

Arizona Supreme Court
State Bar Petition for Review - Committee on C&F

SB-24-0045-PR

In the Matter of TIFFINEY D. FRANKS

Appellate Case Information

Case Filed: 20-Aug-2024
Case Closed: 11-Sep-2024

Dept/Composition

Side 1. In the Matter of TIFFINEY D. FRANKS, Other
(Litigant Group) In the Matter of TIFFINEY D. FRANKS

• Tiffiney D. Franks, Applicant PRO SE

(Litigant Group) COMMITTEE ON CHARACTER AND FITNESS

• Committee on Character and Fitness

Attorneys for: Committee on Character and Fitness
James B Morse, Jr., Esq. (AZ Bar No. 19915)

CASE STATUS

Sep 11, 2024....Case Closed

Sep 11, 2024....Decision Rendered

CASE DECISION

11-Sep-2024 ORDER

* The Court en banc has considered Applicant Tiffiney D. Franks' Verified Petition for Review on an expedited basis. Applicant asks the Court to waive the requirement in Ariz. R. Sup. Ct. 34(f)(1)(C) that an applicant for admission on motion "submit evid

Filed: **11-Sep-2024** Mandate:

Decision Disposition

Granted

Ann Timmer

6 PROCEEDING ENTRIES

1. 20-Aug-2024 FILED: Verified Petition for Review; Certificate of Service; Exhibit 1 (Applicant Franks, Pro Se)
2. 22-Aug-2024 FILED: Response to Verified Petition for Review; Certificate of Service (Committee on Character and Fitness)

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3. 9-Sep-2024 The Court en banc has considered Applicant Tiffiney D. Franks' Verified Petition for Review on an expedited basis. Applicant asks the Court to waive the requirement in Ariz. R. Sup. Ct. 34(f)(1)(C) that an applicant for admission on motion "submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction." A passing score for the MPRE is 85. See Administrative Order 2023-159.
- Applicant advises that she sat for the MPRE in August 2018 and earned a score of 81 before graduating from Atlanta's John Marshall Law School. A MPRE passing score in Georgia is 75, and she was admitted to the Georgia Bar in November 2019. As a new admittee, she was required to complete the mandatory Transition Into Law Practice Program ("TILPP") where she "received direct mentorship and earned continuing legal education credits, particularly in professionalism and legal ethics." She advises, "Compliance with TILPP necessitates certification that all program requirements, including those related to legal ethics, have been fully satisfied." She also advises that since her admission in 2019, she has met Georgia's continuing legal education ("CLE") requirements which require 1 hour of ethics and one hour of professionalism and a total of 12 CLE credits.
- The Committee on Character and Fitness filed a response to the Petition advising that it does not have authority to waive or modify Rule 34(f)(12)(C) and takes no position on whether the Court should grant the waiver.
- Notwithstanding the practical aspects of the TILPP, Applicant has not established that the mentoring program and CLE requirements cover the twelve categories in the MPRE Subject Matter Outline: https://www.ncbex.org/sites/default/files/2023-01/MPRE_Subject_Matter_Outline.pdf. Therefore,
- IT IS ORDERED denying the request for waiver without prejudice to Applicant submitting relevant information to establish that Applicant possesses a current understanding of the rules of professional ethics, which may include information on how the TILPP program compares to the MPRE topics. Any such supplemental information may be filed under this case number no later than 30 days from the date of this Order.
- IT IS FURTHER ORDERED that any supplemental petition must be filed in this Court and must comply with Rule 36(h). (Hon. Ann A. Scott Timmer)
4. 9-Sep-2024 FILED: Applicant's Supplemental Verified Petition for Review; Certificate of Service; Exhibit A- Model Mentoring Plan (Applicant Franks, Pro Se)
5. 10-Sep-2024 FILED: Notice of Errata; Certificate of Service; Exhibit A- Model Mentoring Plan (Applicant Franks, Pro Se)
6. 11-Sep-2024 The Court en banc has considered Applicant Tiffiney D. Franks' Verified Petition for Review on an expedited basis. Applicant asks the Court to waive the requirement in Ariz. R. Sup. Ct. 34(f)(1)(C) that an applicant for admission on motion "submit evidence of a passing score on the Multistate Professional Responsibility Examination ("MPRE") as it is established in this jurisdiction." A passing score for the MPRE is 85. See Administrative Order 2023-159.
- Applicant advises that she sat for the MPRE in August 2018 and earned a score of 81 before graduating from Atlanta's John Marshall Law School. The MPRE passing score in Georgia is 75, and she was admitted to the Georgia Bar in November 2019. As a new admittee, she was required to complete the mandatory Transition Into Law Practice Program ("TILPP") where she completed a required 12 hours of continuing legal education credits ("CLE") and participated in the Georgia State Bar's mentoring program. The Committee on Character and Fitness filed a response to the Petition advising that it does not have authority to waive or modify Rule 34(f)(12)(C) and takes no position on whether the Court should grant the waiver.
- On September 9, 2024, the Court entered its order denying the request for waiver without prejudice to Applicant submitting relevant information to establish that Applicant possesses a current understanding of the rules of professional ethics, which may include information on how the TILPP program compares to the MPRE topics.
- Applicant filed a Supplemental Petition on September 9, 2024, explaining that the mentoring component and CLE component in the TILPP covered the twelve topics in the MPRE Subject Matter Outline. She further described her various experiences observing disciplinary proceedings, initial client meetings, depositions, mediations and arbitrations, and similar legal proceedings. She also addressed her work with her mentor, which included discussing law office management, trust account matters, advertising, and handling disputes. In addition, she described her exposure to pro bono opportunities and responsibilities "to the public and legal system as a whole," and participation in pro bono and community activities, including serving "as the Treasurer of the DeKalb County Lawyers Association, alongside judges and fellow attorneys." She advises that she has been engaged in the active practice of law for nearly five years with no disciplinary actions or complaints and has complied with Georgia's ongoing CLE requirement which includes an ethics component.
- Applicant also presented her Model Mentoring Plan reflecting the dates of her participation in eight categories and dozens of subcategories in the Model Mentoring Plan and the Mentoring Completion Certificate signed by her mentor.
- Upon consideration,
- IT IS ORDERED that Applicant's request for waiver is granted. Applicant's MPRE score and additional participation in the TILPP program as described in her Supplemental Petition shall be deemed sufficient to meet the requirement to pass the MPRE in Ariz. R. Sup. Ct. Rule 34(f)(1)(C) for admission on motion to the practice of law in Arizona. (Hon. Ann A. Scott Timmer)

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