

January 9, 2018

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

Re: File No: SB17-0624
Respondent: Juan M. Martinez
Your Client: Jodi Arias

Dear Ms. Clark:

The charges you filed against Mr. Martinez have been investigated and a determination has been made that no probable cause exists for the filing of a formal complaint. Therefore, this matter is being dismissed.

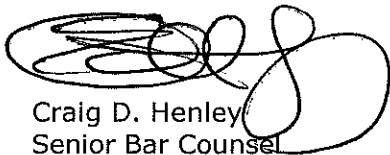
You should be aware that the State Bar conducted a thorough investigation of your client's allegations, but did not find clear and convincing evidence that Mr. Martinez committed a violation of the ethical rules governing lawyers.

I am enclosing a copy of State Bar's dismissal letter to Mr. Martinez for your records.

You may object to this dismissal decision. Any such objection must be submitted in writing within ten (10) days of receipt of this letter. There is no need to resubmit allegations previously raised. Your objection will be referred to the Attorney Discipline Probable Cause Committee for a final decision. You will be notified of that decision. Please note that an objection will only be sustained if the decision to dismiss the allegation constituted an abuse of discretion. This is a very difficult standard to meet.

Thank you for the time you took to refer your concerns to the State Bar.

Sincerely,



Craig D. Henley
Senior Bar Counsel

CDH/nr

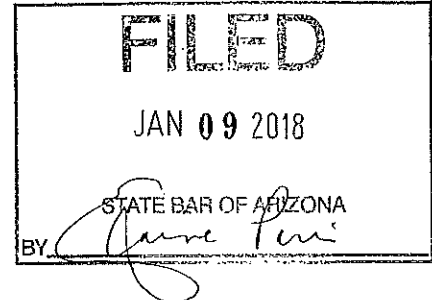
Enclosure

January 9, 2018

PERSONAL AND CONFIDENTIAL

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

Re: File No: 17-0624
Complainant: Jodi Arias
Your Client: Juan M. Martinez



Dear Mr. Rhodes:

The charges filed against your client by Jodi Arias have been investigated and dismissed. Please provide Mr. Martinez with the following educational comment.

Two of the objectives of lawyer regulation are to preserve public confidence in the legal profession and to protect the administration of justice. *In re Scholl*, 200 Ariz. 222 (2001); *In re Peasley*, 208 Ariz. 27 (2004). A prosecutor is a minister of justice. Rule 42, Ariz. R. Sup. Ct., ER 3.8, Comment [1]. Some of the charges against you relating to your conduct while prosecuting the death penalty phase of *State of Arizona v. Jodi Arias*, if true, would undermine public confidence that her case was administered justly.

Because the State Bar does not have clear and convincing evidence that you violated the Rules of Professional Conduct, we are dismissing the charges.

The primary allegation in this bar charge is that you engaged in a sexual relationship with two members of the media during your prosecution of the *State v. Jodi Arias* death penalty case. While the two women denied having sex with you, you neither admitted nor denied having sex with them, and there is no other compelling evidence on the subject. Therefore, the State Bar has not made a factual determination as to whether the alleged sexual relationships occurred. Such a relationship, standing alone, does not constitute a violation of the ethical rules given the specific facts of this case.

The second allegation is that you disseminated confidential or sealed information to members of the media. Although there is an allegation that you revealed confidential information from a sealed hearing before that hearing was made public, the evidence does not support that allegation. Likewise, there is not clear and convincing evidence that you were the one who revealed the sealed identity of a juror, since many others had access to that information.

The third allegation is that you provided the two female members of the media with access to the Maricopa County Attorney offices after normal business hours thereby providing them access to confidential information. You admit to knowingly allowing them into the offices.

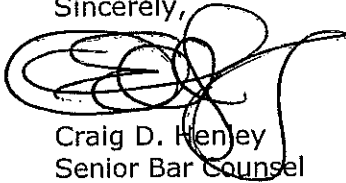
However, there is no clear and convincing evidence that you provided either woman with confidential information during those visits.

Please be aware that a prosecutor engaging in personal relationships with media members during a highly publicized death penalty case is ill-advised and will predictably result in allegations of ethical misconduct.

Finally, the fourth allegation is that you communicated with the discharged juror while the case was ongoing and the communications may have discussed information about other sitting jurors and their deliberations. If true, such conversations would violate your ethical obligations and jeopardize the sanctity of the jury system. See Rule 42, Ariz. R. Sup. Ct., ER 3.5(c), comment 3. While you admit communicating with the discharged juror in this case, the State Bar cannot prove an ethical violation by clear and convincing evidence as we were unable to independently verify the content of the text messages or phone conversation between you and the discharged juror. If you encounter similar circumstances in the future, a more prudent course of action would be to notify the court and opposing counsel of the communications, thereby avoiding inevitable allegations of wrongdoing.

Pursuant to Rule 53(b)(2), Ariz. R. Sup. Ct., the complainant may object to the dismissal. Any such objection will be referred to the Attorney Discipline Probable Cause Committee for a decision. You will be notified if an objection is filed. Please note that dismissed files remain public for a period of six months from dismissal.

Sincerely,

A handwritten signature in black ink, appearing to read 'CDH', with a large, stylized flourish extending to the right.

Craig D. Henley
Senior Bar Counsel

CDH/nr