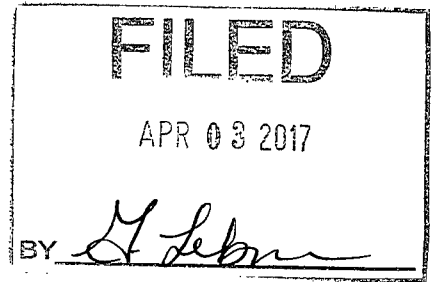


**BEFORE THE ATTORNEY DISCIPLINE  
PROBABLE CAUSE COMMITTEE  
OF THE SUPREME COURT OF ARIZONA**



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

No. 15-3023

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

**ORDER OF DISMISSAL**

Respondent.

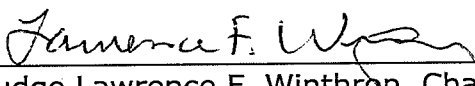
The Attorney Discipline Probable Cause Committee of the Supreme Court of Arizona ("Committee"), having reviewed this matter on March 10, 2017, pursuant to Rule 55(c)1, Ariz. R. Sup. Ct.

By a vote of 7-1-1<sup>1</sup>, the Committee finds that there is insufficient evidence to establish probable cause that Respondent violated Rule 42, ER 3.6(a), Rule 42, ER 3.4(c) and Rule 42, ER 8.4(d).

The Committee provides a comment in the attached document.

**IT IS ORDERED** that the charges against the Respondent are dismissed.

**DATED** this 3 day of April, 2017.

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

<sup>1</sup> Committee member Ella G. Johnson did not participate in this matter.

Original filed this 3<sup>rd</sup> day  
of April, 2017, with:

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

Copy mailed this 4<sup>th</sup> day  
of April, 2017, to:

J. Scott Rhodes  
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One East Washington St, Ste 1900  
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Respondent's Counsel

Copy emailed this 4<sup>th</sup> day  
of April, 2017, to:

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by: 

**ATTORNEY DISCIPLINE PROBABLE CAUSE COMMITTEE**

**COMMENT**

**IN THE MATTER OF JUAN M. MARTINEZ**

**FILE NO. 15-3023**

The Supreme Court of Arizona Probable Cause Committee ("Committee"), established by Rule 50, Ariz. R. Sup. Ct., consists of six attorney and three public members appointed by the Chief Justice of the Supreme Court. Pursuant to Rule 55(b)(2)(A)(ii), the Committee provides the following comment:

The State Bar investigated Complainant's charge that Respondent wrote a book, with his client's consent, which contained references to the existence and content of certain exhibits previously sealed by Court order. The Committee carefully reviewed the information provided in the Report of Investigation and Respondent's response regarding your complaint. This matter is being dismissed as Respondent obtained permission from his employer to disseminate information relative to his representation in the State v. Arias case. Similarly, while his book made general reference to the existence of sealed testimony and exhibits, the references did not contain specific content and was, in some circumstances, publically available despite the Court order(s) sealing the testimony and exhibits.

Respondent should be aware, however, that his decision and timing to publish the book is extremely concerning as it contained a number of extrajudicial comments that were not necessary to inform the public of the nature and extent of his actions and that did not served a legitimate law enforcement purpose. Similarly, while there is currently no apparent harm to the appellate proceedings, Rule 42, Ariz. R. Sup.

Ct., ERs 3.6(a) and 8.4(d) are violated when his extrajudicial statements are publically disseminated and there is a substantial likelihood of materially prejudicing future adjudicative proceedings. The better course of action in the future is to wait until all future adjudicative proceedings are final.

Finally, the perception created when a prosecutor attempts to immediately profit from his participation in a high profile case is also very concerning. The public expects much more from prosecutors and the book release shortly after the trial significantly risks undermining those expectations.