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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of:)
)
) Supreme Court No. R-___-____
)
PETITION TO AMEND)
RULE 34(f)(4) A.R.S.)
SUPREME COURT RULES)
) **Comment to Petition to Amend**
) **Rule 34(f)(4) A.R.S.**
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_____)

Pursuant to Rule 28(D), Rules of the Supreme Court, Stephanie Castillo respectfully submits this Comment for the Court’s consideration to adopt amendments of Rule 34(f)(4), governing Arizona’s rule on out of state attorney’s being admitted on motion to the Arizona State Bar. The original is as follows:

“An applicant who has failed a bar examination administered in this jurisdiction or who has passed the uniform bar examination in another jurisdiction but failed to achieve the Arizona scaled score within five (5) years of the date of filing an application under this rule shall not be eligible for admission on motion.”

I. At best the above rule reads ambiguously, in saying if an applicant failed the Arizona bar exam but passed in another jurisdiction of, which there are 36 jurisdictions that use the same UBE, the applicant is ineligible to apply for Admission on Motion for 5 years. Or if the applicant passed in another jurisdiction but failed to achieve the scaled score is unable to apply for 5 years. Basically saying an applicant could pass in any of the other 35 jurisdictions, but is still ineligible to apply for Admission on Motion based on a minor technicality. Especially considering the 3-year experience requirement already in place to apply for reciprocity. Seems egregiously inconsistent to allow another applicant who has the same years experience to apply for reciprocity; and not allow one who has been practicing for the same amount of time and the only difference being the second applicant just didn’t pass the Arizona Bar Exam

within a 5 year period of being admitted to another bar jurisdiction. It's an arbitrary technicality, basically acknowledging the applicant did pass in another jurisdiction and able to practice law within that jurisdiction, but will still be made to wait an additional period because of their Arizona bar exam score or scaled score. At that point, what would the exam score prove if both applicants had the same years of experience practicing their chosen focus of the law. This additional 2 year waiting period to the original reciprocity rule of 3 years seems both a waste of the applicant's time, as well as oversight in the rule already in place requiring a specified duration of experience qualifying an applicant to request reciprocity.

- II. Given the above argument I would ask the Court to consider amend Rule 34(f)(4) and follow the original rule for reciprocity of 3 years experience before applying to the Arizona Bar.