

RECEIVED
MAY - 8 2012
CLERK SUPREME COURT

7
ade

FILED
MAY 08 2012
JANET JOHNSON
ACTING CLERK

May 1, 2012

Arizona Supreme Court
Hon. Rebecca W. Berch, Chief Justice
1501 West Washington,
Phoenix, Arizona. 85007

Re: Petition R-12-0020

Dear Chief Justice Berch:

The Attorney Regulation Advisory Committee (ARC), the Committee on Examinations and the Committee on Character and Fitness all respectfully oppose rule change petition R-12-0020 relating to the practice of law by military spouses. While we are very sympathetic to the difficulties and challenges uniquely faced by military spouses, awarding full bar membership without a significant history of practice will not adequately protect Arizonans.

Currently, admission on motion (AOM) applicants, must demonstrate that they have been "primarily engaged in the active practice of law . . . for five of the seven years immediately preceding the date upon which the application is filed."¹ In addition, applicants must be in good standing in all jurisdictions. Petition R-12-0020 lacks the critical component of actually practicing law without running afoul of professional conduct rules. This element of the AOM rule assures that potential Arizona clients are hiring an attorney who has demonstrated a track record of safely serving his/her clients.

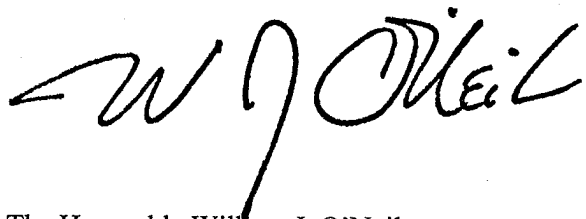
We are also concerned about client wellbeing should the military spouse be required to leave the state on short notice. Idaho, we believe, is the only state to have adopted a rule on this topic, and their rule requires significant oversight by local counsel.

We fully understand the plight of military spouses and instead would be supportive of a policy of a waiver of fees for the examination and the ability to register for the exam, up to and including, the Friday before testing commences.

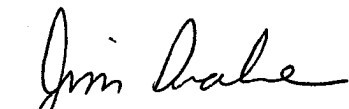
Additionally, we are concerned that the Committee on Character and Fitness be afforded sufficient time to complete their inquiry.

Sincerely,

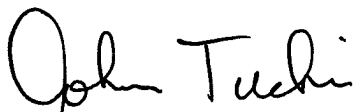
¹ Rules of The Supreme Court, Rule 38(h)(1)(C).



The Honorable William J. O'Neil
Chair, Attorney Regulation Advisory Committee



Jim Drake
Chair, Committee on Examinations



John Tuchi
Chair, Committee on Character and Fitness

by 