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5 **IN THE SUPREME COURT**

6 **STATE OF ARIZONA**

7 **PETITION TO AMEND RULE 38**
8 **OF THE ARIZONA RULES OF**
9 **THE SUPREME COURT**

Supreme Court No. R-16-0047

10 **COMMENTS IN SUPPORT OF**
11 **PETITION TO AMEND RULE 38,**
12 **ARIZONA RULES OF SUPREME**
13 **COURT**

14 Pursuant to Rule 28 of the Arizona Rules of the Supreme Court, Kevin Groman, as
15 an individual, and the undersigned in-house counsel, as individuals, submit these
16 comments in support of the Petition to Amend Rule 38 to clarify the rule to simplify the
17 requirements for registered in-house counsel to provide volunteer legal services through
18 an approved legal services program.

19 **I. Arizona has a Great Need for Pro-Bono Activities:**

20 The July 2015 Census Bureau estimated that more than 1.2 million Arizonans fell
21 below the federal poverty level. Many of them do not have access to justice, despite
22 having significant and life altering legal needs. Arizona is blessed to have several very
23 fine legal service programs that provide legal assistance; however, the needs significantly
24 outweighs their limited staff and resources. As a result, the legal services programs rely
25 on volunteers from the private bar to partially fill the gap that exists in providing legal
26 services to those less fortunate. Registered in-house counsel can also help to fill this gap.
27 This petition seeks to accomplish that.
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1 **II. Pro-Bono Activities By In-House Counsel:**

2 A group of in-house counsel have undertaken an effort to eliminate many of the
3 obstacles that historically have resulted in in-house counsel being less engaged in pro
4 bono activities. However, the current form of Rule 38 creates confusion and the
5 apparent need for registered in-house counsel to re-register, causing a duplicative
6 certification process. I am submitting these comments as an individual; however, as the
7 head of the In-House Counsel Pro Bono Commission, I truly see the need for this rule
8 change. This has been brought to my attention numerous times by registered in-house
9 counsel, who express a sincere interest to engage in pro bono activities, but are hampered
10 by the current rule. These talented and experienced attorneys, some of whom represent
11 the largest companies in the United States, surprisingly are unable to provide pro bono
12 services to those in need, due to the current form of the rule. This rule change seeks to
13 eliminate this duplicative certification process and enables registered in-house counsel to
14 engage in pro bono activities through an approved legal services organization.

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16 **III. The Goal of the Petition:**

17 Attorney Katz articulates in the petition that this rule change seeks to eliminate the
18 confusion of the existing rule that inhibits registered in-house counsel from engaging in
19 pro bono efforts with an approved legal service organization. This duplicative
20 certification process for registered in-house counsel appears to have been an oversight in
21 the rule making process, as delineated by Attorney Katz. This petition seeks to remedy
22 this oversight, and it is hard for me to see any reasonable justification in treating
23 registered in-house counsel in this disparate manner. I strongly support this rule change,
24 as the beneficiaries of such change will be those individuals that have a harder time
25 gaining access to justice.

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1 **IV. Conclusion**

2 For all the above reasons, I, and the other undersigned in-house counsel, signing as
3 individuals, request that the Court approve the Petition. We feel the current rule resulted
4 in the unintended consequence of this redundant certification process for registered in-
5 house counsel and respectfully request that the Court fixes this oversight by approving
6 this petition.

7 Respectfully submitted this 21st day of February 2017.

8 By /s/Kevin J. Groman

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12 Electronic copy filed with the Clerk
13 of the Supreme Court of Arizona this
14 21st day of February 2017

15 Copy of the foregoing emailed to:

16 Honorable Lawrence Winthrop
17 Chair
18 Access to Justice Commission
19 1501 West Washington, Suite 410
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22 And

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1 In support of the rule change:

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