

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-26-0025
	)	
	)	RESPONSE TO PETITION TO
PETITION TO AMEND SUPREME	)	AMEND RULE 36(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 36(e), Rules of the Supreme Court (“Petition”) filed by Denise Quinterri (“Petitioner”). Petitioner seeks to amend [Arizona Supreme Court Rule \(“Rule”\) 36\(e\)](#), which governs informal inquiries before the Committee, to include a requirement that the Committee “disclose documents and other information to be discussed at the [inquiry].” (Petition at 10).

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2 **A. Proposed Amendment**

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4 The Petition proposes the addition of a new subsection 4 to Rule 36(e):

5 4. *Disclosure; Discovery.* Twelve (12) days before the inquiry, or
6 otherwise as agreed by the parties, the Committee and the applicant
7 shall disclose documents and other information to be discussed at the
8 [inquiry].¹ Neither party needs to disclose copies of documents already
9 provided during the application process. Confidential information will
10 be subject to disclosure or discovery only if the providing party has
11 agreed to its use at the [inquiry] as set forth in paragraph (e)(3). The
12 Chair may permit untimely disclosed information to be admitted at
13 [inquiry], for good cause shown.

14 **B. Response**

15 At its annual meeting in March 2026, the Committee discussed the Petition.

16 The Committee unanimously voted to oppose the Petition because it fails to
17 recognize that the Committee *does* disclose the areas of inquiry, including the
18 specific subsections of [Rule 36\(b\)](#) that are potentially implicated, to every applicant
19 in the notice of informal inquiry. Additionally, the Petition fails to acknowledge the
20 important distinctions between an informal inquiry and a formal hearing. Those
21 distinctions obviate any concerns about due process. Finally, a requirement that the
22 Committee provide a full disclosure statement with documents for every informal
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25 ¹ The Petition’s proposal to amend [Rule 36\(e\)](#) uses the word “hearing” where it
26 appears the word “inquiry” is intended. If the Court grants this Petition, the
27 proposed Rule language should be edited to use the word “inquiry” consistently.

1 inquiry would be a significant burden on the Committee's staff and result in
2 unnecessary delays in admitting applicants.

3 4 The Committee's Use of Inquiry Notices

5 Petitioner asserts, without reference to any specific case, that the Committee
6 is playing "hide the ball" with applicants:

7
8 I am now aware (on information and belief) of multiple
9 instances where applicants are again being confronted with previously
10 undisclosed negative evidence during informal inquiries. Because
11 there is no longer a disclosure requirement, the Committee is not
12 disclosing the negative information ahead of time.

13 (Petition at 6). Because Petitioner fails to reference any specific instance where she
14 alleges this occurred, the Committee is unable to offer an adequately informed
15 response to that accusation.

16 The Committee has no interest in "hiding" negative information about
17 applicants in advance of an inquiry. On the contrary, the Committee provides
18 detailed notice to applicants about the areas of concern with every inquiry notice.

19 [Rule 36\(e\)\(1\)](#) requires the Committee to provide "[o]ral² or written notice"
20 to the applicant which "must advise the applicant generally of the subject, or
21 subjects, of the informal inquiry." The Committee's practice is to provide detailed
22 written notices to applicants with all of the areas that will be discussed, both because
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26 ² Despite the Rule's contemplation of oral notices of inquiry, the Committee
27 provides written notice to each and every applicant subject to an informal inquiry.

1 the rules require it and because it facilitates a productive discussion. A sample of
2 “areas of inquiry” taken from three recent notices is set forth below by way of
3 example:
4

5 Specific areas of inquiry will include, but are not limited to:

- 6 1. Ariz. R. Sup. Ct 36(b)(3)(A) unlawful conduct not resulting in
7 conviction of a crime as set forth in paragraph (b)(2) of this rule
8 concerning the 2012 criminal matter.
- 9 2. Ariz. R. Sup. Ct 36(b)(3)(G) neglect of financial responsibilities
regarding the 2015 [Redacted] Hospital small claims matter.

10

- 11 1. Ariz. R. Sup. Ct. 36(b)(3)(A) unlawful conduct not resulting in
12 conviction of a crime as set forth in paragraph (b)(2) of this rule,
13 Ariz. R. Sup. Ct. 36(b)(3)(J) evidence of conduct indicating
14 mental or emotional instability impairing the ability of an
15 applicant to perform the functions of an attorney, and Ariz. R.
16 Sup. Ct. 36(b)(3)(K) evidence of conduct indicating substance
abuse impairing the ability of an applicant to perform the
functions of an attorney concerning the 2018 attempted
residential burglary charge.
- 17 2. Pursuant to Ariz. R. Sup. Ct. 36(b)(3)(G) neglect of financial
18 responsibilities in relation to consumer debt and 2018 unlawful
19 detainer.

