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The Arizona Foundation for Legal Services & Education (“the Foundation”) files this comment in opposition to the rule changes proposed by this petition. The Foundation was created in 1978 as an independent 501 (c) 3 nonprofit entity with the mission of promoting access to justice for all Arizonans. For over four decades the Foundation has been striving to fulfill this mission by preparing Arizona youth for civic responsibility and providing access to justice for Arizonans most in need.

The Arizona Supreme Court established the State Bar of Arizona and tasked it with not just regulating the practice of law but gave it a mission “to serve and protect the public with the provision of legal services and access to justice.” In doing so, the Supreme Court recognized that access to our courts and the legal system was necessary to protect the promise of Arizona’s constitution that “[a]ll political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.” Ariz. Const. Art. II, sec. 2. Ensuring that the people retain their political power requires access to justice and our courts. But such access is often limited to those that can afford representation.

A voluntary membership structure would likely direct resources away from those that most need legal services and are unable to determine how to obtain them – resulting in a market where citizens can easily be taken advantage of rather than assisted. Currently, 11.5% of Arizona’s population lives in rural areas¹ with nine of our 15 counties having over 30% of their population in rural communities.² The Arizona Supreme Court has acknowledged the need to focus access to justice efforts in rural communities with the development of the innovative Arizona Lawyer Apprentice Program.³ The State Bar of Arizona, under its current structure, offers special support programs for attorneys, including those in rural areas, such as the Mentor Program, Member Assistance Program, and Practice 2.0.⁴ But these programs are dependent on a connected and thriving bar of attorneys who can support such programs.

For decades, the Foundation has worked side-by-side with the State Bar of Arizona and the Supreme Court to address pressing legal needs of some of Arizona’s most vulnerable citizens and to educate the public about Arizona’s legal system. But the State Bar of Arizona’s role serves the public by building trust in the legal system through education of the public about their rights and providing information about those they seek to hire to advocate for them. Without the resources of an entity that citizens can use to verify that an attorney is qualified to represent them, citizens may be misled, and the integrity of our legal system will suffer. Additionally, the State Bar’s free legal clinics and operating public service center, which receives more than 10,000 calls each year, are essential to ensuring access to justice and trust in the legal system which is a central premise to the charter of Arizona’s constitution.

¹ https://www.americashealthrankings.org/explore/measures/pct_rural_b/AZ Retrieved 4.10.25

² https://crh.arizona.edu/sites/default/files/2023-06/2300601_Census-RuralUpdate-Brief.pdf Retrieved 4.10.25

³ <https://www.azcourts.gov/cld/Arizona-Lawyer-Apprentice-Program> Retrieved 4.10.25

⁴ <https://www.azbar.org/for-legal-professionals/practice-tools-management/practice-2-0/> Retrieved 4.10.25.

If the Supreme Court grants this petition, a voluntary State Bar of Arizona will revert to a trade organization that sets its own mission that can focus solely on its members' interests, rather than those of our citizens.

Finally, the Foundation must reiterate points from responses to the prior year's Rule Petition to Amend Rules 32(b) and (c) Rules of the Supreme Court by Scharf Norton Center for Constitutional Litigation at the Goldwater Institute. The State Bar facilitates and provides strong support to the Foundation's programs. In addition to financial support for expanding pro bono efforts, the State Bar organizes a member donation drive and promotes pro bono service and charitable giving to support legal aid services for low-income Arizonans. A change to voluntary membership structure portends a loss of membership and a loss of income to devote to these vital programs.

For these reasons the Foundation opposes the changes proposed in the Petition to amend Ariz. Sup. CT. R. 32(A)-(M).