

1 Hon. Ann A. Scott Timmer, Chair
2 Attorney Regulation Advisory
3 Committee
4 1501 W. Washington St.
Phoenix, AZ 85007

5 **IN THE SUPREME COURT**
6 **STATE OF ARIZONA**

7 In the Matter of:

8 PETITION TO AMEND ETHICAL
9 RULE 1.2, RULE 42, RULES OF
10 SUPREME COURT

Supreme Court No. R-18-0009

Comment of Attorney Regulation
Advisory Committee

11
12 The Arizona Supreme Court’s Attorney Regulation Advisory Committee
13 (“ARC”) supports the petition to amend Ethical Rule (ER) 1.2(d) to add an
14 exemption for lawyers who “counsel or assist a client regarding conduct expressly
15 permitted by Arizona law.” In 2016, ARC also filed a comment supporting
16 Petitioner’s previous proposal, R-16-0027.
17

18 ARC’s purpose is to make recommendations to this Court regarding “how
19 [the] rules of the attorney regulation system can be revised to reinforce lawyer
20 competency and professionalism and strengthen the Supreme Court’s oversight of
21 the regulation and practice of law in this state.”¹ To that end, a majority of ARC
22
23
24

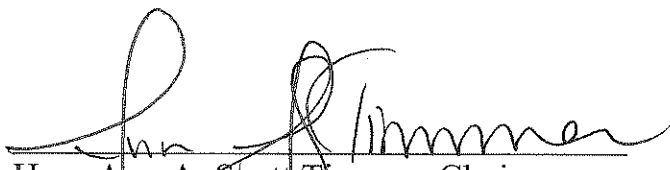
25

¹ Administrative Order No. 2011-44, establishing ARC.

1 supports the rule-change proposal for the reasons stated in the petition. ARC
2 particularly agrees with the petition's contention that the proposed change would
3 "provide certainty and transparency to lawyers about their ethical role in advising
4 and assisting clients about activities falling within permissible state law." Petition
5 R-18-0009 at 12.
6

7 One member of ARC, George Riemer expressed a dissenting opinion with
8 this comment which will be detailed in another comment filed separately.
9

10 RESPECTFULLY SUBMITTED this 21st day of May, 2018.

11
12
13 
14 Hon. Ann A. Scott Dimmer, Chair
15 Attorney Regulation Advisory Committee
16
17
18
19
20
21
22
23
24
25