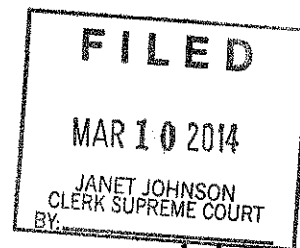


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R-13-0044

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March 6, 2014

Clerk of the Arizona Supreme Court  
1501 West Washington Street, Room 402  
Phoenix, Arizona 85007-3329

Re: Comment on changes to Rule 67 (d) and (f) concerning cost bonds

Dear Justices:

I am writing in support of the proposed changes to Rule 67 (d) and (f) concerning cost bonds. The existing Rule 67 cost bond requirements are both archaic and demonstrably unfair. The rule imposes a discriminatory burden on certain plaintiffs in civil cases. The burdened plaintiffs are "non-property owning" which by definition makes these plaintiffs persons of modest means.

The Rule as written and enforced creates mischief and injustice. The plaintiff must first respond to the defense motion. When the plaintiff claims a financial hardship he must then post an affidavit. Sometimes the defense challenges this affidavit or wants to conduct discovery on the plaintiff's financial status. All of this is unfair and wasteful.

Our Courts are supposed to be open to all citizens though we know it is difficult for people without money to have access to justice. Rule 67(d)'s cost bond requirements serve no beneficial purpose and operate only to hinder access to the Courts by persons of limited resources. I urge the Court to support the proposed changes to Rule 67 (d).

Sincerely,

TUCKER & MILLER, L.L.L.P.

  
Daniel P. J. Miller

DPJM/cc