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IN THE SUPREME COURT
STATE OF ARIZONA

In the Matter of: **PETITION TO AMEND RULE 32(A)–(M) OF THE ARIZONA SUPREME COURT RULES**	Supreme Court No. R-25-0001 **GOLDWATER INSTITUTE'S COMMENT IN SUPPORT OF THE PETITION**

Pursuant to Ariz. S. Ct. R. 28(e), the Goldwater Institute respectfully submits this comment in support of the Petition to Amend Ariz. Sup. Ct. R. 32(a)–(m) of the Arizona Supreme Court Rules ("Petition").

INTRODUCTION

The Goldwater Institute ("Institute") is a non-partisan public policy and research foundation dedicated to advancing the principles of limited government, economic freedom, and individual responsibility. The Institute does this through litigation, research papers, editorials, and policy briefings. Among the Institute's principal goals is defending the right of freedom of association and freedom of speech. The Institute has advocated for and represented parties to protect these constitutional rights in the context of compulsory membership in state bar associations. The Institute represents plaintiffs in *Crowe v. Oregon State Bar*, (U.S. No. 24-1025, filed Mar. 25, 2025); *Schell v. Johnson*, No. 5:19-cv-00281-HE (W.D. Okla., filed Mar. 26, 2019); *Boudreaux v. Louisiana State Bar Ass'n*, 86 F.4th 620 (5th Cir. 2023); and *Pomeroy v. Utah State Bar*, No. 24-4054 (10th Cir. filed May 21, 2024).

To further its goals, the Institute previously petitioned this Court to Amend Rule 32. Most recently, in January 2024 the Institute filed Petition R-24-0030 to amend Rules 32(b) and (c). As a result of Petition R-24-0030, on December 3, 2024, this Court entered its own amendment to Rule 32(c). That amendment removed the phrase "lobbying" from subsection (c)(9), thereby broadening the scope of "any activities" (the phrase retained in the rule) so that it encompasses all actions undertaken by the Arizona State Bar ("State Bar" or "Bar"). Those activities must be "necessarily or reasonably incurred for the purpose of regulating the legal profession or improving the quality of legal services available to the people of the State of Arizona, in compliance with *Keller*." *Id.*

The Petition now before the Court argues that the revised Rule 32(c)(9) does not rectify the Bar's constitutional deficiencies. The Institute agrees. The Petition proposes to eliminate the mandatory State Bar and make the association voluntary instead. The Petition also proposes to give regulatory oversight of the legal profession directly and exclusively to the Arizona Supreme Court. For the following reasons, the Institute urges the Court to adopt the proposed amendment to Rule 32(a)–(m) to correct longstanding constitutional flaws.

I. The State Bar does not comply with *Keller* or *Janus*.

Mandatory bar associations—like the Arizona State Bar—require attorneys to join the association and pay dues as a condition of practicing law. In *Keller v. State Bar of California*, the U.S. Supreme Court identified only two government interests justifying compelled membership: regulating lawyers and improving the quality of legal services. 496 U.S. 1, 13-14 (1990).

Keller was about what happens when a mandatory bar spends member dues for expressive activities not "germane" to those dual regulatory purposes. *See Crowe v. Oregon State Bar* ("*Crowe I*"), 989 F.3d 714, 724 (9th Cir. 2021). When the bar strayed from those purposes and a member objected to having his dues spent on the propagation of political messages with which he disagreed, the *Keller* Court said that the bar could address such compelled speech concerns by refunding that portion of an objecting member's dues that it misused. *Keller*, 496 U.S. at 17.[1]

Last year, this Court modified Rule 32(c)(9) concerning the computation of annual membership fees and the ability to seek a refund. The changes made the Rule more closely follow *Keller* and, by striking the word "lobbying," arguably clarified that refunds could be sought if the Bar used members' dues for expressive purposes other than lobbying. These changes were laudable—but they did not bring the Rule into compliance with the law.

