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8 **IN THE SUPREME COURT**
9 **STATE OF ARIZONA**

10 In the Matter of:

Supreme Court No. R-14-0015

11 **PETITION TO AMEND RULE 38,**
12 **RULES OF THE SUPREME**
13 **COURT**

COMMENT OF
THE STATE BAR OF ARIZONA

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15 The State Bar of Arizona supports the proposed amendment to Rule
16 38(a)(3)(A), Ariz. R. Sup. Ct., waiving pro hac vice fees for non-Arizona-admitted
17 military attorneys practicing before the Arizona Military Trial Court and the Arizona
18 Court of Military Appeals. The State Bar believes that the proposed rule should be
19 clarified to provide that the waiver applies to “military” attorneys only practicing
20 before the Arizona military courts.

21 **DISCUSSION**

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23 **I. The Proposed Amendment Would Ease a Financial Burden on the**
24 **Arizona National Guard.**
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1 There is a shortage of licensed Arizona military defense counsel to defend
2 soldiers in our Arizona military courts. As a result, the Arizona National Guard must
3 rely on outside counsel from California Trial Defense Services to ensure that soldiers
4 receive due process and a proper defense. This has proven costly for the Arizona
5 National Guard as the Guard must pay for all of the out-of-state lawyers' travel and
6 lodging costs. Because every little bit helps reduce these costs and because the
7 number of anticipated cases per year is no more than two, the State Bar supports the
8 proposal to waive pro hac vice fees for out-of-state military attorneys practicing in
9 the Arizona military courts.

10 **II. Recommended modification to Petitioner's rule-change Amendment to**
11 **Clarify that it Applies Only to Military Attorneys.**

12 The proposed amendment consists of one sentence added to the end of Rule
13 38(a)(3)(A). The State Bar suggests clarifying that one sentence to provide that the
14 waiver would apply only to out-of-state *military* attorneys. With the State Bar's
15 proposed change, the additional sentence would read (addition underlined):

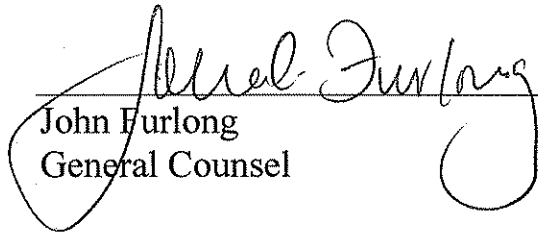
16 The requirement of an application fee shall be waived for Judge
17 Advocate General's Corps' military attorneys practicing before the
18 Military Trial Court of the State of Arizona or the Arizona Court of
19 Military Appeals.”
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CONCLUSION

The State Bar of Arizona respectfully requests that the Court adopt the proposed amendment to Rule 38(a)(3)(A), Ariz. R. Sup. Ct., with the suggested modification as stated above.

RESPECTFULLY SUBMITTED this 9th day of May, 2014.



John Furlong
General Counsel

Electronic copy filed with the
Clerk of the Arizona Supreme Court
this 9th day of May, 2014.

by: 