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3 **(FIRM STATE BAR NO. 00032000)**

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9 **(STATE BAR NUMBER 011474)**

10 **IN THE SUPREME COURT OF THE STATE OF ARIZONA**

11 **IN THE MATTER OF:**

R-15-0003

12 **PETITION TO AMEND RULE**  
13 **32(C)(9) OF THE RULES OF THE**  
14 **SUPREME COURT**

MARICOPA COUNTY ATTORNEY'S  
RESPONSE TO PETITION TO AMEND RULE  
32(C)(9) OF THE RULES OF THE SUPREME  
COURT

15 The Maricopa County Attorney hereby responds to the Petition to amend Rule  
16 32 of the Rules of the Supreme Court and to create a task force to examine the State  
17 Bar's *Keller* compliance and asks this Court to grant the Petition in part. While the  
18 Maricopa County Attorney does not believe the creation of a task force as requested  
19 is necessary, Petitioner raises legitimate concerns about how mandatory bar dues are  
20 expended. As members of a mandatory bar, all Arizona attorneys have the right to  
21 know exactly how the bar is spending mandatory dues. The bar must provide details  
22 concerning the amount of funds that are expended on lobbying activities and  
23 precisely what those activities entail including what specific issues are being lobbied  
24 for or against. Without this specific, detailed accounting there is no way for those  
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1 who practice in the criminal arena, for example, to know that the State Bar is not  
2 advocating for or against legislation that may be contrary to the interests of members  
3 who are prosecutors or defense attorneys. The same would be true of lawyers  
4 practicing in any other area of law. As Petitioner correctly notes, all attorneys in the  
5 State have the right to know that mandatory bar dues are not being used in violation  
6 of their First Amendment Rights, but the general accounting practices and disclosures  
7 provided by the State Bar as discussed in the Petition, do not provide adequate  
8 information. Petitioner has detailed the steps he has personally taken to get the  
9 necessary information from the State Bar, but, as he explains, his requests have  
10 largely been ignored. Therefore, to ensure that the Arizona State Bar fulfills its  
11 obligations to create transparency regarding its use of mandatory bar dues, the  
12 Maricopa County Attorney asks this Court to modify Rule 32 to specifically require  
13 complete and detailed financial accounting as advocated in the Petition.  
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19 Respectfully submitted this 20<sup>th</sup> day of May, 2015.

20 WILLIAM G. MONTGOMERY  
21 MARICOPA COUNTY ATTORNEY

22 By   
23 MARK FAULL  
24 CHIEF DEPUTY  
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