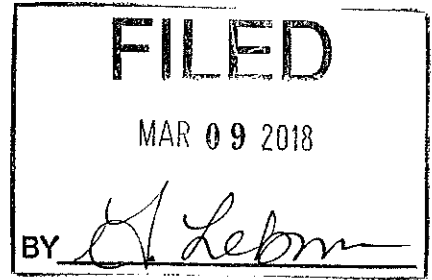


**BEFORE THE ATTORNEY DISCIPLINE
PROBABLE CAUSE COMMITTEE
OF THE SUPREME COURT OF ARIZONA**



**IN THE MATTER OF MEMBER OF THE
STATE BAR OF ARIZONA,**

**JUAN M. MARTINEZ
Bar No. 009510**

Respondent.

No. 17-0624

**ORDER VACATING ORDER OF
DISMISSAL AND DIRECTING
FURTHER INVESTIGATION**

On January 9, 2018, the State Bar dismissed bar charge 17-0624 filed on behalf of Complainant, Jodi Arias. Thereafter, pursuant to Rule 55(b)(2)(A)(ii), Complainant on January 19, 2018 objected to the dismissal, and on February 9, 2018 provided additional documents and other information in support of that objection.

On March 7, 2018, Complainant's Counsel filed a Supplemental Objection to the State Bar's dismissal of bar charge 17-0624 ("Supplemental Objection").

On March 7, 2018, Respondent's Counsel filed a letter ("March 7th Letter") objecting to the Attorney Discipline Probable Cause Committee's ("Committee") consideration of the Supplemental Objection. The March 7th Letter is largely premised on arguments that the Supplemental Objection was an improper *ex parte* attempt to influence the Committee through improper third-party opinions and new allegations unrelated to bar charge 17-0624.

On March 8, 2018, the State Bar filed a Motion to Strike Complainant's Supplemental Objection ("Motion to Strike Supplemental Objection") and a Motion to Strike Opinion Letters Submitted by Non-Party Lawyers ("Motion to Strike Letters").

The Motion to Strike Supplemental Objection is largely premised on the arguments that the Supplemental Objection was untimely filed, that it contained extraneous information and allegations of misconduct unrelated to bar charge 17-0624, and that Complainant had failed to provide Respondent and his counsel with copies of these materials. The Motion to Strike Opinion Letters is largely premised on argument that the rules of procedure do not allow non-parties to directly submit statements to the Committee.

On March 9, 2018, the Committee met to review Complainant's objection and appeal pursuant to Rule 55(b)(2)(A)(ii), Ariz. R. Sup. Ct.

Prior to the commencement of that review and in the presence of the Committee, the Committee Chair issued a verbal ruling concerning the objections contained in the March 7th Letter, the Motion to Strike Supplemental Objections and the Motion to Strike Letters.

The Committee Chair found that certain information contained in the Supplemental Objection describing what may be new bar charges was not properly before the Committee at this time. The Committee Chair directed the Committee not consider at this time and in these proceedings what appear to be new bar charges unrelated to bar charge 17-0624, including those submitted by Dianne Post, Susan Stodola, Amy Knight and Chad Shell, except to the extent the information assists the Committee in understanding the allegations contained in the bar charge filed on behalf of Ms. Arias. In that regard, and to that extent, the objection contained in the March 7th letter is sustained, and the Motions to Strike granted in part.

The Committee Chair further found, however, that the Supplemental Objection also contained information relevant to Ms. Arias' bar charge. In that regard, and to

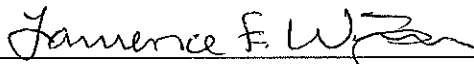
that extent, the objection contained in the March 7th letter was overruled, and the Motions to Strike denied in part.

Consistent with the Committee Chair's orders described above, the Committee reviewed the information submitted to the Committee.

By a vote of 8-0-1¹, the Committee finds that, based upon the record and the arguments presented in the written submissions, the objection to the dismissal in File No. 17-0624 raised in the appeal is sustained.

IT IS THEREFORE ORDERED vacating the previous order of dismissal and, pursuant to Rule 55(c)(1)(A), Ariz. R. Sup. Ct., directing the State Bar to conduct further investigation in the matter and to report the outcome of that investigation to the Committee for consideration and disposition under subsections (A) through (E) of Rule 55(c)(1) as may be appropriate.

DATED this 9th day of March, 2018.



Judge Lawrence F. Winthrop, Chair
Attorney Discipline Probable Cause
Committee of the Supreme Court of Arizona

Original filed this 9th day
of March, 2018, with:

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266

¹ Committee member Ben Harrison did not participate in this matter.

Copy mailed this 9th day
of March, 2018, to:

J. Scott Rhodes
Jennings Strouss & Salmon, PLC
One E. Washington Street, Suite 1900
Phoenix, AZ 85004-2554
Respondent's Counsel

Karen Clark
Adams & Clark, PC
520 E. Portland Street
Phoenix, AZ 85004-1843
Complainant's Counsel

Copy emailed this 9th day
of March, 2018, to:

Attorney Discipline Probable Cause Committee
of the Supreme Court of Arizona
1501 West Washington Street, Suite 104
Phoenix, Arizona 85007
E-mail: ProbableCauseComm@courts.az.gov

Lawyer Regulation Records Manager
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, Arizona 85016-6266
E-mail: LRO@staff.azbar.org

by: _____

