

Arizona Supreme Court

Rule 28 Petition

R-23-0056

RULE 42 (ER 4.2), RULES OF THE SUPREME COURT

Appellate Case Information

Case Filed: 13-Dec-2023

Case Closed:

Dept/Composition

Side 1. RULE 42 (ER 4.2), RULES OF THE 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

CASE STATUS

Aug 22, 2024....Continued

Dec 13, 2023....Pending

4 PROCEEDING ENTRIES

1. 13-Dec-2023 FILED: Petition to Amend Rule 42 (ER 4.2), Ariz. R. Sup. Ct. (Petitioner Arizona Supreme Court Ethics Advisory Committee, 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. 20-Aug-2024 WOULD AMEND ER 4.2 (RULE 42, RULES OF THE SUPREME COURT OF ARIZONA) TO PROVIDE THAT A LAWYER MAY COMMUNICATE WITH A REPRESENTED GOVERNMENT OFFICIAL WITHOUT THE CONSENT OF THE OFFICIAL'S WOULD AMEND ER 4.2 (RULE 42, RULES OF THE SUPREME COURT OF ARIZONA) TO PROVIDE THAT A LAWYER MAY COMMUNICATE WITH A REPRESENTED GOVERNMENT OFFICIAL WITHOUT THE CONSENT OF THE OFFICIAL'S LAWYER ONLY IF THE LAWYER NOTIFIES THE OFFICIAL'S LAWYER IN ADVANCE OR SIMULTANEOUSLY WITH THE COMMUNICATION  
  
ORDERED: Petition to Amend Rule 42 (ER 4.2), Ariz. R. Sup. Ct. = CONTINUED until the December 2024 Rules Agenda.  
  
FURTHER ORDERED: The proposed amendments as revised are opened for public comment, with all comments due no later than October 1, 2024 and any reply due no later than October 15, 2024.

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**4 PROCEEDING ENTRIES**

4. 22-Aug-2024 In December 2023, this rule petition was filed proposing to amend Ethical Rule 4.2, Rule 42 of the Rules of the Supreme Court of Arizona to specifically address communications with government representatives in matters in which the government entity is represented by counsel. No comments were received. The Court considered the petition during its August 2024 Rules Agenda, along with another petition to amend the Ethical Rules concerning government lawyers. See R-24-0003. In light of the changes adopted through that petition, as well as modifications that this Court is considering in the proposed amendments to this rule petition,

IT IS ORDERED that the Court's consideration of R-23-0056 is continued until the December 2024 Rules Agenda.

IT IS FURTHER ORDERED that the amendments to Ethical Rule 4.2, Rule 42 of the Rules of the Supreme Court of Arizona shown in the attachment to this order are opened for public comment under Rule 28(c), Rules of the Supreme Court of Arizona, with all comments due no later than October 1, 2024, and any reply due no later than October 15, 2024.

The amendments shown in the attachment may be viewed by going to: <http://www.azcourts.gov/Rules-Forum>. This opens the "Welcome" page. This order and its attachment are posted under the file for this rule petition, which can be found by opening the category "Rules of the Supreme Court" and scrolling down the page.

For instructions on how to post comments electronically, click on <https://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. Ann A. Scott Timmer)