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ARIZONA SUPREME COURT

In the Matter of

PETITION TO AMEND ER 3.8 OF THE
ARIZONA RULES OF
PROFESSIONAL CONDUCT (RULE
42 OF THE ARIZONA RULES OF THE
SUPREME COURT)

No. R-11-0033

**ARIZONA ATTORNEY
GENERAL'S COMMENTS RE:
REVISED DRAFT OF
PROPOSED AMENDMENTS TO
E.R. 3.8 OF THE ARIZONA
RULES OF PROFESSIONAL
CONDUCT**

Pursuant to this Court's Order dated August 28, 2013, the Arizona Attorney General submits the following comments on the revised draft of proposed amendments to Rules 3.8 and 3.10, Arizona Rules of Professional Conduct.

In his earlier comments opposing the proposed amendments to ER 3.8 and 3.10, filed on May 20, 2013, the Attorney General stated that the amendments requested in the petition were unnecessary and impractical. While the Attorney General appreciates the Court's efforts to modify the amendments to address some

of the concerns raised by commenters, the revisions in the current draft do not alleviate the fundamental problems that these ill-conceived rule amendments will create. The proposed amendments should be rejected, not refined.

For the reasons set forth in the Attorney General's comments submitted on May 20, 2013, the Attorney General remains opposed to the ABA amendment to Model Rule 3.8, the rule amendments submitted by the petitioners, and the current revised draft of the proposed amendments to ER 3.8 and ER 3.10.

DATED this 18th day of September, 2013.

THOMAS C. HORNE
Arizona Attorney General

/s/ Robert L. Ellman
By: ROBERT L. ELLMAN
Solicitor General