20

- 21 1. Pursuant to Ariz. R. Sup. Ct. 36(b)(3)(C) making a false
statement, including omissions, related to Applicant’s:
 - 22 a. employment at [redacted];
 - 23 b. answering “no” to the question regarding prior
employment termination on the Character and Fitness
application;
 - 24 c. failure to disclose employment history as directed;
 - 25 d. lack of clarity regarding the applicant’s role in multiple
caregiver companies; and
 - 26 e. failure to disclose debts

1 These examples are representative of the typical inquiry notice provided to
2 an applicant. The Committee provides these detailed notices to facilitate a
3 productive discussion with the applicant, which is the purpose of an informal
4 inquiry.
5

6 The Distinctions Between an Informal Inquiry and a Formal Hearing

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8 A formal hearing under [Rule 36\(f\)](#) has nearly all the hallmarks of an
9 evidentiary hearing in superior court. The proceedings are on the record, the hearing
10 is almost always held in person, witnesses are sworn and subject to subpoena,
11 evidence is offered and admitted, and formal written disclosures are made by both
12 the applicant and the committee. These procedural safeguards are in place at a
13 formal hearing for good reason: an applicant is at risk of denial at a formal hearing.
14
15 [See Ariz. R. Sup. Ct. 36\(f\)\(7\)](#).
16

17 An informal inquiry is a different sort of proceeding altogether. Inquiries are
18 not recorded. Inquiries are almost always held virtually. Neither the applicant nor
19 any witnesses are sworn. Neither the Committee nor the applicant can subpoena
20 witnesses. No evidence is offered or admitted. No disclosures are made. This is so
21 “[b]ecause the objective of the informal inquiry is to informally resolve the
22 investigating member’s concerns *efficiently*. . . .” [Id. at 36\(e\)\(3\)](#) (emphasis added).
23
24 The informal nature of an inquiry accords with the fact that the applicant *is not at*
25 *risk of denial* at an informal inquiry. [Id. at 36\(e\)\(5\)](#). The “worst” thing that could
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1 happen to an applicant at an informal inquiry is referral for a formal hearing. [Id. at](#)
2 [36\(e\)\(5\)\(B\).](#)

3
4 In the overwhelming majority of cases, informal inquiries result in a
5 recommendation of admission or admission with conditions. Inquiries are a quick
6 and efficient way for the Committee to meet with and admit applicants with
7 relatively minor character concerns.³ In rare cases, an informal inquiry will fail to
8 dispel the Committee's concerns about an applicant, and the matter will be referred
9 to a formal hearing: a hearing with all the procedural safeguards listed above,
10 including full disclosure.
11

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13 Requiring Formal Disclosure in Informal Inquiries Will Create a Significant
14 Burden on Committee Staff and Lead to Longer Wait Times for Applicants

15 The leadership and staff at Attorney Admissions, in conjunction with the
16 Committee, have made significant strides in recent years in reducing the
17 investigation and processing times for applicants. Informal inquiries, which require
18 only a notice, are a crucial tool in quickly and efficiently admitting qualified
19 applicants.
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21 A formal hearing with its concomitant disclosure requirements is a much
22 more arduous undertaking. Both the Committee and the Applicant provide formal
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24
25 ³ Where an applicant has more serious issues, the Chair typically sends the matter
26 straight to hearing without first holding an informal inquiry. [Ariz. R. Sup. Ct.](#)
27 [36\(d\)\(3\).](#)
28

1 disclosure statements and documents at least 20 days before the hearing. [Ariz. R.](#)
2 [Sup. Ct. 36\(f\)\(4\)](#) . Those documents—sometimes consisting of thousands of
3 pages—are bates stamped and indexed by Committee staff for use at the hearing.
4 The process is burdensome for staff and consumes Committee resources that could
5 be otherwise used to investigate and process other applicants for admission. In
6 short, this proposal is a recipe for additional delay and slower processing times for
7 applicants, with no accompanying benefit.
8

9
10 **Conclusion:**

11 The Committee unanimously opposes this Petition. The current informal
12 inquiry framework appropriately provides notice of the areas of concern to an
13 applicant, facilitating an informal discussion that nearly always leads to the
14 admission of that applicant. To the extent that the Committee cannot admit an
15 applicant following an informal inquiry, the applicant is sent to a formal hearing
16 with full procedural safeguards, including disclosure. This proposal simply creates
17 additional work for Committee staff, slowing the admissions process with no
18 resulting benefit. The Committee respectfully recommends that the Court deny this
19 Petition.
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2 RESPECTFULLY SUBMITTED this 9th day of April, 2026.
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4

5 /s/ Andrew J. Becke
6 Hon. Andrew J. Becke, Vice-Chair
7 Committee on Character and Fitness
8 Supreme Court of Arizona
9
10
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12 The foregoing posted to the Court Rule Forum
13 this 9th day of April, 2026:
14

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

17 Members of the Committee on
18 Character and Fitness
19 Committee on Character and Fitness
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