

1 Hon. William J. O’Neil (ret.)
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6 **IN THE SUPREME COURT**
7 **STATE OF ARIZONA**

8 In the Matter of:

Supreme Court No. R-21-

9 **PETITION TO AMEND RULE**
10 **64(f)(1)(B) ARIZONA RULES OF**
11 **SUPREME COURT**

PETITION TO AMEND
RULE 64(f)(1)(B)
(expedited consideration and
emergency adoption requested)

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13 Pursuant to Rule 28, Rules of the Supreme Court, Hon. William J. O’Neil
14 (ret.) respectfully requests this Court amend Rule 64(f)(B) to give permanence to an
15 expedited process for reinstatement of applicants not suspended or disbarred. [Ex.
16 1.] This amendment ratifies a process for reinstatement already existent by
17 administrative order. It has broad based support from applicants, the informal
18 association of attorneys who regularly practice in attorney regulation, and the State
19 Bar. It is requested this rule be approved immediately without a comment period.
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22 **I. Background and Purpose of the Proposed Additional Rule Amendment**

23 In late 2020, likely due to the pandemic, a high number of applicants sought
24 reinstatement who had never been disciplined by suspension or disbarment. The
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1 Chief Justice by Administrative Order 2020-182 created a process for the re-entry
2 into the profession by such applicants by filing an agreement between the State Bar
3 and the Applicant. Upon acceptance, the presiding disciplinary judge could enter an
4 order reinstating the applicant. The process has appropriately expedited the
5 reinstatements of such applicants. This petition seeks to amend Rule 64 to give
6 permanence to the effect of that administrative order.
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8 "Attorney discipline serves to protect the public, the legal profession, and the
9 legal system, and to deter other attorneys from engaging in unprofessional conduct."
10 *In re White-Steiner*, 219 Ariz. at 325 (2001). When an applicant has not been
11 suspended or disbarred, this concern is greatly reduced. This amendment
12 distinguishes between applicants suspended or disbarred and those not suspended or
13 disbarred. It differentiates between the two without penalizing the former yet
14 acknowledging the latter. This is just and instills greater public confidence.
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17 **II. Conclusion**

18 These changes expedite the reinstatement of attorneys without prior
19 suspension or disbarment. Such applicant still must meet the other application
20 requirements for reinstatement of Rule 65 including investigation, costs and fees.
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22 RESPECTFULLY SUBMITTED this ____ day of May 2021.
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24 /s/ William J. O'Neil
25 Hon. William J. O'Neil (ret.)