

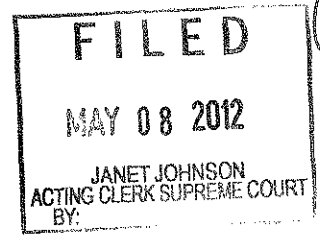
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Supreme Court
STATE OF ARIZONA



FROM THE OFFICE OF
WILLIAM J. O'NEIL
PRESIDING DISCIPLINARY JUDGE

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May 8, 2012

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

Re: Petition R-12-~~0020~~
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Dear Chief Justice Berch:

The Attorney Regulation Advisory Committee (ARC) does not favor this petition and opposes the dramatic change in the Admission on Motion (AOM) program. The current rules have afforded mobility to Arizona attorneys seeking admission elsewhere and have allowed mobility of attorneys into Arizona. In its annual report, ARC proposed a holistic review of all AOM rules to understand the first two years of AOM activity and whether changes may be necessary, and asks that the petition be referred for ARC study.

ARC opposes making a change based on one individual's experience, especially such a sweeping change. At the time of adoption of Admission on Motion in 2009, the Supreme Court recognized reciprocity with jurisdictions who agreed to admit Arizona lawyers on a basis equivalent to Arizona's requirements. The reciprocal agreement was based on location of passage of bar examination, because every Arizona attorney was admitted by examination. The Court sought to insure that attorneys who were licensed by examination in Arizona would be recognized and treated equally in states that entered into reciprocal agreement with Arizona. Further, reciprocity conferred the potential benefit on every Arizona attorney of eligibility to practice in those states after five years practice. The agreements embodied discussion of the Task Force on Admission on Motion, where members of the legal community voiced concern that admission on motion not be a one-way influx of attorneys into Arizona without allowing mobility of Arizona attorneys.

The petition would eliminate the reciprocal link to state of bar passage, and substitute reciprocal link to any state where an attorney has practiced or been admitted by any means. This would open Arizona membership to anyone who has ever practiced in any state recognized as reciprocal, no matter how

admitted and if any period of time was spent there. This change would require reconsideration of reciprocal agreements, to determine if the broader rule now confers greater benefits to attorneys attempting to move to Arizona than those enjoyed by Arizona attorneys who seek admission elsewhere.

For example, the District of Columbia is currently a reciprocal jurisdiction but only for the approximately 100 applicants per year admitted by exam. By contrast, the District of Columbia admits approximately 4000 members by motion per year, and has a total membership of approximately 70,000. Under the proposed petition, the entire membership of the DC bar would be eligible for admission on motion based on their waiver admission in DC, including members who passed exams only in Virginia or Maryland. Maryland has no reciprocity and does not allow attorneys from any state to bypass examination. Virginia requires attorneys from Arizona to establish a full-time law office in Virginia which cannot be located in their home. Due to the higher burden placed on Arizona attorneys than required of attorneys moving here, Arizona has refused to recognize Virginia as reciprocal. Under the proposed petition, attorneys licensed by exam only in Virginia or Maryland who waived into DC would be eligible for admission on motion in Arizona.

The Attorney Regulation Advisory Committee requests that the petition be continued for consideration by the Court and referred to the Attorney Regulation Advisory Committee as part of its holistic review of attorney admission and regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "W J O'Neil". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a large, looped "O".

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