

The Steering Committee of the Arizona Lawyers for Equal Justice (ALEJ) opposes the Scharf-Norton Center for Constitutional Litigation at the Goldwater Institute petition to amend Rules 32(b) and (c) of the Arizona Supreme Court (“Court”). SBA is under the direction and control of the Arizona Supreme Court. This Court mandates SBA’s mission:

Mission. The State Bar of Arizona exists to serve and protect the public with respect to the provision of legal services and access to justice. Consistent with these goals, the State Bar of Arizona seeks to improve the administration of justice and the competency, ethics, and professionalism of lawyers and those engaged in the authorized practice of law in Arizona. **This Court empowers the State Bar of Arizona**, under the Court's supervision, to:

- A. organize and promote activities that fulfill the responsibilities of the legal profession and its members to the public;
- B. promote access to justice for those who live, work, and do business in this state;
- C. aid the courts in the administration of justice;
- D. assist this Court with the regulation and discipline of persons engaged in the practice of law; assist the Court with the regulation and discipline of alternative business structures (ABS) and legal paraprofessionals; foster on the part of those engaged in the practice of law ideals of integrity, learning, competence, public service, and high standards of conduct; serve the professional needs of its members; and encourage practices that uphold the honor and dignity of the legal profession;
- E. conduct educational programs regarding substantive law, best practices, procedure, and ethics; provide forums for the discussion of subjects pertaining to the administration of justice, the practice of law, and the science of jurisprudence; and report its recommendations to this Court concerning these subjects. *Ariz. R. Sup. Ct. 32(a)*

Petitioners attempt to overrule this Court and erode SBA’s Court mandated mission. Petitioners argue that SBA activities should be limited to “regulatory activities” only. If Petitioners petition is granted, SBA would not be able to fulfill its Court mandated mission. SBA executes the Court mandated mission in various ways:

- **Member Assistance and Practice Management Programs**
 - Practice Management Advise Program
SBA provides free resources on newest trends, technology tools, best practices, and ethical practices for lawyers in all areas of practice. Attorneys new to an area of practice can consult with an experienced attorney. Resources are available to attorneys starting or winding down a practice and running and growing a practice. These services are free of charge as a benefit of SBA membership.
 - Member Assistance Program
SBA offers a free, confidential peer support network of volunteer lawyers trained to offer support to lawyers, judges, law students or their immediate families struggling with addictions or mental health issues.
- **CLE & Ethics**
 - SBA provides hundreds of hours of training on a variety of subjects designed to improve the legal competency and knowledge of Arizona lawyers
 - The Annual SBA Convention offers 45-50 seminars on a variety of substantive legal topics to advance attorney knowledge and skill.
- **Committees and Advisory Groups**
SBA directs over two dozen Committees and Advisory Groups that deal with specific substantive matters of law, provide input on court rules and jury instructions and mentoring programs to enhance the professionalism of its members.
- **Sections and Divisions**
SBA manages thirty Sections and Divisions which provide approximately 9,000 bar members a forum to connect, exchange information and provide support to each other.
- **Fee Arbitration Program** that resolves disputes between the public and an attorney
- **Conservatorship Program** protects the public when attorneys are no longer able to practice
- **Ethics Hotline**-attorneys may be proactive and seek advice to prevent ethical violations

SBA promotes access to justice for those who live, work, and do business in Arizona through:

- **Let Joe Know Live Phone Bank**-SBA and Channel 15 provide attorneys who answer public phone calls on specific areas of the law

SBA promotes access to justice in partnership with the Arizona Bar Foundation :

- **Wills for Heroes**- provide free estate planning legal services to first responder personnel in Arizona
- **Modest Means**-provide low-cost legal assistance to individuals who do not qualify for free legal services but cannot afford the expertise of attorneys at the standard rate.
- **Mock Trial**-teaches students in grades 9-12 about the law and the legal system by participating in a simulated trial. The program gives students a better understanding of the legal system, increases awareness of the importance of law in society, strengthens the understanding of fundamental rights under the U.S. Constitution and promotes increased confidence, poise, oral skills, critical thinking, and teamwork skills.

All the listed SBA programs and many others not mentioned are vital to Arizona lawyers, Arizona students and the Arizona public at large. If this petition is granted, all these vital programs would cease. Furthermore, granting this petition would be in direct conflict with the SBA Court mandated mission and our Arizona Lawyer Creed of Professionalism Preamble: “ *As a lawyer, I must strive to make our system of justice work fairly and efficiently*”. *Ariz.R.Sup.Ct. 41(c)*. The SBA aspires to fulfill the Court mandated mission while upholding our Arizona Lawyer Preamble. Justice Sandra Day O’Connor said it best,

“Certainly, life as a lawyer is a bit more complex today than it was a century ago. The ever-increasing pressures of the legal marketplace, the need to bill hours, to market to clients, and to attend to the bottom line, have made fulfilling the responsibilities of community service quite difficult. But public service marks the difference between a business and a profession. While a business can afford to focus solely on profits, a profession cannot. It must devote itself first to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation. And I can imagine no greater pleasure. ...Ensuring that there is, indeed, “equal justice under law” -not just for the wealthy, but for the poor, the disadvantaged, and the disenfranchised-is the sustenance that brings meaning and joy in a lawyer’s professional life.” Oregon Law Review, 78 Or.L.Rev. 385 (1999)

The practice of a law is a profession not a business. Petitioners attempt to minimize the practice of law to just a way to make a living, but Justice O'Connor explains that it is so much more than making a living. The SBA and the Arizona lawyers who volunteer their time, energy, and expertise to help other lawyers, first responders, students and courts should not be hindered in any way from the joy of having a meaningful professional life. Each lawyer has the right to choose how they find meaning in the profession. This Court should not limit this choice by eliminating SBA activities other than regulatory functions. Petitioners request to this Court to eliminate all the listed programs and require SBA to focus solely on regulatory activities is not what is best for SBA, Arizona Attorneys, or the public we serve. If this petition is granted the public, the courts and our profession will suffer unnecessarily and for what benefit?

We the Steering Committee of ALEJ respectfully request this Court deny this petition.

Arizona Lawyers for Equal Justice Steering Committee
Hon. Carol Scott Berry, ret.
Hon. Roxanne Song Ong, ret.
Elena Nethers