

February 14, 2017

Ethics Department  
State Bar of Arizona  
4201 N 24<sup>th</sup> Street, Suite 100  
Phoenix, AZ 85016

Dear Ethical Advisors,

I am seeking an ethical opinion on a practice taking place daily within our Justice Courts in (

The daily scenario goes as follows:

Prosecutor threatens to pull a plea agreement, or to not even offer a plea agreement, if the client decides to request a Preliminary Hearing in the case.

The right to challenge probable cause through a Preliminary Hearing is a fundamental right to Due Process of Law. As a zealous advocate for my clients, I am frustrated by a practice that routinely suppresses my client's right to challenge probable cause because of the threat of losing a reasonable offer. If the offer is good, but the evidence is weak, I am in a position where trying to get the case dismissed with a Preliminary Hearing could result in not only a bind over to Superior Court, if it didn't go our way, but also the loss of a good offer for my client. It feels as though I am being coerced by the prosecution to be less effective for my client, or else lose the deal. Your guidance in this matter would be greatly appreciated.