

Barry D. Halpern (#005441)
bhalpern@swlaw.com
Sara J. Agne (#026950)
sagne@swlaw.com
Andrea C. Dieterle (#028167)
adieterle@swlaw.com
SNELL & WILMER L.L.P.
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202
Telephone: (602) 382-6000

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the Matter of:

PETITION TO AMEND RULE
34(f)(1)(A), RULES OF THE
ARIZONA SUPREME COURT

Supreme Court No. R-12-0005

**Supplement to Petition to Amend
Rule 34(f)(1)(A), Rules of the
Arizona Supreme Court**

Petitioners filed their “Petition to Amend Rule 38(h)(1)(A)”¹ on January 6, 2012. After further consideration and discussions with practitioners in the community, Petitioners felt it would be prudent to propose additional language in the proposed amendment for the Court’s consideration.

The additional language, attached hereto as Appendix A, requires that a person applying for admission on motion on the basis of an active practice of law in a reciprocal jurisdiction “have been admitted by bar examination to practice law in one or more states, territories, or the District of Columbia, and have been

¹ On December 22, 2011, this Court filed an Order amending and reorganizing Rules 34, 35, 37, and 38 of this Court. *See* Order re Petition No. R-11-0030, filed 12/22/11. Per that Order, the portion of the rules addressed by this Petition now appears in Rule 34(f)(1)(A); this Petition has been renamed accordingly.

admitted to” practice in the reciprocal jurisdiction. This language would remedy any concern that graduates of law schools in “diploma privilege” jurisdictions, e.g., New Hampshire and Wisconsin, could be admitted on motion in Arizona without ever passing a bar examination in any state. Similarly, the proposed additional language clarifies that an applicant seeking admission on motion pursuant to proposed Rule 34(f)(1)(A)(ii) would need to demonstrate that he or she had been *both* admitted to² and engaged in the active practice of law in a reciprocal jurisdiction for at least five years.³ The revised proposed amendment would more closely align Arizona with its reciprocal jurisdictions, several of which base admission on motion on a record of active practice in a reciprocal jurisdiction, instead of, or as an alternative to, place of bar examination.

Petitioners hereby supplement their Petition No. R-12-0005 with the proposed additional language (Appendix A) addressing the above concerns. For

² Cf. Ariz. R. Sup. Ct. 34(f)(2) providing that “active practice of law” may include certain activities performed without admission if “performed in a jurisdiction that permits such activity by a lawyer not admitted to practice.”

³ Permitting admission on motion on the basis of admission to and engagement in the active practice of law in a reciprocal jurisdiction for at least five years is not intended to, and Petitioners submit would not, in fact, add additional burdens for this Court’s attorney admissions staff because the Court already verifies the active practice of law for admission on motion applicants, including where and when it took place, through its application and investigation process, funded by non-refundable application fees.

the above reasons and for all the reasons stated in their Petition, Petitioners urge this Court to adopt the proposed rule as supplemented.

RESPECTFULLY SUBMITTED this 26th day of March, 2012.

SNELL & WILMER L.L.P.

By /s/ Barry D. Halpern
Barry D. Halpern (#005441)
Sara J. Agne (#026950)
Andrea C. Dieterle (#028167)