

**ANNUAL REPORT
OF THE
ATTORNEY REGULATION
ADVISORY COMMITTEE
TO THE
ARIZONA SUPREME COURT**

APRIL 30, 2022

ARIZONA SUPREME COURT
ATTORNEY REGULATION ADVISORY COMMITTEE (ARC)

Committee Member List
As of December 2021

Hon. Ann A. Scott Timmer, *Chair*

Vice Chief Justice, Arizona Supreme Court

Hon. Lawrence F. Winthrop (*ret.*)

Attorney Member

Whitney Cunningham

Attorney Member

Maria Hubbard

Attorney Member

Michael Donovan

Attorney Member

Edward Novak

Attorney Member

Lisa Panahi

Attorney Member

Hon. Margaret Downie, *Vice Chair*

Presiding Disciplinary Judge

Hon. William J. O’Neil (*ret.*)

Attorney Member

George Riemer

Attorney Member

Maret Vessella

Attorney Member

Evelyn R. Hernandez

Attorney Member

Elaine Sweet

Public Member

Staff Support

Suzanne Reed

Supreme Court Staff Attorney’s Office

1501 W. Washington

Phoenix, AZ 85007

Phone: 602-452-3389

Fax: 602-452-3482

Sreed2@courts.az.gov

Aaron Nash

Ashleigh Hansen

Certification and Licensing Division

1501 W. Washington, Suite 104

Phoenix, AZ 85007

Phone: 602-452-3378

Anash@courts.az.gov

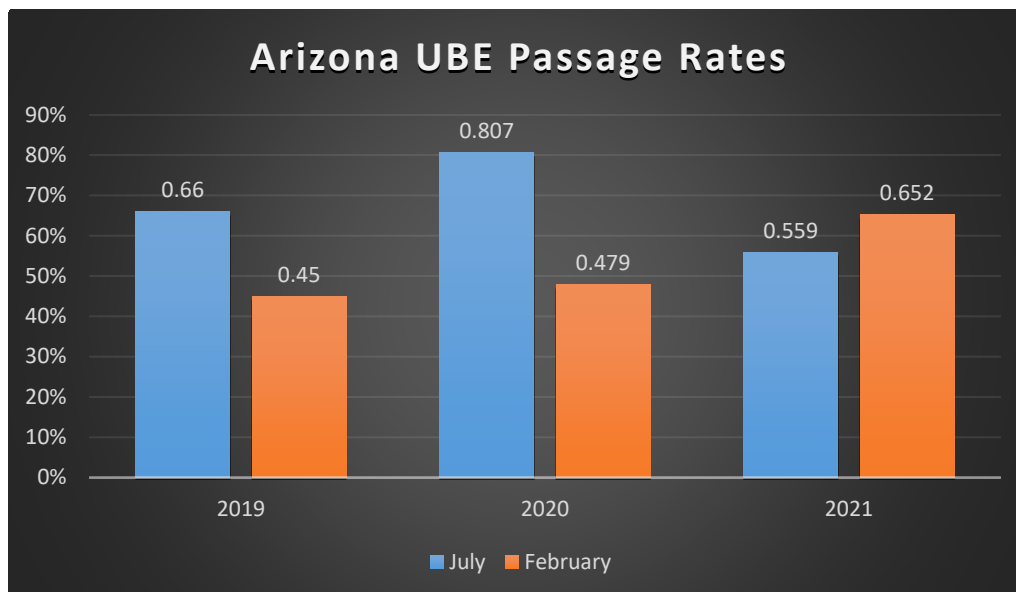
CLDCcommittees@courts.az.gov

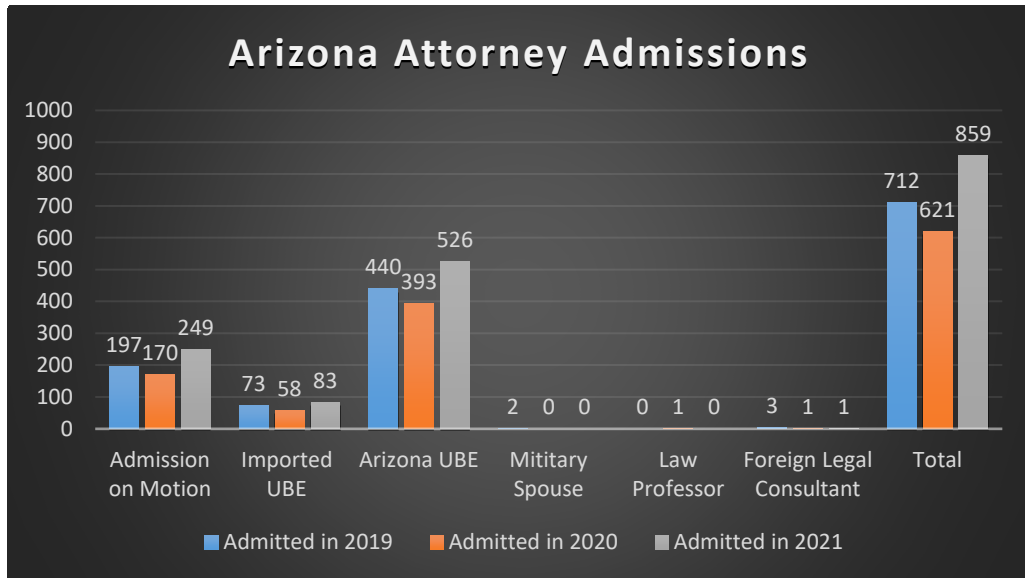
ATTORNEY REGULATION ADVISORY COMMITTEE 2021 ANNUAL REPORT

The Attorney Regulation Advisory Committee (“ARC”) was established by the Supreme Court of Arizona to periodically review the entire attorney admission and discipline system for the Court and make recommendations for any further needed changes (Administrative Order No. 2011-44). ARC’s purpose is to review the rules governing attorney examination, admissions, reinstatement, and the disability and disciplinary processes and make recommendations regarding these rules “to reinforce lawyer competency and professionalism and strengthen the Supreme Court’s oversight of the regulation and practice of law in this state.” The Court directed ARC to submit an annual report each year by April 30. That report “shall contain case statistics on the processing of attorney admission and discipline cases and recommendations on specific issues addressed by the Committee.” This report is respectfully submitted for the 2021 calendar year.

