

From:  
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To:  
**SUPREME COURT OF ARIZONA**

**In the Matter of: Petition to Amend Supreme Court Rule 32(A)-(M)**  
**Arizona Supreme Court No. R-25-0001**

**COMMENT IN SUPPORT OF THE PETITION TO AMEND RULE 32 BY SHEREE  
WRIGHT, ESQ.**

Pursuant to Rule 28(e) of the Arizona Rules of the Supreme Court, I, Sheree Wright, respectfully submit this comment in support of the Petition to Amend Supreme Court Rule 32, which would eliminate mandatory membership in the State Bar of Arizona and transfer regulatory authority to the Arizona Supreme Court and its Administrative Office.

**I. INTRODUCTION**

As a licensed attorney in Arizona, I write in support of this Petition not out of opposition to professional accountability, mentorship, or service—but out of a deep belief in fairness, transparency, and constitutional integrity. The time has come to re-examine the structure under which the State Bar of Arizona operates and implement reforms that ensure due process, equal protection, and confidence in our disciplinary and regulatory systems.

I speak not as an outsider, but as an active member of the Bar who pays annual dues and remits IOLTA interest from client trust accounts in full compliance with current rules. Despite that compliance and ongoing financial contribution, I have been publicly named and criticized by the State Bar in written responses to the media, following civil rights concerns raised by the National Action Network (NAN) on my behalf and others. This has deepened my concern that the current structure enables public rebuttal by the Bar without providing equivalent protections or a fair process to its members.

No other professional or citizen in this country is forced to finance their own public condemnation by a regulatory body. The current model leaves attorneys vulnerable to reputational harm while stripping them of choice, voice, and constitutional protection. The Petition to Amend Rule 32 seeks to correct this imbalance and restore both integrity and legitimacy to the regulatory process.

This Petition does not seek to dismantle the legal profession or diminish valuable programs. It seeks to align Arizona's regulatory framework with constitutional mandates and restore confidence among members who have experienced inconsistencies in oversight, particularly in disciplinary processes that, for some, have operated without transparency or balance.

## II. COMPELLED ASSOCIATION AND CONSTITUTIONAL VIOLATIONS

The current structure of the State Bar of Arizona, as codified in Rule 32 of the Arizona Rules of the Supreme Court, mandates compulsory membership and financial contribution as a condition of practicing law in the state. Specifically:

- **Rule 32(a)(1)** states: “Every attorney licensed to practice law in Arizona must be a member of the state bar.”<sup>1</sup>
- **Rule 32(c)(3)** provides that the Board of Governors “shall annually fix and collect membership fees, penalties, and late charges from active and inactive members of the state bar.”<sup>2</sup>
- **Rule 32(d)(1)** authorizes the State Bar to “regulate the practice of law by its members, including investigating complaints, disciplining attorneys, and enforcing rules adopted by the court.”<sup>3</sup>

This framework imposes compelled association and compelled financial support—triggering heightened scrutiny under the First Amendment, especially following the U.S. Supreme Court’s decision in *Janus v. AFSCME*, 585 U.S. 878 (2018), which prohibits the government from mandating dues or fees to support expressive or ideological activity without affirmative consent.

The U.S. Supreme Court's decision in *Janus v. AFSCME*, 585 U.S. 878 (2018), reaffirmed that compelled financial contributions to entities engaged in expressive conduct are presumptively unconstitutional unless those contributing provide clear, affirmative consent. Under *Janus*, the Court held that the government may not extract dues or fees from individuals to fund speech or activities with which they may disagree—especially where such funding is not essential to the government’s regulatory function.

The current structure of the State Bar of Arizona is constitutionally suspect under *Janus*. Attorneys are not only required to join and pay annual dues, but also to relinquish interest from their IOLTA accounts—funds derived from client property. These compelled contributions are then used to support a range of bar activities beyond strict regulation, many of which may touch on political, ideological, or organizational positions that individual members may not support or consent to fund.

While *Keller v. State Bar of California*, 496 U.S. 1 (1990), upheld the constitutionality of integrated bars, it was expressly grounded in *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977)—a precedent the Supreme Court overturned in *Janus v. AFSCME*, 585 U.S. 878 (2018). In the wake of *Janus*, numerous federal courts, including the Fifth Circuit in *McDonald v. Longley*, 4 F.4th 229 (5th Cir. 2021), have acknowledged the growing doctrinal tension between *Keller* and *Janus*, with *McDonald* invalidating parts of the Texas Bar’s structure on First Amendment grounds. Arizona must act proactively to modernize its regulatory framework and avoid protracted constitutional litigation.

