



October 1, 2024

To the Honorable Justices of the Arizona Supreme Court,

The First Amendment Clinic at the University of Nebraska College of Law (“Clinic”) writes in support of the proposed changes to Arizona Supreme Court Rules 32(b) and (c). The Clinic defends and advances freedoms of speech, press, assembly, and petition through court advocacy, and is committed to promoting the sound interpretation of First Amendment rights guaranteed in the U.S. Constitution.

Prior to 2013, the Nebraska Bar Association required the payment of mandatory dues as a condition of practicing law in the State. Similar to Arizona, the mandatory dues were used, in part, to finance political and social activities that many dues-paying members did not support. This presented serious First Amendment concerns regarding compelled speech and association, which the Nebraska Supreme Court addressed in *In re Petition for a Rule Change to Create a Voluntary State Bar of Nebraska*, 286 Neb. 1018, 841 N.W.2d 167 (2013).

*In re Petition for a Rule Change to Create a Voluntary State Bar of Nebraska* involved a petition to eliminate the requirement that attorneys licensed in Nebraska be members of the Nebraska State Bar Association. Although the Nebraska Supreme Court did not dissolve the Bar Association altogether, as the petitioner had urged, it limited the Bar Association’s ability to collect mandatory dues. Now, in Nebraska, mandatory Bar dues can only be used for the regulation of the legal profession and the improvement of available legal services.

To be sure, the Nebraska Bar Association can—and does—collect *voluntary* dues for other purposes, including political activity. This process has been largely successful. Volunteer dues in Nebraska help support a variety of services in the state, including: the Volunteer Lawyers Project, which provides pro bono opportunities to Nebraska lawyers; and the Rural Practice Initiative, which expands access to legal services in underserved rural communities. Additionally, the limited nature of the mandatory bar dues does not hinder the Nebraska Bar Association from providing beneficial programs for all members, such as the Nebraska Lawyers Assistance Program, which provides confidential assistance to lawyers, judges and law students for substance abuse, stress, depression, and other issues. Simply put, the voluntary nature of Bar dues in Nebraska has not meaningfully affected programs and services in the State, as many opponents of the rule-change had initially argued.

For these reasons, the Clinic respectfully urges the Court to adopt the proposed changes to Arizona Supreme Court Rules 32(b) and (c).

Sincerely,

/s/ Daniel Gutman

Daniel Gutman

Director, First Amendment Clinic