I. The Examination/ Admission Process and Statistics

Arizona adopted the Uniform Bar Examination (“UBE”) in 2012, with testing opportunities twice a year in February and July. A total of 489 applicants passed the Arizona Uniform Bar Examination in 2021, yielding an overall pass rate of 60.55%. A total of 143 applicants passed the Uniform Bar Examination in February, yielding an overall pass rate of 55.9%. A total of 346 applicants passed the Uniform Bar Examination in July, yielding an overall pass rate of 65.2%. In 2021, 859 new attorneys were admitted to practice: 249 by admission on motion, 83 via imported UBE scores earned elsewhere, 0 law professor, 0 military spouse admission, 1 foreign legal consultant and 526 by bar exam.





In 2021, a total of 232 applicants who tested in Arizona requested their UBE scores be transferred to different jurisdictions, most frequently to: New York (34); Texas (33); New Mexico (21); Washington (17); Colorado (15); Utah (14); Washington D. C. (13); and Illinois (12).

A total of 147 UBE applicants requested their scores be transferred into Arizona. Jurisdictions with the most frequently imported scores were from: Colorado (27); New York (18); Washington (11); and Texas (10).

Character and Fitness

Each applicant for admission must submit a detailed Character and Fitness Report. The Committee on Character and Fitness is charged with reviewing and, as necessary, investigating issues raised by these reports. As part of that process, and in compliance with the 2015 guidelines established by the Arizona Supreme Court, the Committee held a total of 42 informal proceedings in 2021, with the following results:

Informal Inquiries in 2021	
Outcomes	Number of Inquiries
Regular Admission	35
Conditional Admission	4
Referred for Formal Hearing	3
Withdrew Application	0
Total	42

Thirteen investigations in 2021 resulted in formal proceedings, with the following results:

Hearings in 2021

Outcomes	Number of Hearings
Regular Admission	5
Conditional Admission	6
Denied Admission	1
Withdrew Application	0
Conditional Admission Revocation	0
Total	12*

*One applicant had two hearings.

