

Arizona Supreme Court

Rule 28 Petition

R-24-0003

RULES 42 AND 45, RULES OF SUPREME COURT

Appellate Case Information

Case Filed: 4-Jan-2024

Case Closed: 22-Aug-2024

Dept/Composition

Side 1. RULES 42 AND 45, RULES OF THE SUPREME COURT, Other

(Litigant Group) PETITIONER: TASK FORCE ON ETHICS RULES GOVERNING THE STATE ATTORNEY GENERAL, COUNTY ATTORNEYS, AND OTHER PUBLIC LAWYERS

- Task Force on Ethics Rules Governing the State Attorney Gene, Petitioner
Hon William G Montgomery, Task Force on Ethics Rules Governing the State Attorney Gene, Petitioner

(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: UNITED STATES ATTORNEY'S OFFICE FOR THE DISTRICT OF ARIZONA

- United States Attorney's Office, Commentor

Attorneys for: Commentor

Gary M Restaino, Esq. (AZ Bar No. 17450)

(Litigant Group) COMMENTOR: ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL ("APAAC")

- Arizona Prosecuting Attorneys' Advisory Council, Commentor

Attorneys for: Commentor

Elizabeth Burton Ortiz, Esq. (AZ Bar No. 12838)

William P Ring, Esq. (AZ Bar No. 12860)

(Litigant Group) COMMENTOR: ARIZONA ATTORNEY GENERAL'S OFFICE

- Arizona Attorney General's Office, Commentor

Attorneys for: Commentor

Kristin K Mayes, Esq. (AZ Bar No. 22584)

Nicholas Klingerman, Esq. (AZ Bar No. 28231)

Krista Wood, Esq. (AZ Bar No. 25503)

(Litigant Group) COMMENTOR: ARIZONA ATTORNEYS FOR CRIMINAL JUSTICE

- Arizona Attorneys for Criminal Justice, Commentor

Attorneys for: Commentor

Molly Patricia Brizgys, Esq. (AZ Bar No. 29216)

Kathleen E Brody, Esq. (AZ Bar No. 26331)

CASE STATUS

Aug 22, 2024....Case Closed

Aug 22, 2024....Decision Rendered

CASE DECISION

22-Aug-2024 ORDER

\* A petition having been filed proposing to amend Rule 42, including various Ethical Rules and comments, and Rule 45 of the Rules of the Supreme Court of Arizona, and comments having been received, upon consideration,

IT IS ORDERED that Rules 42 and 45

Ann Timmer

Filed: 22-Aug-2024

Mandate:

Decision Disposition

Adopted

Arizona Supreme Court

Rule 28 Petition

R-24-0003

RULES 42 AND 45, RULES OF SUPREME COURT

10 PROCEEDING ENTRIES

1. 4-Jan-2024 FILED: Petition to Amend Rules 42 and 45, Rules of the Arizona Supreme Court; Appendix A; Appendix B; Appendix C; Report to the Arizona Judicial Council from Task Force on Ethics Rules Governing the State Attorney General, County Attorneys, and Other Public Lawyers (Petitioner Task Force on Ethics Rules Governing the State Attorney General, County Attorneys, and Other Public Lawyers by William G. Montgomery, 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. 11-Apr-2024 FILED: Maricopa County Attorney's Office Comment Requesting That Consideration Be Delayed (Maricopa County Attorney's Office by Rachel H. Mitchell, Maricopa County Attorney and Blaine Gadow, Chief Deputy)
4. 28-Apr-2024 FILED: Comment on Proposed Amendment (United States Attorney's Office for the District of Arizona by Gary M. Restaino, United States Attorney)
5. 1-May-2024 FILED: Arizona Prosecuting Attorneys' Advisory Council Comment in Support of Petition (Arizona Prosecuting Attorneys' Advisory Council ("APAAC") by Elizabeth Burton Ortiz, Executive Director and William P. Ring)
6. 1-May-2024 FILED: Comment Re Petition to Amend Rules 42 and 45, Rules of the Arizona Supreme Court (Arizona Attorney General's Office by Kristin Mayes, Arizona Attorney General, Nicholas Klingerman and Krista Woods, Assistant Attorneys General)
7. 1-May-2024 FILED: AACJ Comment to the Petition to Amend Rules 42 and 45, Rules of the Supreme Court of Arizona (Arizona Attorneys for Criminal Justice (AACJ) by Molly Brizgys and Kathleen E. Brody)
8. 30-May-2024 FILED: Task Force Reply to the Comments; Appendix A; Appendix B; Appendix C (Petitioner Task Force on Ethics Rules Governing the State Attorney General, County Attorneys, and Other Public Lawyers by William G. Montgomery, Chair)
9. 20-Aug-2024 WOULD AMEND THE PREAMBLE AND EIGHT ETHICAL RULES IN RULES 42, RULES OF THE SUPREME COURT OF ARIZONA, TO CLARIFY THE ETHICAL OBLIGATIONS OF GOVERNMENT LAWYERS AND AMEND RULE 45 OF THE SAME RULES TO IMPOSE AN ADDITIONAL CLE REQUIREMENT ON SUCH LAWYERS  
  
ORDERED: Petition to Amend Rules 42 and 45, Rules of the Arizona Supreme Court = ADOPTED as modified, effective January 1, 2025.
10. 22-Aug-2024 A petition having been filed proposing to amend Rule 42, including various Ethical Rules and comments, and Rule 45 of the Rules of the Supreme Court of Arizona, and comments having been received, upon consideration,  
  
IT IS ORDERED that Rules 42 and 45 of the Rules of the Supreme Court of Arizona are amended in accordance with the attachment to this order, effective January 1, 2025. (Hon. Ann A. Scott Timmer)