

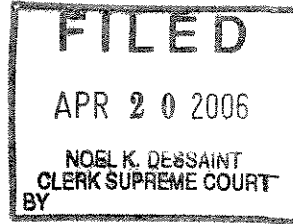
APR 20 2006

CLERK SUPREME COURT

R-05-0034 (14) uf

Senior Lawyers of Arizona - Tucson
c/o Joana Damos

55 Calle Clara Vista
Tucson, Arizona 85716-4906



(520) 326-7809

April 19, 2006

Noel K. Dessaint, Clerk
ARIZONA STATE SUPREME COURT
1501 W. Washington
Phoenix, AZ 85007-3231

Re: Petition R-05-0034 - Comments

Dear Mr. Dessaint:

These comments are submitted on behalf of members of the Tucson Senior Division of the State Bar. Their names are listed as an attachment to this letter.

The Board of Governors seeks to eliminate the age-based exemption from dues and MCLE requirements for active lawyers over the age of 70 in their proposed amendments.

The dues exemption for those over the age of 75 has been the rule since at least 1961. Records of dues distribution statements from 1962 established this. (See e-mail dated 11/09/05 from Staff Member Bette Flores to State Bar President Helen Perry Grimwood, other Board Members and staff.) Dues statements from 1962 also establish this. The age was lowered to 70 in 1997.

The State Bar staff in memos to the Dues Subcommittee on August 8, 2005, September 15, 2005, October 7, 2005, and November 2, 2005, stated it is important to seek input from members affected by a Rules change.

Without researching into the '50's and '60's minutes, they have not established there was not a rule adopted. The State Bar Board of Governors is proposing a Rule change of 45

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years standing without notifying and seeking input from the Senior Division. This borders on the denial of due process. (Integrated Bar.)

The Board does not know how many attorneys in the over 70 group are actually in active practice, how many are sole practitioners, how many practice in a firm, or how many are listed as active as a matter of economic necessity. The staff asked to obtain this information, but was not permitted.

The MCLE exemption amendment appears to be based, from the minutes examined, on the statement made by Board members that those over the age of 70 are "taxing" the disciplinary system. The data they presented covered five years, included complaints that had been dismissed, and did not show type of complaints or their dispositions.

The State Bar President at a February 28, 2006, meeting with the executive council of the Senior Division, when asked for this data, stated the requested information had not been assembled and refused to have the staff obtain it. It is not known on what basis the Board is asserting we are "taxing" the system.

At a board meeting on March 17, 2006, Board Member, Richard Coffinger, stated the Supreme Court adopted Rule 45 on its own and ordered those over 75 (later changed to 70) be exempted from the requirement if they had 45 years of practice. I suggest the Justices believed that after 45 years an attorney would have competence in the field in which he practiced.

Projections are found in the Board and Dues Committee minutes for the income to be derived from the over 70 dues and MCLE payments to lower the entire Bar dues. They also stated they are operating with a surplus.

It does appear that if this Petition is granted, this State Bar does not hold its Senior Members in the high regard that other state bar associations and the American Bar Association holds its Senior Members by waiving their dues, but instead looks upon us as a source of income.

We respectfully request that you deny this Petition.

The Tucson and Phoenix Group of Senior Lawyers has authorized Frank Lewis to

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represent us in a Petition he will be filing in this matter.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joana Damos".

Joana D. Damos

State Bar # 000720

cc: Pres. Helen Perry Grimwood

Exec. Dir. Teresa Schmid

Amelia Craig Cramer

Steven P. Sherick

Jeffrey Willis

Jeffrey H. Jacobson

Frank Lewis

James E. Hunter, Chairman Executive Counsel of Senior Division

William C. Penn, Immediate Past Chairman of Executive Counsel of the Senior Division

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We, the undersigned, are members of the Senior Members of the State Bar of Arizona and we most heartedly endorse the foregoing letter written on our behalf by Joann D. Diamos.

Name	Arizona State Bar Number
Robert F. Miller	#553
L. Tipton Jackson	#670
John R. McDonald	#1208
Laurel B. Sammons	#5609
Daniel J. Sammons	#615
Emojean Kerber Girard	#1125
Ann Bowen	#2078
Charles H. Whitehill	#818
Harry Gin	#668
Hon. John E. Lindberg	#1128
Bernard Weinstein	#723
Gerald Sweeny	#1950
Daniel Reidy	#1020
James F. McNulty, Jr.	#617
Peter T. Gianas	#1124
William Kimble	#619
Ben F. Williams, Jr.	#833
Sarah Ann Bailey	#1812
Myles C. Stewart	#1059
W. Edward Morgan	#349
Hon. Norma S. Fenton	#1259
Hon. Lloyd Fernandez	#1065
Janice Hedeman Lahr	#2429