldwater Institute (“Petitioners”). Petitioners seek to amend [Rule 34\(e\)](#) of the Rules of the Supreme Court of Arizona, which governs the methods of admission for attorneys who are licensed in other states to practice law in Arizona. (Petition at 1).

A. Proposed Amendments

The Petition proposes four amendments that aim to broaden the applicability of admission by motion (“AOM”). (Petition at 2).

1 The first proposed amendment removes the requirement that, as a condition
2 of admission by motion, the jurisdiction in which the attorney is licensed must
3 offer reciprocal admission to Arizona attorneys (“reciprocity requirement”).
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5 The second proposed amendment eliminates the requirement that an
6 attorney must have been engaged in the “active practice of law” for three of the
7 past five years (“active practice requirement”).
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9 The third proposed amendment affects the juris doctor requirement for
10 admission satisfied for certain foreign-educated lawyers (“foreign education
11 provision”).
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13 The fourth and final proposed amendment permits attorneys licensed in
14 other jurisdictions who are in good standing in those jurisdictions to practice law
15 in Arizona while the applicant’s character and fitness application is pending
16 before the Committee (“character and fitness pending provision”).
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18 These proposed amendments would affect [Rule 34\(e\)](#). This Court recently
19 denied a nearly identical petition, [see R-24-0028](#). The Committee’s response
20 below is largely unchanged from its response to the 2024 petition, but this
21 response contains updated information and statistics for the Court’s consideration.
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23 **B. Response**

24 At its annual meeting in March 2026, the Committee discussed the Petition.
25 The Committee voted not to take any position regarding the first and third
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1 proposed amendments: the reciprocity requirement and the foreign education
2 provision. As to those proposals, the Committee concluded that eliminating
3 reciprocity and the admission of foreign-educated students present policy issues
4 for which the Committee did not have any meaningful expertise to assist the
5 Court.
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8 The Committee voted to support, in part, the Petition's second proposed
9 amendment, the active practice requirement. The Committee recommends
10 retaining the requirement for at least three years of active practice but supports
11 eliminating the requirement that such active practice occurs in the last five years.
12 The Committee's vote was based, in part, on concern that the preceding-five-year
13 requirement may adversely impact new parents who leave the practice of law to
14 raise young children. The Committee opposes the outright elimination of any
15 practice requirement, however, because the Committee believes that
16 demonstrating at least three years of active legal practice helps to demonstrate the
17 fitness to practice law in Arizona.
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21 The Committee unanimously voted to oppose the Petition's fourth proposed
22 amendment (the character and fitness pending provision), which would provide
23 that a successful character and fitness examination in another jurisdiction
24 presumptively establishes character and fitness for Arizona.
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1 Admittedly, in most cases, bar membership in good standing in another
2 jurisdiction results in a successful character and fitness process and admission to
3 the Arizona bar. This Court's adoption of Practice Pending Admission under [Rule](#)
4 [39\(b\)](#) reflects this fact. But Practice Pending Admission provides additional
5 safeguards to protect Arizona legal consumers that are absent in this proposal,
6 including association with and supervision by an Arizona licensed attorney ([Rule](#)
7 [39\(b\)\(1\)\(F\) & \(G\)](#)) and mandatory advisories to the public and clients of the
8 temporary nature of the applicant's admission to practice ([Rule 39\(b\)\(1\)\(H\)](#)).
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11 Based on the Committee's experience, an applicant's membership in
12 another jurisdiction's bar is not sufficient to establish, by clear and convincing
13 evidence, that the applicant has "good moral character" and the relevant traits and
14 characteristics required under [Rule 36\(b\)](#).
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16 Different Standards of Admission

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18 Each state is entitled to set its own standards for admission to the practice of
19 law, and those standards differ from state to state. This Court has consistently—
20 both historically and recently—set a high standard for admission to practice for
21 those with serious criminal records. See [In re Hamm, 211 Ariz. 458 \(2005\)](#)
22 (denying applicant convicted of first degree murder); [In re King, 212 Ariz. 559](#)
23 [\(2006\)](#) (denying admission to an applicant convicted of attempted murder, who
24 had been a member of the Texas Bar since 1994); [Matter of Stevens, 519 P.3d 208](#)
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1 [\(Wash. 2022\)](#) (admitting registered sex offender to the Washington Bar, who had
2 been denied admission in Arizona). Washington, a state with which Arizona
3 shares reciprocity, uses a lower standard in considering applicants with criminal
4 records. As stated by the Washington Supreme Court in *Stevens*:

6 By contrast, the Arizona presumption against admitting those
7 convicted of a serious misdemeanor or “any felony” explicitly adds
8 an additional, substantive burden. Ariz. R. Sup. Ct. 36(b)(2)(A).
9 Where Arizona’s presumption against admission applies, the
10 applicant is not merely required to show by clear and convincing
11 evidence that they should be admitted based on a number of factors.
12 Instead, the applicant “must first establish rehabilitation from prior
13 criminal conduct, a requirement that adds to [their] burden of
14 showing current good moral character.” *In re Hamm*, 211 Ariz. 458,
15 463, 123 P.3d 652 (2005).

16 This added burden is a threshold matter in Arizona. Therefore,
17 the applicant “must *initially demonstrate complete rehabilitation*
18 before [Arizona authorities] consider other evidence of present good
19 moral character.” *In re King*, 212 Ariz. 559, 563, 136 P.3d 878
20 (2006) (emphasis added). The Arizona Supreme Court readily
21 acknowledges that in cases “of extremely damning past misconduct,
22 a showing of rehabilitation may be virtually impossible to make.”
23 *Hamm*, 211 Ariz. at 464, 123 P.3d 652 (quoting *In re Matthews*, 94
24 N.J. 59, 81-82, 462 A.2d 165 (1983)).

