

SOAR ACCESS TO JUSTICE PROGRAM APPELLATE REVIEW AUTHORITY POLICY

ARTICLE XXX - SOAR APPELLATE REVIEW AUTHORITY

The SOAR Appellate Review Authority serves as the final internal administrative review body of the SOAR Access to Justice Program. The authority of the Appellate Review Authority derives from the SOAR Constitution, SOAR Bylaws, SOAR Disciplinary Procedures Code, and SOAR Appellate Procedures Rules.

Composition

The SOAR Appellate Review Authority shall consist exclusively of the SOAR Chair and the SOAR Vice Chair, who jointly exercise appellate authority and serve as the final internal administrative decision-makers for disciplinary appeals.

Guiding Legal Authorities

The SOAR Appellate Review Authority is guided by principles reflected in:

- U.S. Constitution, Amendment V (Due Process Clause)
- U.S. Constitution, Amendment XIV, Section 1 (Due Process and Equal Protection Clauses)
- Administrative Procedure Act, 5 U.S.C. §§ 551–559
- Administrative Procedure Act, 5 U.S.C. §§ 701–706
- Equal Access to Justice Act, 5 U.S.C. § 504
- Equal Access to Justice Act, 28 U.S.C. § 2412
- Legal Services Corporation Act, 42 U.S.C. §§ 2996–2996i
- Arizona Administrative Procedure Act, A.R.S. §§ 41-1001 through 41-1092.12

The Appellate Review Authority also recognizes principles articulated in *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Mathews v. Eldridge*, 424 U.S. 319 (1976); *In re Ruffalo*, 390 U.S. 544 (1968); *Morrissey v. Brewer*, 408 U.S. 471 (1972); *Withrow v. Larkin*, 421 U.S. 35 (1975); and *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985).

Powers and Duties

The Appellate Review Authority may review findings of fact, conclusions of law, procedural due process compliance, and disciplinary sanctions; affirm, reverse, modify, or remand disciplinary decisions; and issue final administrative decisions on behalf of SOAR.

Recusal

If the SOAR Chair or SOAR Vice Chair participated in the underlying matter or has a conflict of interest, that official shall recuse, and a temporary appellate officer may be appointed.