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Arizona Supreme Court
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**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of

Petition to Amend Rule 36 (e) and (f),
Rules of the Supreme Court

Arizona Supreme Court No. R-26-0014

Comment of the Attorney Regulation
Advisory Committee

**COMMENT IN OPPOSITION TO PETITION TO AMEND
ARIZONA SUPREME COURT RULE 36 (e) and (f)**

Pursuant to Rule 28, Arizona Rules of the Supreme Court, this Court’s Attorney Regulation Committee submits this comment for the Court’s consideration.

The Petition seeks to impose a deadline on the notification of a decision following an inquiry or hearing pursuant to Rule 36, Ariz. R. Sup. Ct. Without offering evidence the Petition states applicants “sometime wait months” before the decision is communicated.

Over 1100 applicants were recommended for admission in 2025. 2025 Report of the Attorney Regulation Advisory Committee to this Court. Each application must be reviewed by staff. While many applications disclose no issues of concern, a substantial number of applications are reviewed by members of the Committee on Character and Fitness (“the Committee”). That review may be satisfied with the applicant providing further information in documentary or

testimonial form. In 2025, a total of 57 applicants were subject to an inquiry or hearing before the Committee.

Depending upon the nature of the issues presented at the inquiry or hearing, findings may be required. Specifically, Rule 36 (e)(5) requires written findings for a recommendation of conditional admission coming from an inquiry. Rule 36(f)(5) requires written findings for a recommendation of conditional admission or a recommendation of admission for an applicant “whose conduct was considered under paragraph (d)(4)” of Rule 36.

Findings pursuant to paragraph (d)(4) relate to five different categories of conduct ranging from commission of a crime to denial of licensure in another jurisdiction. The records related to such conduct can be voluminous.

The Committee members reviewing applications are all volunteers, including both public members and attorneys. When an inquiry or hearing is required, the reviewing member assumes the role of investigating member for the Committee. While inquiries are generally concluded within a few hours, complicated hearings may take several days.

Following the inquiry or hearing the investigating member is tasked with drafting the findings. While the investigating member usually has the best understanding of the all the exhibits and disclosures, the investigating member is not permitted to participate in the discussion which yields a vote on admission. So, the investigating member’s draft is circulated to panel members for input on the decision- making process. A redraft is then provided to the presiding member or Committee chair for approval.

The amount of time needed to prepare the findings is largely dependent upon the amount of information or evidence introduced at the hearing and the complexity of that information. Audio transcripts of the hearings are available to review, but not written transcripts. The findings must be prepared in enough detail for the Court to consider its review.

The preparation of findings for a hearing on an AOM application often requires more time because of the number of records to be obtained and reviewed from multiple jurisdictions. This will in turn require more hearing time where discipline has been imposed in other jurisdictions.

The Committee strives to complete an initial draft as quickly as possible, and within 30 days where possible. However, with volunteer members all having outside employment as attorneys or judicial officers, that outside work takes precedence. Staff and CLD management send reminders and offer assistance where appropriate. Currently, the average time to issue a decision is 57 days. In 2025 there were 7 decisions which required more than the average. Those decisions are listed in Exhibit 1. Each of those matters involved viewing, organizing, and presenting hundreds of pages of records, then preparing for the hearing and drafting the findings necessary to sustain the decision.

The preparation of each set of findings is treated with careful attention to the record. While the Committee would prefer to finalize its decision within 30 days, that is not always possible.

The Attorney Regulation Committee recommends denying the Petition.

RESPECTFULLY SUBMITTED this 27th day of April, 2026.



Vice Chief Justice John R. Lopez IV
Chair, Attorney Regulation Advisory Committee