

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of: )  
)  
APPOINTMENT OF INDEPENDENT ) Administrative Order  
BAR COUNSEL AND PROBABLE ) No. 2010 - 33  
CAUSE PANELIST TO HANDLE )  
CERTAIN LAWYER MISCONDUCT )  
COMPLAINTS FILED AGAINST )  
MARICOPA COUNTY ATTORNEY )  
ANDREW THOMAS )  
\_\_\_\_\_ )

The Supreme Court has jurisdiction over any person engaged in the practice of law within the State of Arizona, Ariz. R. Sup. Ct. 31, and all lawyers are subject to the disciplinary jurisdiction of this Court, *id.* R. 48. This Court has delegated the duty to investigate and, when necessary, prosecute lawyer discipline matters to the State Bar of Arizona.

The Executive Director of the State Bar has requested the appointment of independent counsel to investigate allegations of misconduct against Maricopa County Attorney Andrew Thomas resulting from the findings entered by the Honorable John S. Leonardo in *State of Arizona vs. Wilcox*, CR-2010-005423-001/OC-2010-005423-001. The Executive Director has also requested that the independent counsel investigate other pending or future allegations of misconduct against Mr. Thomas stemming from related cases or matters.

While the Office of Chief Counsel for Bar Discipline of the State Bar would usually handle these matters, good cause exists to appoint counsel independent of the State Bar.

Now, therefore, pursuant to Article VI of the Arizona Constitution,

IT IS ORDERED that J. Scott Rhodes is appointed to serve in this matter as Independent Bar Counsel as follows:

1. Independent Bar Counsel Rhodes shall have all the power and authority granted to State Bar Counsel pursuant to rules, orders, or decisions of the Supreme Court.
2. Independent Bar Counsel Rhodes shall investigate and, as he determines appropriate, prosecute allegations of ethical misconduct stemming from the prosecution in *State v. Wilcox*.

3. Independent Bar Counsel Rhodes shall investigate and, as he determines appropriate, prosecute any other allegations of misconduct filed against Maricopa County Attorney Andrew Thomas arising out of criminal investigations or prosecutions involving the Maricopa County Board of Supervisors and its staff, collectively or individually; the judges of the Superior Court in Maricopa and their staff, collectively or individually; and matters assigned by Special Master Ruth V. McGregor.
4. Independent Bar Counsel Rhodes may, at his sole discretion, designate lawyers to assist him and employ other staff as reasonably necessary to carry out his duties as Independent Bar Counsel.
5. Independent Bar Counsel Rhodes and lawyers he designates to assist him shall be immune from civil suit and from disciplinary complaints as provided by Supreme Court Rule 48(l) and (m), respectively.

IT IS FURTHER ORDERED that:

6. Charles E. Jones, former Chief Justice of the Arizona Supreme Court (now retired), is appointed to serve as the Probable Cause Panelist to review allegations arising from the matters addressed in this Administrative Order and shall have all powers and authority granted to a panelist pursuant to Rules of the Supreme Court.
7. The State Bar shall pay reasonable costs for services provided and expenses incurred by Independent Bar Counsel Rhodes and Probable Cause Panelist Jones as necessary to carry out the duties required by this Order.

Dated this 8th day of March, 2010.

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REBECCA WHITE BERCH  
Chief Justice