In 2021, the Chairs of the Character and Fitness and Examinations Committees responded to petitions for review regarding the following issues:

Committee on Character and Fitness Response to Petitions for Review		
Issues	Requests	Action by Supreme Court
Waiver of ABA JD Requirement	3	3 Granted
Motions to Extend Five-Year Requirement for Admission	4	4 Granted
Waiver <i>AOM</i> Practice Requirement	0	0
Motion to Reduce Five-Year Under 34(m)	1	1 Granted
Comply with MPRE	2	1 Granted / 1 Denied
Petition of Committee Denial Decision	1	1 Withdrew
Waiver of 5 year UBE Transfer score /MPRE	2	1 Granted / 1 Withdrew
Waiver of <i>UBE</i> Score requirement	0	0
<i>AOM</i> eligibility	3	1 Denied / 2 Withdrew
Motion to Seal	3	3 Granted
Total	19	13 Granted; 2 Denied; 4 Withdrew

Committee on Examinations Response to Petitions for Review		
Issues	Requests	Action by Supreme Court
Accommodations	1	1 Granted
Extraordinary Circumstance, Overturn Failing Exam Score	5	5 Denied
Permission to Write	1	1 Denied
Total	7	1 Granted; 6 Denied

Early Examination

In 2012, the Court approved a pilot program of early testing for law students in their last semester of law school, provided the semester was structured to allow for study and student engagement. The Supreme Court officially amended Rule 34 to allow early testing as a permanent admission option effective January 1, 2017. Applicants from any law school, certifying the student qualifies as an early tester may apply to sit as a third-year student. Of the two Arizona law schools, the University of Arizona consistently has the highest number of applicants apply as early testers. The overall statistics for 2021 are indicated in the chart below.

EARLY EXAM	Total Participants	Passed Exam	Pass Rate
February 2021	31	26	83.9%
University of Arizona	23	19	82.6%
Arizona State University	8	7	87.5%
Non-Arizona Law School	0	N/A	N/A
July 2021	2	0	0%
University of Arizona	2	0	0%

Early tester applicants are eligible to sit for the exam; however, they are not eligible for admission in accordance with Rule 34(b)(2)(F) until satisfactory proof of an awarded of juris doctor degree is received by the Committee on Character and Fitness. In addition to earning the minimum passing score on the bar exam, early testers must satisfy the character and fitness requirement in order to be admitted to the practice of law.

February UBE scores are released the second week in May, and many law schools conferred degrees after score release and therefore no February 2021, early testers were recommended for admission at the time of score release. Of the thirty-one early testers who sat for the February 2021 bar exam, twenty-six achieved passing scores. Twelve of the thirty-one early testers filed a character and fitness application prior to the February 2021 bar exam and twelve others filed a character and fitness application after the February 2021 bar exam. After evidence of graduation was received and completion of other requirements was confirmed, twenty-three of the twenty-six successful early testers were admitted to practice by the end of 2021. Two of the twenty-six early testers who passed the February 2021 bar exam have not yet filed a character and fitness application to complete admission.

II. Lawyer Regulation

Administrative Order 2011-44 directs that the annual ARC report shall contain case statistics on the processing of attorney regulation cases.

Statistical Summary

The following comparative statistics are provided by the State Bar of Arizona, the Attorney Discipline Probable Cause Committee (“ADPCC”) and the Presiding Disciplinary Judge (“PDJ”).

The State Bar, ADPCC and the PDJ have distinct responsibilities and capture data in slightly different ways to best reflect the performance of those responsibilities. The differences in the manner in which data has been captured are described in footnotes. The statistics provide a snapshot of the regulatory process, from intake and processing of complaints, investigation and resolution, either through closure, consent, presentation to and disposition by the ADPCC, and through the formal complaint process with orders issued by the PDJ, and review by the Arizona Supreme Court.

Number of Attorneys Licensed to Practice		
2019	2020	2021
24,809	24, 977	25,344

Summary of Regulatory Action Taken¹			
	2019	2020	2021
Disbarred	18	8	9
Suspended	36	36	35
Reprimanded	21	24	27
Number of Informal Sanctions	47	24	35
Number of Diversions ²	127	122	111
Number of Dismissals with Comment	253	191	254

Intake and Investigative Process

The Intake process is designed to achieve two specific goals: (1) resolve the greatest number of inquiries/charges at the earliest stage of the process, and (2) expeditiously move the most serious charges of misconduct into the investigation phase.

Complainants are encouraged to talk with an intake lawyer before submitting a written charge. This approach has personalized the process and has allowed for a better and timelier evaluation of the complainant's concerns. Many charges received by the State Bar's Lawyer Regulation Department represent allegations of low-level misconduct (such as lack of

¹ This chart represents all final orders through appeal as of December 31, of each respective year.