A. *Keller* alone is of limited value as legal authority.

The Supreme Court's opinion in *Janus v. AFSCME*, 585 U.S. 878, 896 (2018), eviscerated *Keller*'s legal foundations. *Keller* explained that the "same constitutional rule" that applies in public-sector union cases also applies to compulsory bar associations. 496 U.S. at 13. When *Keller* was decided, the rule for public sector unions was the rule of *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977), which was the origin of *Keller*'s "germaneness" requirement. But *Janus*—which involved a public sector union—expressly overruled *Abood*. 585 U.S. at 886. Although it did not expressly overrule *Keller*, the result is that *Keller* lacks legal underpinnings and remains of little value beyond the narrow confines of

[1] Of course, the objecting member receives mere pocket change for her trouble. *Id. See also Crowe I*, 989 F.3d at 723 (Crowe refunded $1.15).

its holding.[2] Care must be taken when "complying with *Keller*," therefore, because *Keller* must be reconciled with *Janus*.

Importantly, while *Keller* reinforced the "germaneness" concept from the now-reversed *Abood* decision, it declined to specify what standard of scrutiny applies to the constitutional questions raised by compulsory membership and compulsory funding. *Janus* supplies the answer: exacting scrutiny. 585 U.S. at 916. That is, not only must the Bar confine itself to the two—and *only* two—legitimate state interests identified by *Keller*, but it must also prove that it cannot achieve those interests "'through means significantly less restrictive of associational freedoms.'" *Id*. at 900 (quoting *Harris v. Quinn*, 573 U.S. 616, 648-49 (2014)).[3] As the Petition points out, this significantly higher level of scrutiny should apply to *all* of the Bar's activities. Thus *Keller*—which appeared to apply rational basis scrutiny or something similar[4]—is of limited value now. Also, *Janus* makes clear that the mere availability of an after-the-fact refund is inadequate.

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[2] *See Jarchow v. State Bar of Wis.*, 140 S. Ct. 1720 (2020) ("Our decision to overrule *Abood* casts significant doubt on *Keller*." (Thomas, J. dissenting)); *File v. Martin*, 33 F.4th 385, 392 (7th Cir. 2022) ("[t]he tension between *Janus* and *Keller* is hard to miss."); *McDonald v. Longley*, 4 F.4th 229, 243 n.14 (5th Cir. 2021) ("*Janus* in particular, cast doubt on *Lathrop* and *Keller*."); *Schell v. Chief J. & JJ.. Of Okla. Sup. Ct.*, 11 F.4th 1178, 1190 (10th Cir. 2021) ("*Janus* suggests *Keller* is vulnerable to reversal.").

[3] The Supreme Court addressed the constitutional challenges presented in *Keller* and *Janus* by applying *federal* constitutional law. But the Arizona Constitution affords members broader rights than those protected by the First Amendment. *Brush & Nib Studio, LC v. City of Phoenix*, 247 Ariz. 269, 281 ¶ 45 (2019). The constitutional objections discussed herein should be understood as applying to both—but with increased force with respect to Ariz. Const. art. II §§ 5, 6.

[4] *See* 496 U.S. at 8 (quoting the "[legislature] might reasonably believe" standard from *Lathrop v. Donohue*, 367 U.S. 820, 843 (1961) (plurality op.)).

B. Refund requests under Rule 32(c)(9) are inadequate.

Rule 32(c)(9) creates an impractical procedure for redressing misuse of member dues for nongermane expressive activities—one that cannot satisfy exacting scrutiny.

Under the current rule, the Bar may use members' dues to fund nongermane political, ideological, and lobbying activities. Members who become aware of these uses can object and seek a refund. But this is *after* the misuse has occurred. Worse, the rule places an undue burden on members to identify and timely challenge the Bar's activities. As a result, the Bar holds all its members' dues, with license to use that money in any way it claims will (broadly and vaguely) "improve the quality of legal services." Even if a member objects and receives a refund, the Bar has received, in effect, an interest-free loan in the amount of those dues for the year.

That interest-free loan is precisely what the U.S. Supreme Court called an "anomaly," which gave "a remarkable boon" to unions—or in this case the Bar. *Knox v. SEIU*, 567 U.S. 298, 311-12 (2012). Worse, this anomaly ignores "the practical problems that would arise from the heavy burden facing objecting nonmembers wishing to challenge the [Bar's] actions." *Harris* 573 U.S. at 617. The risk that the Bar might have to refund what amounts to pocket change to those few members who undertake the hassle of discovering a violation and filing a refund request is insubstantial to the Bar—indeed, many members are unwilling to challenge the Bar's judgment at all, for fear of upsetting their regulator—thus maximizing the incentive, and minimizing the risks, of violating members' constitutional rights.

