

**Rule 64. Reinstatement Eligibility**  
Arizona Revised Statutes Annotated  
Rules of the Supreme Court of Arizona  
Effective: January 1, 2020

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A.R.S. Sup. Ct. Rules, Rule 64  
**Rule 64. Reinstatement Eligibility**

**(a) General Standard.** Except as provided in paragraph (e)(2) of this rule, in order to be reinstated to the active practice of law, a suspended or disbarred lawyer or a lawyer on disability inactive status must show by clear and convincing evidence that the lawyer has been rehabilitated and/or overcome his or her disability, and possesses the moral qualifications and knowledge of the law required for admission to practice law in this state in the first instance. However, the requirements for reinstatement after summary suspension are as stated in paragraph (f) of this rule.

**(b) Presumptive Disqualification.** There shall be a presumption, rebuttable by clear and convincing evidence presented at the hearing, that a lawyer who has been convicted of a misdemeanor involving a serious crime or of any felony shall be disqualified for reinstatement. "Serious crime" includes any crime, a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful extortion, misappropriation, theft, or moral turpitude, including a conspiracy, a solicitation of another, or any attempt to commit a serious crime.

**(c) Additional Requirements.** If the applicant has been on disability inactive status or suspended for a period of five (5) years at the time the application is filed, or has been disbarred, in addition to other requirements of these rules relating to reinstatement, the applicant shall be required to apply for admission and pass the bar examination as required, unless the applicant meets the criteria to apply for reinstatement pursuant to paragraph (f)(1)(B) of this rule. An applicant subject to the additional requirements under this paragraph shall pay the fees required of an applicant for original admission to the practice of law in addition to fees, costs and expenses required of all applicants for reinstatement.

**(d) Reinstatement After Disbarment.** A lawyer who has been disbarred may apply for reinstatement, as set forth in Rule 65, not sooner than ninety (90) days prior to the fifth anniversary of the effective date of the disbarment, but may not be reinstated until after the fifth anniversary of the effective date of the disbarment.

**(e) Reinstatement After Suspension by the Presiding Disciplinary Judge, the Hearing Panel, or the Court.**

1. *Six Months or More.* A lawyer who has been suspended for more than six (6) months may apply for reinstatement, as set forth in Rule 65, no sooner than ninety (90) days prior to the expiration of the period of suspension set forth in the judgment, but may not be reinstated until the full period of suspension has been served.

2. *Six Months or Less.*

A. *Affidavit.* A lawyer who has been suspended for six (6) months or less may apply for reinstatement no sooner than ten (10) days before the expiration of the period of suspension by filing with the disciplinary clerk and by serving upon the state bar an affidavit for reinstatement. The affidavit shall include an avowal that the lawyer has fully complied with the requirements of the suspension judgment or order, and has paid all required fees, costs and expenses. The lawyer need not show proof of rehabilitation. If an affidavit is not filed within one hundred eighty (180) days after expiration of the period of suspension the reinstatement procedure set forth in Rule 65 shall apply.

B. *Opposition.* Within ten (10) days of service of the affidavit, or within the time period permitted by the presiding disciplinary judge, the state bar may file and serve an opposition to the affidavit. If an opposition is filed, the matter shall be submitted to the presiding disciplinary judge for review and the member may not resume the practice of law until reinstated by order of the presiding disciplinary judge. If no timely opposition is filed, the state bar shall be deemed to consent to reinstatement, and the member may resume the practice of law upon order of the presiding disciplinary judge.

3. Suspended members shall remain suspended until an order is entered by the presiding disciplinary judge or the court reinstating the member to the active practice of law. This provision shall not apply to members who are summarily suspended by the board pursuant to Rule 62 of these rules and have filed their application for reinstatement within two years from the effective date of the suspension or otherwise qualify for reinstatement pursuant to paragraph (f)(1)(B) of this rule.

**(f) Reinstatement After Summary Suspension by the Board of Governors;  
Resignation in Lieu of Reinstatement.**

1. *Reinstatement After Summary Suspension.*

A. *Within Two (2) Years.* The application of a member summarily suspended shall be filed with the board within two years from the effective date of the suspension on a form approved and provided by the court and be accompanied by:

(i) proof of cure of the grounds upon which the suspension order was entered;

(ii) payment equal to the amount of fees, assessments, and administrative costs, if any, the applicant would have been required to pay had the applicant remained

an active member to the date of the application, plus the reinstatement fee and any applicable delinquency or late fees; and

(iii) proof of completion of any hours of continuing legal education activity required had the applicant remained an active member to the date of the application.

Upon verification of compliance, the board shall enter an order of reinstatement.

B. After Two (2) Years. If an application is not filed within two years from the effective date of suspension, the reinstatement procedure set forth in Rule 65 of these rules shall apply. If the suspension is based solely on failure to pay annual dues and/or failure to maintain required MCLE, the applicant need not demonstrate rehabilitation; the applicant need only prove compliance with all rules, fitness to practice and competence under Rule 65(b)(2). Notwithstanding this provision, a suspended member may apply for reinstatement under the provisions of paragraph (f)(1)(A) as set forth above by submitting proof that the suspended member:

(i) is admitted to practice in another jurisdiction;

(ii) has actively practiced in that jurisdiction during the entirety of the summary suspension period;

(iii) has not had a disciplinary sanction imposed and has been a member in good standing in that jurisdiction during the entirety of the summary suspension period; and

(iv) has complied with all other application requirements set forth in paragraph (f)(1)(A) above.

Upon verification of compliance, the board shall enter an order of reinstatement.

*2. Resignation in Lieu of Reinstatement.* Notwithstanding the provisions of Rule 32(c)(11) of these rules, a member who has been summarily suspended by the board may resign from membership, in lieu of seeking reinstatement. Such a resignation shall become effective when filed in the office of the Records Manager of the state bar, accepted by the board, and approved by the presiding disciplinary judge. Such resignation shall not be accepted if there is a disciplinary charge or complaint pending against the member. After the resignation is approved by the presiding disciplinary judge, such person shall not represent to any other jurisdiction that such person resigned while in good standing. Such a resignation shall not be a bar to the institution of subsequent discipline proceedings for any conduct of the resigned person occurring prior to the resignation. In the event such resigned person thereafter is disbarred, suspended or reprimanded, the resigned person's status shall be changed from "resigned person" to that of a person so disciplined. A summarily suspended member who resigned in lieu of seeking reinstatement shall not be eligible for reinstatement, but

may be readmitted to membership through the application procedures set forth in Rule 34 of these rules.

### **Credits**

Added June 9, 2003, effective Dec. 1, 2003. Amended Oct. 4, 2004, effective Dec. 1, 2004; June 9, 2005, effective Dec. 1, 2005; Sept. 16, 2008, effective Jan. 1, 2009; Sept. 29, 2008, effective Jan. 1, 2009. Amended and effective Feb. 9, 2009. Amended June 30, 2010, effective Jan. 1, 2011; Aug. 30, 2012, effective Jan. 1, 2013; Sept. 2, 2016, effective Jan. 1, 2017; Aug. 27, 2019, effective Jan. 1, 2020.

### **Editors' Notes**

#### **HISTORICAL NOTES**

##### **Source:**

ABA Model Rule 23.

Former Rules 39, 40, 41(k).

Former Rule 71.

Former Rule 64, was abrogated by order dated June 9, 2003, effective Dec. 1, 2003.

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Current with amendments received through 11/1/19