² This includes all diversion agreements entered by the State Bar and orders issued by the Attorney Discipline Probable Cause Committee.

communication with the client) that can be appropriately resolved by means of providing instruction to the lawyer or directing the lawyer to resources that will quickly resolve the issue.

The system provides for immediate outreach to complainants and lawyers, which provides opportunities for lawyers to resolve the issue and complainants to receive an expeditious resolution.

In all cases where the State Bar decides not to proceed to investigation, the rules require an explanation to complainants regarding that decision.

The charges that are not resolved by the State Bar in Intake are moved on to investigation. The process of determining what charges are referred for investigation usually includes securing a written statement from the complainant and often includes gathering additional information.

Intake and Investigation			
	2019	2020	2021
Total charges received	2,874	2,285	2,299
Number of charges referred to investigation	480	403	464
Number of lawyers investigated relative to the charges referred	371	305	349
Percentage of complaints resolved in Intake (closed)	79%	70%	75%
Average days to resolve complaints in Intake (closed)	22	19	19
Average days to refer from Intake to Investigation	26	23	21
Average days for investigation	197	202	179

Unauthorized Practice of Law

Intake and Investigative Process

Bar counsel/Unauthorized Practice of Law Counsel initially reviews all charges alleging that a disbarred lawyer or nonlawyer has engaged in the unauthorized practice of law in Arizona. If the allegations taken as true do not constitute the unauthorized practice of law, counsel may request additional information or may dismiss the charge.

If the allegations taken as true would constitute the unauthorized practice of law, counsel will conduct an investigation. The respondent is provided with a copy of the allegations and directed to submit a written response. At the same time, counsel may obtain additional information or documents from other sources. When the investigation has been completed, the charge may be dismissed, a consent to cease and desist may be filed, or a complaint may be filed in superior court.

Formal Proceedings

Complaints alleging the unauthorized practice of law are filed in the superior court for the county in which the respondent has engaged in the unauthorized practice of law. The Rules of Civil Procedure apply in superior court proceedings, except as otherwise designated in the Supreme Court rules. Bench trials are held, as respondents are not entitled to a jury trial. Agreements to cease and desist (which may include other sanctions) must be approved by the superior court. Default proceedings are handled by a superior court judge or commissioner, depending on the county in which the case was filed.

Willful disobedience or violation of a court order requiring the individual to do or forbear an act connected with the unauthorized practice of law may result in the filing of a petition for contempt in superior court.

Appeals

A superior court’s final order or judgment may be appealed by either party to the Court of Appeals. Following the entry of a decision or opinion by the Court of Appeals, either party may file a petition for review with the Arizona Supreme Court.

Sanctions or Outcomes for Formal Matters

In 2021, cases resolved through superior court included any combination of the following sanctions: cease and desist order, injunction, finding of civil contempt, restitution, or imposition of the costs and expenses of the proceeding. Beginning in 2021, in addition to the aforementioned sanctions, a civil penalty up to \$25,000 may also be imposed.

SBA UPL Data			
	2019	2020	2021
Total UPL charges received	86	58	53
Number of UPL charges referred to investigation	49	32	27
Percentage of UPL charges resolved in Intake (closed)	41%	38%	47%
Average days to resolve UPL charges in Intake (closed)	19	15	15
Average days to refer from Intake to Investigation	17	13	14
Formal UPL Complaints	11	8	1

Dispositions			
Cease and Desist Order	10	3	1
Cease and Desist Order with Restitution	4	3	2
Dismissed	3	2	1
Pending	3	3	0
Contempt Proceedings	1	3	0
Dispositions			
Civil Contempt	-	1	0
Civil Contempt and Fines	-	1	0
Civil Contempt, Restitution, and Fines	1	1	0

Attorney Discipline Probable Cause Committee

The Attorney Discipline Probable Cause Committee (ADPCC) is a permanent committee of the Supreme Court (*See* Rule 50.) The ADPCC has three public members and six attorney members, and it meets monthly to review the State Bar’s recommendations on charges. This committee is the gatekeeper for the discipline system, and it benefits from the public members’ participation and their insight. After deliberation, the ADPCC may direct bar counsel to conduct further investigation, dismiss the allegations, or order one or more of the following: diversion, admonition, probation, restitution, and assessment of costs and expenses.