The current "opt out" system, therefore, cannot be said to protect members from having their dues used to fund speech with which they disagree. That's precisely what *Janus* concluded in the context of public-sector unions. And given

Keller's reliance on the "substantial analogy between … the State Bar and … unions," 496 U.S. at 12, it follows logically that the *Janus* rule regarding unions must apply to the State Bar as well.

A system tailored to keep the Bar within constitutional bounds and to protect members' free speech rights would change Rule 32 to assess lawyers a license fee to fund *only* lawyer regulation functions, like the promulgation of ethical rules and lawyer discipline. It could then offer lawyers an "opt in" menu describing additional *non*-regulatory services and their associated costs.

The unfair burden on members to monitor the Bar's output to ensure constitutional compliance—as opposed to an "opt in" process through which they would be informed of the activities and effectively approve them in advance—is exacerbated by the Bar's lack of transparency.[5] The State Bar has its own open meeting and public records policies that exhibit a lower degree of transparency compared to Arizona Public Records and Open Meeting Laws. *See Public*

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[5] Based on information the Bar has supplied, it is difficult to know how many members file for *Keller* refunds in any given year, how many are rejected outright, and how many are refunded. But it is presumed that there are not many that go before the Board of Governors for review. *Board of Governors October Meeting Review,* Ariz. Atty (Feb. 2025) at 46 (when asked how often *Keller* requests occur, the State Bar CEO answered, "not often, perhaps a couple times a year."). A number of factors likely explain this. *First*, the prior version of Rule 32 implied the *Keller* refunds would be available only if the Bar engaged in improper *lobbying* activities. The Bar, however, engages in many other kinds of improper conduct. *Second*, the Bar's lack of transparency and short timeframe make it difficult to discover and file for a *Keller* refund. *Third*, members are unlikely to want to devote the time and resources necessary simply to recover pocket change for the violation of their rights. *Fourth*, many attorneys have their bar dues paid by their firms as part of their compensation, meaning that the member would really be seeking a refund for the firms and not herself. And *fifth*, members are unlikely to want to risk ruffling feathers, particularly those in firms whose managing partners have previously opposed any effort to reform the current Bar structure.

Meetings Policy, State Bar of Arizona[6]; *Requesting Public Records*, State Bar of Arizona[7]. It is difficult, if not impossible, to know all of the activities the Bar engages in and then submit for a refund by "February 1 of the year immediately following the calendar year in which the challenged activity occurred." *State Bar of Arizona Board of Governors* Keller-*Refund-Request Policy and Procedures* ("*Keller* Refund Policy"), State Bar of Arizona.[8]

Of course, discovering a violation and timely filing for a refund only provides the member with an opportunity to *seek* a refund; she is not *entitled* to a refund. *Id.* She must also hope that the "regulating authority" agrees with her claim that it violated *Keller*. Only then could she receive a refund for a violation of her constitutional rights—and, in any event, no refund can adequately remedy a violation of the First Amendment. *Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Christian Legal Soc'y v. Walker*, 453 F.3d 853, 859 (7th Cir. 2006).

Recently, one member was awarded $1.78 for a violation of her First Amendment rights. *Board of Governors October Meeting Review*, *supra*. Even for this trifling amount, the refund was not awarded without discussion over whether the State Bar should fight the amount in arbitration. *Id.* In this case, only *one* member was able to discover and timely file for the violation. But if the Bar's activities violate *Keller* for one member, it necessarily violates *Keller* for all compelled members of the Bar.

Moreover, if a member does not request the *Keller* refund within one year from when the violation *occurred*, the Bar considers this a "waiver" of the member's constitutional rights. *Keller* Refund Policy, *supra*. But courts presume

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[6] https://www.azbar.org/for-the-public/public-meetings-records/public-meetings-policy/.
[7] https://www.azbar.org/about-us/public-records/.
[8] https://www.azbar.org/media/8d89c8972189f52/keller-policy-and-procedures-final-bog-approved-09-27-19.pdf (last visited Apr. 22, 2025).

strongly *against* "acquiescence in the loss of fundamental rights." *Knox*, 567 U.S. at 312 (citation omitted); *State v. Rickman*, 148 Ariz. 499, 503 (1986).

