

Alternative # 2

Note: Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

RULES OF THE SUPREME COURT

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Rule 31. Regulation of the Practice of Law

(a) Supreme Court Jurisdiction Over the Practice of Law

1. [No change in text.]

2. *Definitions.*

A.-D. [No change in text.]

E. “Unprofessional conduct” means:

(1) violating the Arizona Rules of Professional Conduct;

(2) engaging, while acting as an attorney, in repeated or aggravated acts of rudeness, disrespect, or incivility;

(3) threatening or pursuing litigation, or any other legal course of action, that is without merit;

(4) using tactics that are intended to delay the resolution of a matter or to harass or drain the financial resources of the opposing party;

(5) repeatedly or willfully failing to punctually attend court proceedings or depositions; or

(6) making excessive or abusive discovery requests or failing to comply with reasonable discovery requests.

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Rule 41. Duties and Obligations of Members

The duties and obligations of members shall be:

(a)-(f) [No change in text.]

(g) To abstain from all ~~offensive personality~~ unprofessional conduct and to advance no fact prejudicial to the honor or reputation of a party or a witness unless required by the justice of the cause with which ~~he~~ the member is charged.

(h) [No change in text.]

Comment [2006 Amendment]

[1] Professionalism requires lawyers both to comply with the Rules of Professional Conduct and, more generally, to act with integrity and civility. Although certain conduct by a lawyer is subject to discipline only if it occurs while the lawyer is acting as an attorney, see Rule 31(a)(2)(E)(2), lawyers should aspire to treat others with courtesy and respect whether or not engaged in the practice of law, recognizing that their conduct may generally reflect on the profession. Moreover, certain lawyer conduct outside the practice of law may be grounds for discipline, such as conviction of a felony, Rule 53(h), or engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. Rule 42, ER 8.4(c), and Rule 53(a).

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Rule 53. Grounds for Discipline

(a)-(i) [No change in text.]

(j) Unprofessional conduct as defined in Rule 31(a)(2)(E).

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