

Arizona Supreme Court

Rule 28 Petition

R-23-0051

RULE 42 (ER 1.8), RULES OF SUPREME COURT

Appellate Case Information

Case Filed: 21-Nov-2023
Case Closed: 20-Aug-2024

Dept/Composition

Side 1. RULE 42 (ER 1.8), RULES OF SUPREME COURT, Other

(Litigant Group) PETITIONER: ARIZONA SUPREME COURT ETHICS ADVISORY COMMITTEE

- Arizona Supreme Court Ethics Advisory Committee, Petitioner
Hon Christopher P Staring, Arizona Supreme Court Ethics Advisory Committee, Petitioner

(Litigant Group) COMMENTOR: WILLIAM MOORE

- William Moore, Commentor

(Litigant Group) COMMENTOR: MARICOPA COUNTY ATTORNEY'S OFFICE

- Maricopa County Attorney's Office, Commentor

Attorneys for: Commentor

Rachel H Mitchell, Esq. (AZ Bar No. 14560)
Blaine D Gadow, Esq. (AZ Bar No. 15741)

(Litigant Group) COMMENTOR: THE MARICOPA COUNTY INDIGENT DEFENSE OFFICES

- Maricopa County Office of Public Defense Services, Commentor
Maricopa County Office of the Legal Advocate, Commentor
Maricopa County Legal Defender's Office, Commentor
Maricopa County Public Defender's Office, Commentor
Maricopa County Office of the Public Advocate, Commentor

Attorneys for: Commentor

Rosemarie Pena-Lynch, Esq. (AZ Bar No. 23400)
Steve B Koestner, Esq. (AZ Bar No. 11566)
Sherri McGuire Lawson, Esq. (AZ Bar No. 13605)
Gary M Kula, Esq. (AZ Bar No. 12507)

(Litigant Group) COMMENTOR: STATE BAR OF ARIZONA

- State Bar of Arizona, Commentor

Attorneys for: Commentor

Lisa M Panahi, Esq. (AZ Bar No. 23421)

(Litigant Group) COMMENTOR: ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- Arizona Attorneys for Criminal Justice, Commentor

Attorneys for: Commentor

David J Euchner, Esq. (AZ Bar No. 21768)
Seth M Apfel, Esq. (AZ Bar No. 32225)

(Litigant Group) COMMENTOR: MARY DREYER

- Ms Mary F Dreyer, Commentor
AZ Bar No. 16905
[Current Member]
Admitted 5/18/96

CASE STATUS

Aug 20, 2024...Case Closed

Aug 20, 2024...Decision Rendered

CASE DECISION

20-Aug-2024 ORDER

* WOULD AMEND ER 1.8 (RULE 42 OF THE RULES OF THE SUPREME COURT OF ARIZONA) TO PERMIT A LAWYER REPRESENTING AN INDIGENT CLIENT TO GIVE THE CLIENT MODEST GIFTS FOR BASIC LIVING EXPENSES

Filed: 20-Aug-2024 Mandate:

Decision Disposition

Denied

ORDERED: Petition to Amend Rule 42 (ER 1.8), Arizona Supreme Court

Arizona Supreme Court

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RULE 42 (ER 1.8), RULES OF SUPREME COURT

9 PROCEEDING ENTRIES

1. 21-Nov-2023 FILED: Petition to Amend Rule 42 (ER 1.8), Arizona Supreme Court Rules (Petitioner, Arizona Supreme Court Ethics Advisory Committee by Hon. Christopher Staring, Chair)
2. 17-Jan-2024 Rule petitions have been filed in the above-captioned matters under Rule 28(a), Rules of the Supreme Court of Arizona. Upon consideration,

IT IS ORDERED that these petitions are opened for public comment pursuant to Rule 28(c), Rules of the Supreme Court of Arizona. Comments must be submitted by no later than Wednesday, May 1, 2024, and any reply by a petitioner must be submitted no later than Monday, June 3, 2024.

The petitions may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. Petitions are posted under the appropriate body of rules, for example, Rules of Criminal Procedure, which is found by scrolling down the page.

For instructions on how to post comments electronically, follow the steps listed above and click on <http://www.azcourts.gov/rules/Forum-FAQ> at the top of the "Forum FAQ" page and then "How do I file a comment on a Rule 28 petition?"

Alternatively, commenters may submit comments by filing an original and one paper copy of the comment and one electronic copy of the written comments and supporting documents in Microsoft Word format on a CD or other compatible electronic medium with the Clerk of the Supreme Court, 1501 West Washington St., Room 402, Phoenix, AZ 85007 in an envelope marked "Rule Comment."

Any person filing a comment must send a copy of the comment to the Petitioner electronically or by ordinary mail. (Hon. John R. Lopez IV)
3. 6-Apr-2024 FILED: (Comment) (William Moore)
4. 11-Apr-2024 FILED: Maricopa County Attorney's Office Comment In Opposition (Maricopa County Attorney's Office by Rachel H. Mitchell, Maricopa County Attorney and Blaine Gadow, Chief Deputy)
5. 29-Apr-2024 FILED: Joint Comment by the Directors of the Maricopa County Indigent Defense Agencies (The Maricopa Indigent Defense Offices by Rosemarie Pena-Lynch, Steve Koestner, Sherri McGuire Lawson, Gary Kula, Shannon Burns)
6. 1-May-2024 FILED: State Bar of Arizona Comment (State Bar of Arizona by Lisa M. Panahi, General Counsel)
7. 1-May-2024 FILED: Comment of Arizona Attorneys for Criminal Justice regarding Petition to Amend Arizona Rule of Supreme Court 42, ER 1.8 (Arizona Attorneys for Criminal Justice by David J. Euchner and Seth M. Apfel)
8. 2-May-2024 FILED: Comment Supporting an Amendment to Rule 42 (ER 1.8), Ariz. R. Sup. Ct. (Mary Dreyer)
9. 20-Aug-2024 WOULD AMEND ER 1.8 (RULE 42 OF THE RULES OF THE SUPREME COURT OF ARIZONA) TO PERMIT A LAWYER REPRESENTING AN INDIGENT CLIENT TO GIVE THE CLIENT MODEST GIFTS FOR BASIC LIVING EXPENSES

ORDERED: Petition to Amend Rule 42 (ER 1.8), Arizona Supreme Court Rules = DENIED.