This is the very reason that *Janus* requires an "opt in rule," with consent *before* mandatory dues are taken. 585 U.S. at 930. The burden cannot be placed on dissenters. *Id.* Requiring that public employees be given an opportunity to "clearly and affirmatively consent *before* any money is taken," *id.*, places the burden of proof on the right side—ensuring that a person's rights are not waived through mere inaction. Again, *Keller* requires that mandatory bars be treated the same as public sector unions—meaning, that an "opt in" rule must apply here, as well.

C. Neither *Keller* nor its "opt out" refund process addresses the violation of members' rights of freedom of association—and neither does Rule 32.

While *Keller* reinforced the "germaneness" concept from the now-overruled *Abood* decision, it expressly "decline[d]" to address the question of whether a person can be forced to join a bar association in the first place. 496 U.S. at 17.[9] *Keller* also declined to specify what standard of scrutiny applies to such a claim. *Crowe I*, 989 F.3d at 727. *Janus* supplies the standard: exacting scrutiny. 585 U.S. at 916. Under that rule, the government can force people to join a group only (1) to serve a compelling state interest, and (2) where the government proves that it cannot accomplish that interest by means significantly less restrictive of associational freedoms. *Id.* at 894.

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[9] In fact, the question has never been definitively resolved. Even *Lathrop*—often viewed as having allowed states to force lawyers to join a bar association—actually only said that it was addressing "a question of compelled financial support of group activities, *not with involuntary membership in any other aspect*." 367 U.S. at 828 (emphasis added). Not only was *Lathrop* only a plurality decision, but Justice Black remarked that "I do not believe that either the bench, the bar or the litigants will know what has been decided in this case—certainly I do not." *Id.* at 865 (Black, J., dissenting). And, Justice Douglas expressly declared that mandatory membership was unconstitutional. *Id.* at 877 (Douglas, J., dissenting).

But the Court's recent modifications to Rule 32(c)(9) say nothing about protecting members' associational rights, just like *Keller*. *Crowe I*, 989 F.3d at 727. Indeed, Rule 32(c)(9) concerns annual "membership fees" and members' ability to claim a refund if the dues are misused.

Since *Janus*, several cases have addressed a freedom of association claim in the mandatory bar context. *See Crowe v. Oregon State Bar* ("*Crowe II*"), 112 F.4th 1218, 1239–40 (9th Cir. 2024) (bar's non-germane statements failed exacting scrutiny and violated associational rights); *Boudreaux v. Louisiana State Bar Ass'n*, 86 F.4th 620, 632–33 (5th Cir. 2023) (bar's social media posts about the benefits of eating broccoli and charity drives, and its promotion of "Pride Month," the "St. Thomas Moore Red Mass," and certain news articles failed exacting scrutiny and thus violated associational rights); *McDonald*, 4 F.4th at 248 (non-germane lobbying activity violated associational rights); *Schell*, 11 F.4th at 1193–95 (recognizing claim for violation of associational rights premised upon two articles in the bar's publication); *Crowe I*, 989 F.3d at 727–29. These cases have specifically addressed the freedom of association concern and have concluded that bars that engage in nongermane activities fail exacting scrutiny and therefore, to compel a person to join violates that person's constitutional rights. As the Petition points out, the current rule structure does not protect these associational rights.

D. The recent changes to Rule 32(c)(9) do not provide the Bar with the impetus to tailor its behavior to its regulatory purpose.

After the Court amended Rule 32(c)(9) to make its language more closely track that of *Keller*, the Bar commented that the change did not require any modification of its behavior.

> The Arizona Supreme Court issued its decision on the Goldwater petition, modifying Supreme Court Rule 32 to clarify that the State Bar's compliance with *Keller* extends beyond lobbying activities to include activities related to regulating the legal

profession or improving the quality of legal services. **The State Bar already applies *Keller* to its activities generally; therefore, we do not anticipate any significant changes to our operations.**

Bar Community, *Board of Governors December Meeting Review*, Ariz. Atty (Apr. 2025) at 72 (emphasis added).[10]

Keller is not, as the Bar maintains, something to be applied "generally." *Id. See* GENERALLY, Merriam-Webster, ("as a rule: usually").[11] The implication of the Bar's word choice is that it applies *Keller* after the fact, rather than avoiding non-germane activities in the first instance. That is wrong. *Keller* must be *followed* every time, not retroactively applied *post hoc*, in a "most-of-the-time" fashion. Also, *Janus* must be followed to comply with First Amendment principles. But, as the Petition illustrates, the Bar complies with neither.