Additionally, if the committee believes the ethics violation(s) in question could justify the imposition of a reprimand, suspension or disbarment, it can authorize the State Bar to file a formal complaint with the Presiding Disciplinary Judge.

Before each monthly meeting, the State Bar provides each respondent with a written report of investigation that includes the State Bar’s recommendation on the case. Pursuant to Rule 55(b)(2)(B), the State Bar also informs the complainant of the right to submit a written response and objection to the State Bar’s recommendation.

The ADPCC meetings are confidential, and are not open to respondents, complainants or the public. At each meeting, the State Bar presents its cases orally and ADPCC members may ask

questions, request additional facts, challenge the State Bar’s recommendations or offer their own recommendations. In 2021, the ADPCC rejected or modified the State Bar’s recommendation in 4 cases. In 3 cases the ADPCC increased the severity of the recommended sanction or disposition. In 1 case it decreased the State Bar’s recommended sanction or disposition.

The ADPCC organizes its statistics in a slightly different format from that of the State Bar, tracking the number and types of orders issued:

Number of Matters³ the ADPCC Reviewed and Number of Orders Issued			
	2019	2020	2021
Number of Matters Reviewed	296	185	181
Number of Probable Cause Orders Authorizing a Formal Complaint	68	90 ⁴	87
Number of Orders of Admonition	41 ⁵	24	34
Number of Orders of Restitution	12	4	8
Number of Orders of Diversion	107	17	4
Number of Matters⁶ the ADPCC Reviewed and Number of Orders Issued			
	2019	2020	2021
Denial of Appeals from State Bar Orders of Dismissal	33	25 ⁷	24
Granted Appeals from State Bar Orders of Dismissal	4	0	1
ADPCC increased recommended sanctions or disposition (by charge)	5	5	3
ADPCC decreased recommended sanctions or dispositions (by charge)	15	6	1

Contested ADPCC Orders and Disposition

Pursuant to Rule 55(c)(4)(B), attorneys receiving an order of diversion, stay, probation, restitution, admonition or assessment of costs and expenses may contest that order by demanding formal proceedings be instituted. In that event, the ADPCC order is vacated, and the State Bar

³ A “matter” is defined as a State Bar action that results in an ADPCC order and may involve multiple charges. The statistics in this chart are calculated on a calendar year.

⁴ This includes four Probable Cause Orders from Independent Bar Counsel.

⁵ This includes two admonitions from Independent Bar Counsel.

⁶ A “matter” is defined as a State Bar action that results in an ADPCC order and may involve multiple charges. The statistics in this chart are calculated on a calendar year.

⁷ This includes three Denial of Appeals from Independent Bar Counsel.

files a formal complaint with the PDJ. In 2021, the following orders were appealed and converted to formal cases, with the following results:

20-0912	Contested Admonition with Probation, CLE, Costs, Hearing 09/21/21 Result: Dismissal Order
20-1247	Contested Admonition with Probation, LOMAP, Costs, Result: Consent
21-0487	Contested Admonition with Probation, LOMAP Result: Consent Agreement
20-2824	Contested Restitution and Costs; Pending

Formal Cases

Office of the Presiding Disciplinary Judge

The Presiding Disciplinary Judge presides over attorney regulation proceedings including transfers to disability status and discipline and reinstatement matters. The PDJ individually rules on interim suspension requests, agreements for discipline by consent, probation violations, reciprocals, petitions for transfer to disability inactive status, Rule 64 affidavit-based requests for reinstatement, and requests for protective orders. Other matters are decided by a hearing panel. The Chief Justice appoints a pool of volunteer attorney and public members to serve on hearing panels. Each three-member hearing panel is comprised of the Presiding Disciplinary Judge, one volunteer attorney member and one volunteer public member assigned by the disciplinary clerk. The hearing panels have statewide jurisdiction over any matters designated by the Court. In those matters, the hearing panels prepare findings of fact and conclusions of law. In discipline proceedings, the hearing panel issues a final judgment, subject to appeal to the Court. In reinstatement matters, the hearing panel makes a report and recommendation to the Court. In transfers to disability, the PDJ issues an appealable order regarding the request for transfer except when an agreement is entered. The disposition of the matter by the Court establishes the finality of each report and recommendation.

