

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
EXPENSES ASSESSED IN LAWYER)	Administrative Order
DISCIPLINARY PROCEEDINGS)	<u>No. 2011 - 17</u>
)	(Affecting Administrative Order
)	No. 2009-26)
)	

In accordance with Rule 32(d) of the Arizona Rules of the Supreme Court, a schedule of general administrative expenses to be assessed in lawyer discipline (including reciprocal discipline), disability, interim suspension, and summary suspension proceedings shall be established by the Board of Governors of the State Bar of Arizona with the consent of this Court.

Now, therefore, in accordance with Rule 32(d) and (l) of the Arizona Rules of the Supreme Court and this Court’s constitutional and inherent administrative authority to assess costs and expenses in lawyer disciplinary proceedings, *In re Shannon*, 179 Ariz. 52, 876 P. 2d 548 (1994), this Court has considered the schedule of general administrative expenses; and

IT IS ORDERED adopting the following schedule of general administrative expenses to be assessed in lawyer discipline (including reciprocal discipline), disability, interim suspension, and summary suspension proceedings, effective upon signature of this Order.

<u>Point at Which Matter Terminates</u>	<u>Assessment of General Administrative Expenses¹</u>
Attorney Discipline Probable Cause Committee imposed orders	\$600 per order imposing admonition, probation, restitution, or any other sanction consented to by the respondent lawyer
Matter settled with consent agreement without contested hearing	\$1,200*
After default in answering formal complaint	\$2,000*
After contested hearing with no appeal	\$4,000*
Appeal to Supreme Court	\$6,000*
Consent to disbarment	Assessment is based on the

	stage at which the consent is filed (see above)
Interim suspension	\$1,200*
Reciprocal discipline proceedings	
Uncontested	\$1,200*
Contested	Same schedule as for formal proceedings (see above)
Transfer to disability	\$1,200
Summary suspension	\$1,200

¹ General administrative expenses include, but are not limited to, the following types of expenses incurred or payable by the State Bar of Arizona: administrative time expended by staff bar counsel, paralegals, legal assistants, secretaries, typists, file clerks and messengers; postage charges, telephone costs, normal office supplies, and other expenses normally attributed to office overhead. General administrative expenses do not include such things as travel expenses of State Bar employees, investigator's time, deposition or hearing transcripts, or supplies or items purchased specifically for a particular case. In addition to an assessment of general administrative expenses, the Attorney Discipline Probable Cause Committee, Presiding Disciplinary Judge (PDJ), and this Court may, pursuant to Rule 55(c) (4) and Rule 60(b) of the Rules of the Supreme Court and this Court's holding in *In re Shannon*, 179 Ariz. 52, 876 P.2d 548 (1994), assess costs and expenses not part of the general administrative expenses (which is the current practice).

*This amount is the assessment for the general administrative expenses for up to five charges/complainants per proceeding. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

IT IS FURTHER ORDERED that in any matter where the State Bar appeals the order of the Presiding Disciplinary Judge, and where the State Bar does not prevail on appeal, the assessed general administrative expenses shall be based on the cost schedule that would have been imposed if there had been no appeal.

IT IS FURTHER ORDERED that the State Bar shall continue to appropriate and disburse, in accordance with Rule 32 of the Arizona Rules of the Supreme Court, funds collected from general administrative expenses, as well as other costs and expenses, imposed in lawyer disciplinary proceedings.

IT IS FURTHER ORDERED that the former schedule for general administrative expenses approved by Supreme Court Administrative Order No. 2009-26 will be applied in accordance with

Administrative Order No. 2010-83. Therefore, the formal schedule of general administrative expenses shall apply in:

- a. Formal discipline and disability cases and applications for reinstatement in which a hearing on the merits, a hearing on a consent agreement, an aggravation/mitigation hearing on a default matter, or a hearing on a reinstatement application has commenced or been concluded by December 31, 2010; and
- b. Informal cases in which a hearing has occurred prior to December 31, 2010, on a respondent's appeal of a probable cause panelist's order pursuant to Rule 54(c) where no decision has been rendered.

Dated this 31st day of January, 2011.

FOR THE COURT:

REBECCA WHITE BERCH
Chief Justice