

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF THE) Administrative Order
TASK FORCE ON LAWYER ETHICS,) No. 2016 - 101
PROFESSIONALISM, AND THE)
UNAUTHORIZED PRACTICE OF LAW)
AND APPOINTMENT OF MEMBERS)

This Court recently restated the mission of the State Bar as “to serve and protect the public with respect to the provision of legal services and access to justice.” Consistent with these goals, the State Bar of Arizona seeks to improve the administration of justice and the competency, ethics, and professionalism of lawyers practicing in Arizona” Ariz. R. Sup. Ct. 32(a)(2) (effective January 1, 2017). The Arizona Judiciary’s strategic agenda *Advancing Justice Together: Courts and Communities*, contemplates that the Court and the State Bar will continue to further evaluate how best to protect the public by promoting competency, ethics, and professionalism.

Currently, the State Bar has three separate committees, whose members are appointed by the President of the State Bar, addressing the Rules of Professional Conduct (often referred to as the “Ethics Committee”); Professionalism; and the Unauthorized Practice of Law. The Court and the State Bar desire to review the mission, structure, and operations of these committees.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that:

1. ESTABLISHMENT: The Task Force on Lawyer Ethics, Professionalism, and the Unauthorized Practice of Law is established.
2. PURPOSE: The Task Force shall examine the following issues and submit its report and recommendations to the Supreme Court not later than June 1, 2017. The Task Force shall file a rules petition on or before January 10, 2018, with respect to any recommendations that would require changes in Court rules.
3. ISSUES:
 - a. Should the mission of any of the three existing committees be restated?
 - b. Should any of the committees be combined?

- c. Should the purpose and authority of any of the committees be established by court order or rule? Should particular actions by any of these committees be subject to review by this Court?
 - d. How should committee members be selected? Should a judge or justice serve on or chair any of the committees?
 - e. How should the committee(s) be structured to reflect diverse perspectives from different practice areas? Should the committee(s) include non-lawyer public members? What qualifications should be required for membership?
 - f. With regard to lawyer ethics or the unauthorized practice of law:
 - i. Should there be an opportunity for comment on draft formal opinions?
 - ii. Should formal opinions be subject to some type of review beyond the committee?
 - iii. Should lawyers be afforded some degree of immunity from discipline for actions taken consistent with formal opinions or informal ethics advice?
 - g. Would other changes regarding the structure or operation of any of the committees help better protect the public with respect to the provision of legal services?
4. MEMBERSHIP: The individuals listed in Appendix A are appointed as members of the Committee, effective immediately and ending May 31, 2018. The Chief Justice may appoint additional members as may be necessary.
5. MEETINGS: Committee meetings shall be scheduled at the discretion of the Chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.
6. STAFF: The State Bar of Arizona shall provide staff for the Task Force and assist in developing recommendations and preparing any necessary reports and petitions.

Dated this 28th day of October, 2016.

SCOTT BALES
Chief Justice

Attachment: Appendix A

Appendix A

MEMBERSHIP LIST

**Task Force on Lawyer Ethics, Professionalism, and
the Unauthorized Practice of Law**

Chair

Justice Rebecca White Berch (ret.)
Arizona Supreme Court

Members

Judge Rebecca A. Albrecht (ret.)
Bowman & Brooke, LLP
Chair, Ethics Committee

John Phelps
CEO/Executive Director
State Bar of Arizona

Kimberly A. Demarchi
Lewis Roca Rothgerber Christie, LLP
Member, Ethics Committee

George A. Riemer
Executive Director
Arizona Commission on Judicial Conduct

Brian Furuya
Secretary/Treasurer
Board of Governors
State Bar of Arizona

Judge Peter B. Swann
Court of Appeals, Division One
Member, Professionalism Committee

Andrew F. Halaby
Snell & Wilmer, LLP
Member, Ethics Committee

Wm. Charles Thomson
Gallagher & Kennedy, PA
Chair, Professionalism Committee

Frankie Jones
Maricopa County Attorney's Office
Chair, UPL Committee

Jeffrey Willis
First Vice-President
Board of Governors
State Bar of Arizona

Joseph A. Kanefield
Ballard Spahr, LLP
Board of Governor's Past President

Mark Wilson
Director, Certification and Licensing Division
Administrative Office of the Courts

Dominic W. Lanza
Assistant U.S. Attorney
U.S. Department of Justice