The Office of the Presiding Disciplinary Judge is comprised of three individuals: Judge Margaret Downie; Paralegal, Michele Smith; and Disciplinary Clerk, Susan P. Hunt. The decisions of the PDJ and the hearing panels can be found online at <http://www.azcourts.gov/pdj>.

Under Rule 46(f)(1), the Disciplinary Clerk is designated by the Court to be the custodian of the record in all discipline, disability, and reinstatement proceedings and maintains the record. Under Supreme Court Rule 51, the PDJ's authority includes imposing discipline on an attorney, alternative business structure or legal paraprofessional; transferring an attorney or legal paraprofessional to disability inactive status; and serving as a member of a hearing panel in discipline and disability proceedings.

The use of hearing panels has provided public insight and participation for the lawyer regulation system that protects the public and provides transparency. The PDJ has the authority to issue a final judgment or order imposing any sanction, including disbarment. Statistically, using the PDJ has streamlined the processing of formal proceedings.

Number of Various Filings by Category for the Past Three Years

	2019	2020	2021
Formal Complaints	44	48	47
Pre-Complaint Consent Agreements	19	22	19
Post Complaint Consent Agreements	34	30	35
Interim Suspension	2	1	3
Probation Violations	5	7	3
Disability Petitions	3	3	2
Reciprocal Discipline	4	5	7

Average Time to Order for Formal Matters

The charts below describe the average time from formal Complaint to Decision for all cases, contested cases, consent agreements and defaults.

Average Time from Formal Complaint to Decision Order for All Types of Cases			
	2019	2020	2021
Number of Days	112	98	71

Average Time from a Formal Complaint to Decision Order for Contested Cases			
	2019	2020	2021
Number of Days	161	180	99

Average Time from a Formal Complaint to Decision Order for Default Cases			
	2019	2020	2021
Number of Days	82	95	105

Average Time from a Formal Complaint to Final Order for Consent Agreements			
	2019	2020	2021
Number of Days	111	91	96

Sanctions or Outcomes for Formal Matters

Matters handled by the PDJ may result in various sanctions or outcomes including discipline, diversion or dismissal; protective orders; resignation orders and reinstatements. The charts below describe the sanctions or outcomes for the last three years. Diversions are not listed.

Sanctions & Outcomes⁸			
	2019	2020	2021
Disbarment	19	8	10
Suspension	38	35	35
Reprimand	21	23	27
Hearing Panel Dismissals	0	0	1

Protective Orders Issued by PDJ⁹			
	2019	2020	2021
Number of Protective Orders	87	76	103

Resignation Orders in Lieu of Reinstatement Issued by PDJ			
	2019	2020	2021
Number of Resignation Orders	11	7	5

Rule 64 & Rule 65 Reinstatement Applications			
	2019	2020	2021
Rule 64 (e) ¹⁰	12	12	11
Rule 65 ¹¹	4	18	16

Rule 64 and 65 Reinstatements Filed in 2021 with Status			
Cause Number*	Applicant	Recommendation by Hearing Panel	Status (As of date of report)
2021-9003-R	Neal	Reinstated	Reinstated 11/2/21
2021-9006-R	Wulsin	Reinstated	Reinstated 11/2/21
2021-9007-R	Matthews	Reinstated	Reinstated 5/24/21

⁸ This chart provides statistics of decisions issued by the Presiding Disciplinary Judge as of December 31, of the corresponding year and may include orders that were on appeal to the Supreme Court.

⁹ Protective Orders typically address concerns of public disclosure of confidential or personal information.

¹⁰ Suspensions of six months or less.

¹¹ Disbarments and suspensions of six months and one day or more or administrative suspensions exceeding two-years.

