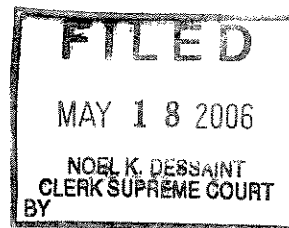


SUPREME COURT OF ARIZONA



In Re Application of State Bar of Arizona)
to amend Rules to require dues payments) NO. R-05-0034
and impose CLE requirements upon lawyers)
over the age of 70.)
_____)

Conrad W. Sanders, a member of the State Bar of Arizona, State Bar No. 3287, offers the following objections and comment upon the proposal by the State Bar of Arizona (hereinafter PETITIONER) to change bar membership requirements to adversely impact Arizona attorneys over age 70. There has been no showing that such requirements would in fact benefit the administration of justice or the public interest.

1. As the proponent of change it is suggested that PETITIONER has the burden of proof that the proposed rule changes would benefit the administration of justice in Arizona or benefit the public. How many active bar members over age 70 have injured the administration of justice or the public --- by not paying dues --- or being ill informed (for lack of CLE) in each of the past three years ?

Perhaps a few elderly attorneys are impaired by mental or physical condition or substance addiction. As to these problems, payment of bar dues or a CLE attendance is not a solution.

The PETITIONER has offered only self-serving conclusions ---

no actual facts, --- no statistics, --- no percentages, to prove a need for the changes in the rules sought by PETITIONER.

2. As an attorney likely to attain age 75 this year, I state that I have been a practicing attorney for the past 51 years. I was first licensed in Illinois. It has many thousands of attorneys. Yet even to the present, its bar does not have any mandatory CLE requirement ---- and its annual Illinois attorney registration fee is a very affordable \$239.00.

3. It would appear that the PETITIONER's proposed change would have the beneficial effect of minimizing competition among lawyers --- by forced retirement of elderly attorneys unable to economically justify the annual CLE costs (about \$1,500.) and bar fees (about \$500.) The consequence of fewer suppliers, in my experience, always means lessened competition and protection of suppliers' prices --- with increased cost to consumers.

4. PETITIONER's proposal fails to justify the loss to the public and State Bar of the historical experience and wisdom of lawyers, pushed into retirement by the economic burdens PETITIONER wishes to settle upon all lawyers over 70.

5. I faithfully paid Arizona bar dues and met CLE requirements for 30 years --- until attaining age 70. Requiring me to bear these expenses, represents an approximate annual total cost of \$2000.00


to continue my Arizona bar membership. That cost represents an unnecessary seizure of my minimal fee income ---- before paying any self-employment and income taxes. I have a great hope that excluding me from further law practice will not reduce me to passing my final days with a beggar's plea and tin cup in hand at the doorway of the Supreme Court.

6. I have been continuing to practice law in these sunset years of my life because it is the only real, marketable, work-skill I possess; and it provides me with great intellectual satisfaction and purpose. By remaining in practice, I am able to service the needs of my long time clients, many of whom can not afford the fees of my downtown peers. Since my practice is very small and limited to matters of long familiarity, 15 annual hours of CLE is not of any benefit to me at this advanced point in my professional life. It represents a great waste of time and automobile expense in attending arcane seminars to accumulate CLE credits in matters of no interest, to say nothing of its burden on my continuing to practice law. I do not deprecate the benefit of CLE to an inexperienced attorney or the attorney who has a broad practice involving unfamiliar solutions to legal problems.

7. I do believe that Mandatory CLE for all bar members is imperative and beneficial to the public upon the enactment of new laws of broad import, such as the Uniform Commercial Code. (the PETITIONER has never had any such requirement !!!)

WHEREFORE, it is respectfully suggested that the PETITIONER does not need to disenfranchise elderly attorneys in order to sustain itself in good health nor to protect the public. Its petition should be dismissed for lack of proven benefit to the Court or the public.

May 16, 2006



Conrad W. Sanders