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7 **IN THE SUPREME COURT**
8 **OF THE STATE OF ARIZONA**

9 In the Matter of:

Supreme Court No. 26-0025

10
11 **PETITION TO AMEND RULE 36(e),**
12 **ARIZONA RULES OF THE**
13 **SUPREME COURT**
14

REPLY IN SUPPORT OF
PETITION

15 Petitioner replies as follows to the Response to the Petition filed by the
16 Arizona Supreme Court Committee on Character and Fitness (“Committee”).

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18 1. Petitioner does not fail to recognize that that the Committee discloses
19 the areas of inquiry in its Notices. On behalf of applicants generally, Petitioner
20 appreciates the additional detail/description provided in examples at page 4 of the
21 Committee’s response. Petitioner is not sure she agrees that such detailed notices
22 are “typical.” That may be the case more recently. In any case, it is good.
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25 2. Petitioner does not fail to recognize differences between an informal
26 inquiry and a formal hearing. Petitioner disagrees that the distinction obviates any
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1 concern about due process. If an applicant is subjected to a “gotcha” at an informal
2 inquiry and, upset by and unprepared for that, bungles his or her testimony and loses
3 the informal, it is not as if the testimony in the informal disappears, whether it is
4 recorded or not. As Mark Harrison said in 2009, denying the applicant notice of
5 negative evidence may adversely affect the applicant’s ability to properly prepare to
6 respond to negative evidence.
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9 3. Petitioner did not and does not suggest that the Committee “provide a
10 full disclosure statement with documents for every informal inquiry.” What is
11 proposed now is what the rule in the past already said:
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14 **“Neither party needs to disclose copies of documents already**
15 **provided during the application process.”**

16 Rule 36(e)(4), Ariz. R. Sup. Ct., as it existed in 2013, and as is proposed here.

17 That language was discussed at length in 2010 or thereabouts, when the rule
18 change was originally proposed. Nobody wanted to create burdensome and time-
19 consuming work for the staff, the Committee, or the applicant. The point is simply
20 to provide disclosure of any information the other side does not already know about.
21

22 We expect that in civil cases and criminal cases and it is unclear why we should not
23 expect that here. The same language remains in Rule 36(f)(4) now.
24

25 The formal disclosure statements and Bates stamping are creations of the
26 Committee and/or its staff. It was not always done that way and there is no
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1 requirement that it be done that way. It does make things more manageable in formal
2 cases, particularly in cases with a lot of documents. But again, it is not what the rule
3 says, and it is not what is being asked here. There is no need for staff to make copies
4 of all the documents in the file—much of which came from the applicant in the first
5 place. Even if the Committee chooses to prepare all that for formal hearings, nothing
6 about this rule change would make that necessary for informal inquiries. Informal
7 inquiries can remain informal. No exhibits need to be marked or entered or any of
8 that.

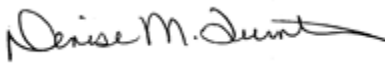
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12 On behalf of applicants generally, Petitioner simply asks that any negative
13 evidence that the Committee received from sources other than applicant be disclosed
14 to the applicant prior to the informal hearing. And if that is already happening—
15 great. In that case, the rule change is merely going to codify it (again).
16

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18 Finally, in reviewing these materials, it occurs to Petitioner that a shorter time
19 frame for the disclosure could alleviate any delay the Response expresses concern
20 about creating. The time frame could just as easily be 5 or 7 days, instead of 12 days.
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22 **CONCLUSION**

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24 Petitioner respectfully requests amendment of Rule 36(e), Ariz. R. Sup. Ct.,
25 for the reasons stated here and in the original Petition.
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1 Respectfully submitted this _1rst_ day of June, 2026.

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Denise M. Quinterri

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9 **ELECTRONICALLY** filed
10 on the Court Rules Forum of the Arizona Supreme Court
11 this _1rst_ day of June, 2026.
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