



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

75-300
BRUCE E. BABBITT
ATTORNEY GENERAL
(R75-350)
mcdougall

August 27, 1975

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ARIZONA ATTORNEY GENERAL

The Honorable Art Hamilton
Arizona State Representative
State Capitol
Phoenix, Arizona 85007

Dear Representative Hamilton:

We are in receipt of your letter inquiry pertaining to the practice of psychology in the State of Arizona. Please forgive the delay in responding. It was originally hoped that the questions you raised could be answered once a pending civil suit was terminated. Unfortunately that litigation is now before the Court of Appeals, and for reasons that shall be explained it would be most inappropriate at this time to issue an opinion treating the questions posed in your letter.

As you know, our office represents the State Board of Psychologist Examiners. Interestingly, your questions parallel issues raised in a civil suit brought by one Leonard Cohen against the State Board. Although we were successful in Superior Court, Mr. Cohen has appealed this matter in the Court of Appeals, where it is now pending. (Leonard M. Cohen v. State of Arizona Board of Psychologist Examiners, et al., No. 1 CA-CIV 3164) Further, there is presently a pending criminal case handled by our office involving Mr. Cohen. In light of this circumstance, any opinion issued now could well prejudice Mr. Cohen's rights as a defendant. It could also adversely affect our client's position in the civil appeal.

We have, in the past, consistently deferred those opinion requests that involve matters that are sub judice. Hopefully, once the Court of Appeals issues its decision many of your questions will be answered.

Sincerely,

BRUCE E. BABBITT
Attorney General

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