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CLERK SUPREME COURT

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October 26, 2011

R- 11-0024

Clerk of the Supreme Court
1501 W. Washington Street, #402
Phoenix, AZ 85007

FILED
OCT 27 2011
RACHELLE M. NESNICK
CLERK SUPREME COURT
BY

RE: Proposed Change to ER 1.15

Dear Sir/Madam:

My name is Jim Marner. I am a lawyer practicing in Tucson. Much of my practice involves representing plaintiffs in injury claims. In that role, I have witnessed a significant and detrimental development in this sector of the civil law in Arizona. Specifically, I have noticed that the amount of time spent investigating and, in some cases, debunking lien claims has increased dramatically. This development has had a significant ripple effect on our legal process because the resulting delays act to deprive injured parties from being timely compensated and, in some cases, cause cases to remain on court dockets much longer than is necessary, thereby taxing the already over-burdened court systems in our State.

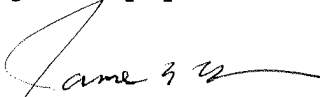
The proposed modification of ER 1.15 would go a long way toward addressing this problem. It protects the interests of valid lien holders while at the same time acts to weed out opportunists who are not subject to our ethical rules from exploiting the rules to their benefit. The current system acts to penalize the ethical lawyer while creating a situation where an outside entity without any valid collection interest can hope to "get lucky". This condition cannot, and should not, be allowed to persist.

The proposed rule change set forth by Mr. Abney and Mr. Trachtenberg strikes an excellent balance between the concerns of an injured party and those of a valid lien holder. It also protects the court system from being burdened with unnecessary lawsuits that now appear to be the only tool to address these meritless claims. I strongly encourage that the proposed change to

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ER 1.15 be adopted as proposed. I appreciate your taking the time to read my letter and consider my thoughts. Feel free to give me a call if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "James E. Marnier".

JAMES E. MARNER

JEM:efb