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11 **IN THE SUPREME COURT**
12 **STATE OF ARIZONA**

13
14 In the Matter of:

Supreme Court No. R-17-

15 **PETITION TO AMEND RULE 39,**
16 **ARIZONA RULES OF SUPREME**
17 **COURT**

PETITION

18 Pursuant to Rule 28, Ariz. R. Sup. Ct., the State Bar of Arizona (“State Bar”)
19 petitions the Court to amend Rule 39, Ariz. R. Sup. Ct. The proposed amendment is
20 necessary to allow the State Bar to establish procedures for attorneys who are not
21 members of the State Bar of Arizona (“non-member attorneys”) to electronically file
22 with the State Bar applications and fees for pro hac vice admission.

23 **DISCUSSION**

24 In its current form, Rule 39 precludes the State Bar from establishing a system
25 for non-member attorneys to electronically file the verified application and fees for
pro hac vice admission. Rule 39(c)(1)(A) requires the non-member attorney to file
with the State Bar “an original and one copy of a verified application” along with

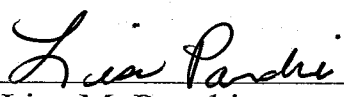
1 the certificate(s) of good standing. The State Bar then issues to local counsel the
2 original verified application and the original certificates of good standing as exhibits
3 to the Notice of Receipt of Complete Application. R. 39(c)(2). Thus, strict
4 compliance with the Rule requires non-member attorneys to send to the State Bar
5 *original* verified applications and *original* certificates of good standing, precluding
6 the submission of electronic copies.
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9 The proposed amendment eliminates references to original documents in the
10 filing requirement of Rule 39(c)(1)(A) and the Notice of Receipt in Rule 39(c)(2).
11 *See* Appendix. These changes pave the way for the State Bar to establish an efficient
12 system of electronically filing pro hac vice applications. And, by not explicitly
13 requiring electronic filing, the proposed amendment allows the State Bar the
14 flexibility to accept paper applications in the interim or on a future as-needed basis.
15

16 **CONCLUSION**


17 The State Bar of Arizona respectfully requests amendment of Rule 39, Ariz.
18 R. Sup. Ct., as stated herein.
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20 RESPECTFULLY SUBMITTED this 4th day of January, 2017.
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24 Lisa M. Panahi
25 Acting General Counsel

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Electronic copy filed with the
Clerk of the Arizona Supreme Court
this 5th day of January, 2017.

by: 

APPENDIX

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1 local counsel a Notice of Receipt of Complete Application that states:
2 (1) whether the non-member attorney has previously made any
3 application or motion pursuant to this rule within the preceding three
4 years; (2) the date of any such application or motion; and (3) whether
5 the application or motion was granted or denied by the court or
6 administrative agency. The State Bar of Arizona Notice shall include
7 as exhibits: (1) the ~~original~~ verified application and (2) the ~~original~~
8 certificate(s) of good standing. The State Bar shall retain copies of
9 verified applications, certificates of good standing and orders
10 granting, denying or revoking applications to appear pro hac vice for
11 three (3) years.
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