

May 8, 2012

Clerk of the Supreme Court
1501 W. Washington St., Room 402
Phoenix, AZ 85007

Re: Rule Comment, ER 1.15

To whom it may concern:

I write concerning a matter that has imposed a considerable burden upon and has conflicted attorneys representing personal injury claimants in whose cases arise liens of various types. Some litigation liens are easily understood and undisputable, while others are not. Sometimes persons or companies claim liens on recovery when the law does not recognize such claims of liens. Sometimes the correct amount of a lien is unclear or appropriately subject to negotiation. The uncertainty of the contexture of lien disputes often places attorneys in conflict between their clients and the lien claimants.

I have read the proposed change to ER 1.15 authored by Geoff Trachtenberg and David Abney. This proposal makes sense. It would allow a lien claimant the same rights it would have as a regular creditor; and it would allow an attorney to have more certainty in knowing how to approach a lien dispute while maintaining the attorney's role as advocate for the client. It places the burden on the creditor to take affirmative steps to establish entitlement where it belongs.

I urge you to adopt the proposed change.

Yours truly,

H. Micheal Wright

HMW/nls