25 ***The additional burden found in Arizona law is, and should***
26 ***remain, entirely absent from Washington law.***

27 [Id. at 217, ¶¶ 33–34](#) (emphasis added); [id. at 226, ¶ 96 \(Madsen, J.,](#)
28 [dissenting\)](#) (“In giving no weight to the Arizona Supreme Court’s decision against
admission, I believe the majority creates ***a substantially lower standard compared***

1 **to other states**, which will encourage forum shopping by those with serious
2 criminal records.” (emphasis added)).

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4 Because other states utilize a lower standard in considering their applicants’
5 character and fitness, admission to the practice of law in another state is not
6 reliable evidence that Arizona would similarly admit those applicants. For that
7 reason alone, the Committee urges the Court to reject this proposal.
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9 The Committee’s experience with AOM applicants

10 Additionally, even where standards of admission do not differ, admission to
11 practice in another state does not reliably predict that an applicant would be
12 admitted in Arizona. Since 2017, there are numerous examples in which the
13 Committee’s review has uncovered significant character and fitness issues for
14 applicants who are bar members in good standing in another jurisdiction.
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17 For example, in 2017, an applicant to take the Arizona bar examination was
18 already admitted to the New Mexico bar. The Committee recommended denying
19 admission based on findings of unlawful conduct, misconduct in employment, and
20 disregard of ethical or professional obligations.
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22 In 2018, an AOM applicant was admitted to the practice of law in Illinois,
23 but the Committee recommended denying his application after discovering
24 unlawful conduct, false statements, disciplinary complaints, and acts involving
25 dishonesty, fraud, deceit, or misrepresentation.
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1 In 2019, a UBE transfer applicant was an active member of the Missouri
2 bar. The Committee recommended denying the application after finding evidence
3 of disregard of ethical or professional obligations, and false statements.
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5 Another 2019 applicant applied to take the Arizona bar exam. That
6 applicant had been a member of the New York bar since 2003, but the Committee
7 recommended denying the application after discovering unlawful conduct, false
8 statements, disciplinary complaints, and acts involving dishonesty, fraud, deceit,
9 or misrepresentation.
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11 A 2020 applicant was admitted to practice in Utah and New Jersey, and was
12 eventually admitted on motion in Arizona, but the Committee's review revealed a
13 disregard of ethical or professional obligations, misconduct in employment,
14 disciplinary complaints, false statements, and acts involving dishonesty, fraud,
15 deceit, or misrepresentation.
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18 Another 2020 UBE transfer applicant was a member of the New York Bar.
19 The Committee recommended denying the application based on a history of
20 academic misconduct, unlawful conduct, and a disciplinary complaint. The
21 applicant subsequently returned to practice in New York, but later pled guilty to
22 eight counts of felony sex crimes and surrendered his law license.
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25 A 2021 bar-exam applicant was already admitted in New York. The
26 Committee recommended denying the application after uncovering disciplinary
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1 complaints, a disregard of ethical or professional obligations, unlawful conduct,
2 substance abuse, and false statements.

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4 In 2022, an applicant to transfer his UBE score was admitted in West
5 Virginia. During the character and fitness process, the Committee uncovered
6 evidence of unlawful conduct, academic and employment misconduct, and false
7 statements.
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9 A 2024 AOM applicant was admitted to practice in Pennsylvania and
10 Michigan. The Committee recommended denying the application based on a
11 history of DUI/Reckless Driving, substance abuse, false statements to the
12 Committee, and disciplinary complaints.
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14 A 2025 UBE transfer applicant was admitted to practice in Nevada,
15 California, and Utah. The Committee recommended denying the application based
16 on a mortgage fraud conviction and subsequent disbarment and reinstatement in
17 Nevada, California, and Utah.
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19 Informal inquiry/formal hearing frequency
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21 Under Rule 36(d), when the investigating member determines that an
22 applicant cannot be recommended for admission, or where there are “allegations
23 of serious misconduct by the applicant,” the matter is set for an informal inquiry
24 pursuant to Rule 36(e) or a formal hearing pursuant to Rule 36(f).
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1 From 2023 through 2025, AOM applicants made up 33.9% of all
2 admissions to practice. For that same period, AOM applicants represented 42.6%
3 of all matters that went to an inquiry or hearing. In other words, AOM applicants
4 were *substantially more likely* to have issues resulting in an inquiry or hearing
5 than other kinds of applicants.
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7 Those percentages may actually underestimate the frequency with which
8 AOM applicants have significant character and fitness issues because, on 10
9 separate occasions over the past three years, an AOM candidate has withdrawn
10 their application after receiving notice that the Committee had set an informal
11 inquiry or a formal hearing, but before that inquiry/hearing took place. Those
12 applicants are not included in calculations above.
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14 In short, AOM candidates are more likely than other candidates to have
15 character and fitness issues. The Committee believes that provisionally admitting
16 these applicants before they submit to Arizona's character and fitness procedure
17 presents significant risks to Arizona legal consumers.
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21 **Conclusion:**

22 Based on the above, the Committee supports the Petition, in part, as to the
23 Petition's second proposed amendment, and opposes the Petition's fourth
24 proposed amendment. The Committee takes no position on the first and third
25 proposed amendments.
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RESPECTFULLY SUBMITTED this 9th day of April, 2026.

/s/ Andrew J. Becke
Hon. Andrew J. Becke, Vice-Chair
Committee on Character and Fitness
Supreme Court of Arizona

The foregoing posted to the Court Rules Forum
this 9th day of April, 2026:

COPY of the foregoing electronically sent
this 9th day of April, 2026:

Members of the Committee on
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