The State Bar claims to follow another standard referred to as "*Keller* pure." *See Code of Conduct*, Arizona State Bar.[12] This standard allows the State Bar to engage in activities that *it* determines serves its mission and purpose—a mission that goes beyond the two *Keller*-approved state interests of regulating the practice of law and improving the quality of legal services. The Bar's version of *Keller* is therefore quite broad: it allows the Bar to use *Keller* as a permission slip to engage in all types of activities that have only a tangential connection to the legal

[10] For one example of the way that the Bar ignores the prohibition on spending member dues on contentious political subjects, consider that of the 54 seminars hosted at the Bar's Annual Convention in 2024, 11 focused on the divisive political subject of "Diversity, Equity, and Inclusion" or "DEI." *2024 State Bar of Arizona Annual Convention*, Ariz. Atty (June 2024) at 6-7. This year, after the amended Rule, the State Bar will once again offer 11 seminars focused on DEI. *2025 State Bar of Arizona Annual Convention*, Ariz. Atty (June 2025) at 6-7. But *Keller* forbids the Bar from spending dues on "activities having political or ideological coloration." 496 U.S. at 15.

[11] https://www.merriam-webster.com/dictionary/generally.

[12] https://community.azbar.org/codeofconduct.

profession or legal services. *See, e.g.,*[13] *Bar Tack*, State Bar of Arizona,[14] (weekly legislative newsletter during the Arizona Legislative Session including introductory commentary); *Longevity for Lawyers: A Case to Reinvent Yourself Immersion Program*, State Bar of Arizona,[15] (a $3,540.50 two-day self-care and wellness retreat); *Journey to Scotland*, State Bar of Arizona,[16] (travel group co-sponsored with voluntary bar associations with minimal CLE credits offered); *Breathe*, Ariz. Atty (Apr. 2025) at 92 (a reminder to breathe with a quote about basketball); *Creative Arts Contest 2025*, Ariz. Atty (May 2025) at 17 ("Despite some contrary opinions, we believe the arts to be a powerful tool that can deepen and sharpen analysis, legal or otherwise."); *Well-Being Week in Law*, State Bar of Arizona, [17] (a mental health challenge with activities such as a sleep challenge to make sleep a mental health superpower, starting a dance party, crafting activity with colleagues, and focus on spirituality).

Arguably, all these activities have *some* connection to regulating the practice of law or improving the quality of legal services. But that is not enough, as the Fifth Circuit recently explained. In *Boudreaux*, the Louisiana bar spent dues on various "wellness" matters, urging lawyers to eat healthy and get exercise. The court said this was non-germane under *Keller*: "If a bar association may tout the health benefits of broccoli," it said, it was impossible to "discern any principled line" limiting the bar's use of dues. "The germaneness standard therefore requires

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[13] These examples offer only a glimpse into the type of non-germane activities the Bar engages in.
[14] https://www.azbar.org/news-publications/enewsletters/bar-track/.
[15] https://azbar.ce21.com/item/longevity-lawyers-case-reinvent-immersion-program-653003.
[16] https://www.cle-abroad.com/wp-content/uploads/2024/10/Arizona-State-Maricopa-Pima-Counties-Scotland-2025-Brochure-Final.pdf.
[17] https://www.azbar.org/for-legal-professionals/benefits-services/member-assistance-program/well-being-week-in-law/.

inherent connection to the practice of law and not mere connection to a personal matter that might impact a person who is practicing law." *Boudreaux,* 86 F.4th at 633.

One activity that is particularly problematic is the Bar's Code of Conduct of its Online Community. *Code of Conduct*, Arizona State Bar,[18] ("The State Bar must therefore be the final arbiter, not only of determining whether any post or posts are not '*Keller* pure', in analyzing *Keller*, its progeny and in assessing the risk *to the Bar* based on current, pending or anticipated litigation." (emphasis added)). The Bar requires that compelled *members* comply with *Keller*—that is, it limits *members'* statements and commentary to matters germane to regulating the practice of law and improving the quality of legal services—even while ignoring those limitations itself. Indeed, the Bar monitors the speech on the platform and "reserves the right to reject or remove *any* message for *any* reason." *Id.* (emphasis added). This is an egregious "rules for thee, but not for me" abuse of power. While the Bar *itself* does not follow *Keller*, it requires its (compelled) members to do so. As a result, *Keller* is being perverted into a tool to limit individuals' speech.

