



# Maricopa County Attorney

ANDREW P. THOMAS

301 W. JEFFERSON, SUITE 800  
PHOENIX, AZ 85003  
www.maricopacountyattorney.org

PH. (602) 506-3411  
TDD (602) 506-4352  
FAX (602) 506-8102

## News Release

### FOR IMMEDIATE RELEASE

March 9, 2009

For more information contact:

Mike Anthony Scerbo, Public Information Officer  
(602) 506-3170 (office) or (602) 489-6913 (cell)

### **Final State Bar Matters Dismissed** *Freedom of Speech Successfully Defended*

County Attorney Andrew Thomas announced today that the final two State Bar investigations involving him have been dismissed.

In October 2007, the State Bar launched an unprecedented series of investigations of the County Attorney's Office after Thomas criticized members of the Maricopa County judiciary for nonenforcement of Proposition 100. This measure, approved by 78 percent of Arizona voters in 2006 and drafted by Thomas' office, prohibited bail for illegal immigrants accused of serious felonies. In response to this criticism, the State Bar, an arm of the judiciary, began a wave of investigations against Thomas, Special Assistant Barnett Lotstein, and other prosecutors. All of them now have been dismissed. County taxpayers were forced to pay approximately \$573,000 in legal fees to defend against these actions.

Five esteemed experts in legal ethics, including a former Chief Justice of the Arizona Supreme Court and former presidents of the Arizona State Bar, signed sworn affidavits in which they concluded the investigations of Thomas were without merit. One nationally recognized expert in legal ethics, Geoffrey Hazard, went so far as to describe the actions of Arizona Chief Bar Counsel Robert Van Wyck as "unprofessional." Van Wyck resigned shortly after Thomas went public with these complaints.

In May 2008, Thomas took the unprecedented step of asking the Arizona Supreme Court to remove the investigations from the State Bar. To avoid adverse action by the Supreme Court, the Bar appointed an independent investigator for the first time in its 75-year history as a regulatory agency. Last week, the investigator appointed for the remaining Thomas matters, retired Judge Rebecca Albrecht, closed them. These involved Thomas' criticism of county judges related to Proposition 100 and the 2007 investigation of the *New Times*. Last year, a federal judge similarly dismissed Thomas from a federal lawsuit brought by the *New Times*.

Thomas stated, "As I said all along, supporters of criminals and illegal immigrants at the State Bar brought these politically motivated investigations in an attempt to intimidate our prosecutors. In this they were unsuccessful and have now been discredited—but unfortunately, at great cost to county taxpayers. I sincerely hope that the State Bar will no longer be misused to promote political agendas or the self-interests of lawyers for Valley criminals."

###