

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-20-0043
RULE 33.1(e), SUPREME COURT)
RULES) **FILED 12/15/2020**
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_____)

**ORDER AMENDING
ARIZONA SUPREME COURT RULE 33.1**

On August 27, 2020, this Court entered an order in R-20-0034 that, among other things, adopted a new Rule 33.1 of the Arizona Rules of the Supreme Court, effective January 1, 2021. On October 22, 2020, Petitioner David Byers, Administrative Director of the Administrative Office of the Courts, filed a rule petition proposing to amend Rule 33.1(e) and asked for expedited consideration of the petition to ensure that if the Court adopted the amendment, it would go into effect on the same day as new Rule 33.1. Also on October 22, 2020, this Court granted the request for expedited consideration, opened the petition for public comment, and said that the Court would consider the petition at its December 2020 Rules Agenda.

Having considered the petition and no comments having been submitted,

IT IS ORDERED amending Rule 33.1 of the Arizona Rules of the

Arizona Supreme Court No. R-20-0043
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TO:

Rule 28 Distribution
David K Byers

ATTACHMENT¹

ARIZONA RULES OF THE SUPREME COURT

Rule 33.1 Committee; Entity Regulation

(a)-(d) [No change]

(e) Retention and Confidentiality of Records of Applicants. The records of applicants for licensure pursuant to ACJA § 7-209 shall be maintained and may be destroyed in accordance with approved retention and disposition schedules pursuant to administrative order of the Court, pursuant to Rule 29, Rules of Supreme Court. The records and the proceedings concerning an application for licensure shall ~~remain confidential~~ be governed by the provisions of Supreme Court Rule 123, except as otherwise provided in these rules. Bar counsel shall be allowed access to the records of applicants for licensure and the proceedings of the Committee concerning an application for licensure in connection with any proceeding before the Court. In addition, the Committee or designated staff may disclose their respective records pertaining to an applicant for licensure to:

1. any licensing authority in any other state the applicant seeks similar licensure;
2. bar counsel for discipline enforcement purposes; and
3. a law enforcement agency, upon subpoena or good cause shown.

(f) [No change]

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike through~~.