The Petition would require the Bar to comply with *Keller* and *Janus*. A voluntary bar eliminates any possibility of a *Keller* violation, avoids any need for concern about "opt in" versus "opt out," and inherently moots all compelled speech issues.

With *Keller* on rocky grounds, the Court should address the rule change now. The Court can and should move in the direction in which the Supreme Court is already headed: to uphold lawyers' First Amendment rights. It should not wait for the Supreme Court to tell it to correct course, when the Court can do so now,

[18] https://community.azbar.org/codeofconduct.

and set a precedent for other courts throughout the country. *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932).

III. A voluntary bar association is correct, feasible, and achievable.

California recently changed from a mandatory to a voluntary bar association. Prior to 2018, California was one of the largest state bars in the United States with more than 250,000 compelled members. Lyle Moran, *California Split: 1 Year After Nation's Largest Bar Became 2 Entities, Observers See Positive Change*, ABA Journal (Feb. 4, 2019).[19] At the time, some contended that this change would reduce the quality of legal services and impair access to justice. *Id.* That has not proven to be the case. Seven years after transitioning to a voluntary system, there is no indication that legal services have reduced in quality or that the bar has found it harder to monitor lawyers' compliance with professional standards. California showed other states, on the largest scale possible, that just because something has been done for years one way (mandatory membership) does not mean it cannot be improved.

As the Petition points out, many of the necessary functions of the Arizona State Bar are already under this Court's direct authority, including attorney admissions and discipline. The Bar does not certify Continuing Legal Education, and nearly all CLE offered by the Bar is costly and competes with CLE offerings by voluntary bar associations. Other purposes of the State Bar, like access to justice by funding non-profit legal groups, are handled by the Arizona Bar Foundation[20]—a private non-profit organization that has been delegated authority to assert control

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[19] https://www.abajournal.com/web/article/california-split-1-year-after-californias-state-bar-became-2-entities-observers-see-positive-changes.

[20] The transparency and accountability of the Arizona Bar Foundation is far worse than that of the State Bar.

over attorneys' client's property. Ariz. Sup. Ct. R. 43(f)(1) (the interest accrued off of attorneys' client's money is "for the benefit of the Arizona Foundation.").

As Bob says in the classic film *Office Space,* "[w]hat would you say … you do here?"[21] It doesn't appear that the State Bar provides much to the lawyers it forces to join. All necessary functions for attorney regulation are already with the Court. Returning full control and supervision to the Arizona Supreme Court, without an intermediary, would streamline the functions of attorney admissions and discipline that the Court already oversees.

What's more, the Bar lacks critical accountability measures. Arizona attorneys have no say in the Bar's employment decisions and are only permitted to nominate *some* seats to the Board of Governors. If attorneys are dissatisfied with the performance of those directors, there is no mechanism to remove them. There is no accountability or requirement for transparency.

A voluntary bar association gives voluntary members and leaders within the association the ability to effectively advocate on behalf of their members. A voluntary state bar association would not need to conduct any form of *Keller* analysis and could simply engage in activities it deemed appropriate. Many of the Bar's activities do not align with the personal, political, or even religious beliefs of its members. That raises constitutional problems because of coercion. A voluntary bar association can engage in lobbying, self-care, travel, and everything else its members voluntarily support, just like the 23 other voluntary state bars in this country. Eliminating the coercive element would likely result in a proliferation of different bar associations, but of course "more speech," and a greater diversity of voices, is a good thing, not a bad thing. *Cf. Tucson Elec. Power Co. v. Round Valley Unified Sch. Dist. No. 10*, 163 Ariz. 532, 534 (App. 1990) ("The remedy for

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[21] *Office Space* (Mike Judge dir., 1999).

‘unfair’ speech is more speech.”). The national trend continues to shift toward voluntary bar associations. The Arizona Supreme Court can and should follow this course by amending Rule 32 to eliminate the mandatory bar in this state, and in so doing, protect the federal and state constitutional rights of Arizona attorneys.

CONCLUSION

The Petition represents a significant step forward in ensuring that the regulation of the legal profession in Arizona is fair, transparent, and constitutionally sound. We urge the Court to adopt this amendment, as written, and support the transition to a voluntary bar association.

Respectfully submitted this 1st day of May 2025,

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