2021-9010-R	Pratscher	Reinstated	Reinstated 6/4/21
2021-9015-R	Dick	Reinstated	Reinstated 3/24/21
2021-9020-R	Nolan	Reinstated	Reinstated 3/26/21
2021-9029-R	Williams	Reinstated	Reinstated 5/5/21
2021-9009-R	Brewer	Withdrawn	Withdrawn 7/6/21
2021-9030-R	Adams	Reinstated	Withdrawn 8/10/21
2021-9034-R	Richardson	Dismissed	Dismissed 9/13/21
2021-9035-R	Bruno	Reinstated	Reinstated 5/26/21
2021-9036-R	Whipple	Reinstated	Reinstated 11/12/21
2021-9046-R	Dana	Reinstated	Reinstated 9/27/21
2021-9055-R	Svejda	Reinstated	Reinstated 7/12/21
2021-9058-R	Grant	Dismissed	Dismissed 8/17/21
2021-9066-R	Wilson	Reinstated	Reinstated 8/19/21
2021-9072-R	Spiller	Reinstated	Reinstated 8/26/21
2021-9075-R	Hineman	Reinstated	Reinstated 9/3/21
2021-9077-R	Owsley	Reinstated	Reinstated 2/2/22
2021-9079-R	Roll	Reinstated	Reinstated 9/20/21
2021-9080-R	Goldstein	Pending	Pending
2021-9082-R	Saint-George	Reinstated	Reinstated 1/21/22
2021-9086-R	Lunn	Reinstated	Reinstated 10/25/21
2021-9091-R	Monaco	Reinstated	Reinstated 11/4/21
2021-9092-R	Williams	Reinstated	Reinstated 1/11/22
2021-9097-R	Wulf	Reinstated	Reinstated 2/28/22

2021-9115-R	Carr	Pending	Pending
2020-9090-R	Vernon	Reinstated	Reinstated 10/05/21

* Rule 64 reinstatements are by affidavit and ruled upon by the PDJ without the hearing panel.

Appeals to the Supreme Court

Sanctions or outcomes of matters handled by the PDJ may be appealed to the Supreme Court. The chart below describes the notices of appeal either filed or concluded in 2021.

2021 Notice of Appeals filed with Disciplinary Clerk with Status			
Cause Number	Case Name	Action or Sanction	Status (As of Date of Report)
2021-9012	Forrester	Appeal dismissed	Dismissed 12/2/21
2021-9078	McCarthy	Appeal pending	Pending 1/25/22
2020-9108	O'Connor	Dismissed appeal	Dismissed 9/17/21
2020-9059	Bermudez	Application denied	Denied 9/1/21
2020-9030	Shannon	Denied appeal	Denied 7/30/21
2019-9044	Levy	Appeal Pending	Pending
2020-9090	Vernon	Reinstated	10/05/21

Certificates of Good Standing and Discipline History Reports

Certificates of Good Standing (COGS) and Discipline History (DH) Reports are processed by the Administrative Office of the Courts' Certification and Licensing Division and then they are reviewed and issued by the Disciplinary Clerk, pursuant to Ariz. Sup. Ct. Rule 74.

Certificates of Good Standing & Discipline History Requests			
	2019	2020	2021
COGS	1662	1582	1490
DH	655	677	626

Independent Bar Counsel

In 2001, the State Bar Board of Governors created a volunteer Conflict Case Committee (“Committee”) to timely process, investigate and prosecute all aspects of disciplinary matters that, because of the involvement (as applicants, complainants, respondents, material witnesses, or otherwise) of lawyers or others connected with the lawyer discipline system or the State Bar Board of Governors, should not be handled by counsel in the State Bar Lawyer Regulation Office due to conflict of interest concerns. Effective January 1, 2011, the Arizona Supreme Court substantially modified Arizona’s lawyer discipline system, eliminating the Hearing Officer and Disciplinary Commission positions that generated much of the Committee’s work, and replacing the State Bar Probable Cause Panelist with the Attorney Discipline Probable Cause Committee. The Court further determined that the timely, fair and impartial resolution of the cases previously assigned to the Committee and similar cases would be improved by devoting personnel and administrative resources in addition to those available using volunteers.

Accordingly, by Administrative Orders 2014-11 and 2018-20, the Court established the position of Independent Bar Counsel (“IBC”) and appointed a volunteer attorney panel to assist as necessary with the investigation and prosecution of matters assigned to IBC by the State Bar. The IBC reports quarterly to the chair of the ADPCC as to the status of all matters pending and issues a report annually generally describing the nature and disposition of qualifying matters resolved during the preceding year.

The annual report also allows IBC to make any recommendations for improving Arizona’s lawyer admission, discipline, disability and reinstatement procedures. The following is the IBC report for 2021.

Independent Bar Counsel’s Report Pursuant to Admin. Order 2018-20

General description of the nature and disposition of Qualifying Matters resolved by Independent Bar Counsel during the preceding year.