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<sup>1</sup> Ariz. R. Sup. Ct. 32(a)(1)

<sup>2</sup> Ariz. R. Sup. Ct. 32(c)(3)

<sup>3</sup> Ariz. R. Sup. Ct. 32(d)(1)

The Petition provides a solution that preserves legitimate regulation under the Supreme Court's authority while offering attorneys the freedom to voluntarily support initiatives they believe in. This balance respects First Amendment rights while maintaining the integrity of the profession.

### **III. THE STATE BAR'S PUBLIC ATTACKS ON MEMBERS VIOLATE TRUST AND INTEGRITY**

The harm of compelled membership is no longer theoretical. It has become deeply personal and professionally damaging. As an African American woman attorney, I have faced disproportionate scrutiny and public targeting by the very Bar that claims to protect the integrity of the profession. This has not occurred in a vacuum—it is part of a broader pattern of selective enforcement and reputational suppression disproportionately affecting attorneys of color, reform-minded attorneys, and those who challenge institutional norms.

The State Bar's ability to issue public-facing statements about its members—while the members themselves are legally barred from opting out of membership or refusing to fund the organization—is an abuse of regulatory authority and a breach of professional ethics. It imposes asymmetrical power: the Bar speaks, the attorney cannot disengage; the Bar spends, the attorney cannot decline to fund it; the Bar disciplines, the attorney must comply—even when the Bar itself has acted in a retaliatory or procedurally questionable manner. Again, as a dues-paying member with no platform to rebut, this public posture by the Bar only further illustrates the imbalance. When the same entity that governs and collects mandatory fees from attorneys also crafts public narratives about its members, without procedural symmetry, trust in the system erodes.

In no other regulated profession would this be tolerated. Doctors, teachers, engineers, and other licensed professionals are not required to financially support a private association that simultaneously regulates and publicly criticizes them. The duality of the Bar's role—as both regulator and self-interested membership organization—creates irreconcilable conflicts of interest.

Transferring regulatory authority to the Arizona Supreme Court would establish direct oversight by an institution better positioned to ensure uniform, fair, and transparent application of disciplinary standards. It would remove the appearance—or reality—of insular governance and would rebuild trust across a diverse legal community that is increasingly asking for clarity and fairness in how its members are treated.

### **IV. REGULATORY FUNCTIONS BELONG WITH THE COURT**

It is essential to clarify that supporting this Petition does not mean rejecting the value of continuing legal education, access to justice, or professional mentorship. I have personally benefited from community-building and development initiatives, and I believe in fostering spaces that uplift attorneys from all walks of life

The Petition does not propose abolishing regulation. It proposes placing regulatory authority where it rightfully and constitutionally belongs: under the direct supervision of the Arizona Supreme Court. The Court already oversees admissions, judicial conduct, and attorney discipline

through the PDJ and various appointed committees. Formalizing this authority into a centralized regulatory framework would promote transparency, consistency, and accountability—qualities sorely lacking in the current Bar-driven model.

Arguments that the Bar’s programs would disappear under the Petition are unfounded. Many states, including New York and Illinois, operate under voluntary bar models with robust CLE, mentorship, and public service initiatives—without requiring membership or dues. Arizona attorneys should be free to support such programs voluntarily, without coercion, and with full confidence that their contributions reflect their values.

## **V. VOLUNTARY PARTICIPATION WILL IMPROVE—NOT WEAKEN—OUR PROFESSION**

As someone who supports professional development, diversity, mentorship, and meaningful access to justice, I have no opposition to voluntary bar programs that serve these goals. But truly impactful initiatives require trust, inclusion, and legitimacy—not coercion. Attorneys are more likely to support and engage with organizations they choose to join, rather than ones they are compelled to fund regardless of performance or alignment.

Voluntary support fosters quality, responsiveness, and relevance. It ensures that leadership remains accountable to the membership. It ensures that programs remain focused, efficient, and in service of those who truly value them. Under the current model, the absence of accountability has allowed dysfunction, favoritism, and politicization to flourish unchecked.

## **VI. CONCLUSION**

Arizona’s legal profession stands at a crossroads. We can either cling to an outdated and constitutionally vulnerable structure that fosters distrust, inequity, and silencing—or we can embrace a modern, principled model that respects attorneys as professionals, citizens, and individuals.

This Petition is not about dismantling professional support. It is about liberating it—freeing Arizona attorneys from compelled association, restoring the judiciary’s rightful role as regulator, and creating space for organizations to earn support rather than demand it.

As a dues-paying member who has faced public disparagement by the very body I am forced to support, I cannot remain silent. I urge this Court to grant the Petition and take a historic step toward fairness, accountability, and constitutional integrity.

**Respectfully submitted this 1st day of May, 2025.**

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