



Maricopa County Attorney

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VIA HAND DELIVERY

Patricia Giallanza, Communications Director
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Az. 85016-6288

Dear Ms. Giallanza:

This letter is to respond to your email yesterday indicating the Bar has declined to post the *Arizona Republic's* editorial "Bar's Witch Hunt" on its web site, and has declined to send out this office's Reply brief next week to the membership of the Bar via email in the Bar's E-Legal publication. The State Bar of Arizona's refusal to be impartial is its dissemination of information regarding the complaints against Mr. Thomas and the Maricopa County Attorney's Office is both unacceptable and regrettable. The Bar, as an arm of the Arizona Supreme Court, is supposed to be a neutral party in such matters. That neutrality is hard to find.

The Bar has posted an Op Ed written by Dan McAuliffe highly critical of Mr. Thomas on its web site. The Bar, through its E-Legal e-mail alerts, distributed a legal brief highly critical of this office to every lawyer and judge within the state. Yet when this office seeks to tell its side of the story we are told no.

We were denied a request to have the Bar post a Republic editorial supporting our position, even though this was the very article to which the McAuliffe Op Ed in question was responding. We were denied a request to have our response to the Bar's brief distributed to the legal community. The Bar is supposed to conduct itself as a neutral regulatory agency—in fact, a part of the judicial branch of government—and not a lobbying or public relations firm advocating the personal grudges of its executive board.

The Bar agreed to post our legal briefs on its web site only after it was asked to do so by our office. That request was handled courteously and promptly by the Bar's communications office. But our request to have our side of the story disseminated on the Bar's web site and through its E-Legal service should have been granted. The Bar is using its monopoly as the primary source of information for the state's legal community as a way to tell only one side of the story. It certainly appears that the leadership

at the Bar is exploiting this monopoly, a monopoly that's funded through the mandatory dues of every attorney in this state, including more than 300 attorneys in the Maricopa County Attorney's Office.

For most of the past year the Bar's leadership has been engaged in a broad smear campaign against Mr. Thomas. This has taken the form of numerous and varied attacks on this office through press releases, interviews with the media, speeches, articles in *Arizona Attorney Magazine*, etc. After months of enduring this abuse this office was forced to take some rather dramatic steps to defend itself not only in the courtroom but also in the community.

The Bar is supposed to represent all lawyers and we feel that the legal community has the right to see both sides of the argument. Simply put, the Bar is endowed with enormous power that it is misusing. In handling Bar complaints it is prosecutor, judge and jury. But it is not supposed to take sides in its role as arbiter. It's as if a judge were to use the resources of the judiciary to advocate one side of a legal issue between two parties before even making a ruling.

If the Bar does not reconsider its decision to send out this office's reply brief, we would like to purchase the E-Legal distribution list so that we can do so to inform the legal community of our side of this dispute and the urgent need for serious reforms of the State Bar. If the Bar reconsiders and posts the *Republic* editorial and sends out the Reply via E-Legal or some similar email to the same attorney recipients, we would reciprocate and post the McAuliffe Op Ed as soon as our web page is ready.

I am copying this e-mail to Bar counsel under the assumption that these decisions are being made at the executive level and not at the communications office, which I must point out has been courteous, if not entirely cooperative, in its dealings with my office.

This letter is being hand-delivered this morning and faxed to your office. If we do not receive confirmation by the end of today that our request that the *Arizona Republic's* "Bar's Witch Hunt" op-ed be posted on the Bar's web site, and that our office's Reply brief due next week to the Supreme Court will be sent out to attorneys through E-Legal or via a separate email to the same attorney recipients, we will inform the public of the situation and take other appropriate actions. This smear campaign, designed to damage Mr. Thomas' reputation among all attorneys and judges in Arizona, is unfair and highly improper coming from what is supposed to be a neutral regulatory agency and an arm of the Supreme Court itself.

Sincerely,



Mike Anthony Scerbo
Public Information Officer

cc: Edward Novak
John Furlong