This report includes cases for calendar year 2021. During that time, Independent Bar Counsel (“IBC”) received a total of 2 new complaints. Below is a breakdown showing detail regarding the nature of the qualifying matter:

4(a)(i) (Board member)	4(a)(ii) (State Bar staff)	4(a)(iii) (ADPCC member)	4(a)(iv) (Lawyer previously with the State Bar)	4(a)(v) (Hearing Panel member)	4(b) (Other matters assigned by Chief Justice)	4(c) (Related matter)
1	0	0	0	0	1	0

A total of 25 cases were resolved in 2021 with the following breakdown:

Disbarment	Suspension	Reprimand	Admonition	Diversion or “other appropriate action” per Rule 55(a)(2)(B)	Dismissal with Comment	Dismissal
0	4	0	2	0	0	19

Of those 25 matters resolved in 2021, the average length of investigation¹² was 123 days.

IBC’s recommendations for improvements to Arizona lawyer admission, discipline, disability and reinstatement procedures.

IBC has not yet had an opportunity to become involved in matters of lawyer admission, disability or reinstatement proceedings and consequently has no recommendations other than to remind those involved with lawyer admission, disability or reinstatement of the availability to assist. Currently, IBC does not have any recommended improvements to the attorney discipline system.

III. Review by the Arizona Supreme Court

The Arizona Supreme Court has exclusive authority over the regulation of attorneys. *Scheehle v. Justices of the Supreme Court of the State of Arizona*, 211 Ariz. 282, 289 (2005). “[T]he practice of law is a matter exclusively within the authority of the Judiciary. The determination of who shall practice law in Arizona and under what condition is a function placed by the state constitution in this court,” *Hunt v. Maricopa County Employees Merit Sys. Comm’n*, 127 Ariz. 259, 261–62 (1980). In addition to overseeing the attorney discipline and admissions procedures in Arizona, the Court reviews specific cases that come before it for review. The Court considers appeals in formal attorney disciplinary matters, reviews recommendations of hearing panels in reinstatement cases, considers petitions for review from decisions of the Committee on Character and Fitness and the Committee on Examinations in admissions matters, and reviews recommendations for the conditional admission of applicants. Below are statistics for attorney discipline and admission cases that came before the Court in the past three years.

DISCIPLINARY APPEALS			
	2019	2020¹³	2021
Filed	5	4	6
Concluded	6	6	5

¹² The IBC position was created as a part-time position, limiting the number of workdays available per month. Workdays, subject to this limitation, were used for the purpose of calculating the average length of investigations, rather than business days or calendar days.

¹³ The 2020 statistics include an appeal that required a remand to the hearing panel.

Pending at year end	4	2	3
Average Days to Conclusion	182	285	166

REINSTATEMENTS			
	2019	2020	2021
Filed	3	4	8
Concluded	6	5	7
Pending at year end	1	0	1
Average Days to Conclusion	83	65	84

PETITIONS FOR REVIEW (ADMISSION)			
	2019	2020	2021
Filed	18	16	18
Concluded	19	16	21
Pending at Year End	8	8	4
Average Days to Conclusion	64	61	65

CONDITIONAL ADMISSIONS			
	2019	2020	2021
Filed	12	8	10
Concluded	11	10	10
Pending at Year End	3	0	0
Average Days to Conclusion	46	44	47

IV. ARC Action on Rule-Change Petitions

During 2021, ARC participated in drafting portions of proposed rule changes or provided comments on the following rule petitions:

Petition No.	Affected Rule(s)	Summary	Action	Comments Filed
R-21-0009	Rule 32, 42 (ER 8.3) and 48	Strengthen the State Bar's Member Assistance Program.	Staff drafted comment in support	4/22/2021
R-21-0013	Rule 34(f)(4)	AOM- Failed an Arizona bar examination or failed to achieve the Arizona scaled score within 5 years of applying for admission on motion.	Staff drafted a comment: Oppose draft as written but agree to reduce time to 3 of 5 years	4/22/2021

R-21-0015	Rule 75-80	Unauthorized practice of law in Arizona.	Staff drafted a comment in support	4/22/2021
R-21-0016	Rule 45(a)(2)	Dedicate one hour of CLE to training on diversity and inclusion	Scott Rhodes drafted comment in support	4/22/2021
R-21-0017	Rule 34(f) and (h)	AOM who chose not to continue admission in other jurisdictions and resigned in good faith.	Staff drafted comment in support	4/22/2021
R-21-0018	Rule 42.1	To add Legal Paraprofessional jurisdiction	Staff drafted comment in support and suggested adding ABS compliance lawyers	4/22/2021