

Frank E. Dickey, Jr.
State Bar Membership No. 986
2695 D W Ranch Road
Kingman, AZ 86401
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Justices of the
State of Arizona
Supreme Court
1501 West Washington
Phoenix, AZ 85007-3231

Re: Proposed Changes in Rules Relating to Senior State Bar Members

Dear Justices:

This letter is in response to, and in comment on, the proposed changes in the rules relating to senior state bar members. In the interest of disclosure, it should be pointed out that I am one of the persons who would be affected by the proposed rule changes relating to dues payment and continuing legal education.

I am reminded of the saying, "If it is not broken, do not fix it." As a state bar member over 70 years old and a person who will shortly be retiring from the Law Offices of the Mohave County Public Defender, I believe that I understand the reasoning behind the proposed rule changes.

Even though I am leaving the office, I do not believe that I want to stop working as a lawyer. I believe that I still have something to contribute to the community to which I will be moving. At this point, I do not know whether what I may do will be as a volunteer or in a paid position. It is possible that I will be in sort of a semi-retired position.

Quite frankly, over the years when I was in private practice, sometimes the payment of dues and fees for continuing legal education was burdensome. I was never one of the rich lawyers. I had many clients who refused to pay my fees after the legal service was completed. When I went to work in the indigent defense field, the burden was taken off my shoulders by the office. Now, after I leave the office, the burden will again fall on me, if the proposed rule changes take place.

I was never one to make much use of the state bar services. My dues supported those members who did use the services.

I believe that most lawyers who now are not required to take mandatory continuing education still pursue continuing education on a voluntary basis, read cases, and keep up with changes in the law and rules, as needed. Members who are over 70 years of age have paid their

Justices of the
State of Arizona
Supreme Court
March 21, 2006
Page 2

dues to the profession. Active members over 70 should not be required to pay dues and should continue to be exempt from paying dues, and should not be required to take mandatory continuing education.

My suggestion is that active members over 70 and inactive members and retired members should be required to pay a minimum maintenance fee each year to cover the cost of necessary communications from the bar. Members over 70 years old should get credit for doing voluntary continuing education.

A lawyer over 70 who works part-time as a volunteer, or is semi-retired and works part-time should continue to be exempt from the payment of dues and mandatory continuing education.

If the proposed changes are enacted, in these days of fixed income, that may cause older lawyers to cease the practice. It seems to be a waste of talent to force out of the profession the wisdom and experience of older members of the bar. Older members should be available to help others when the need arises.

The proposed changes should be rejected.

Very truly yours,

Frank E. Dickey, Jr.
Deputy Public Defender

FED/eh