

## Public Comment Summary

|   | Member name        | Bar no. | Date rec'd | Comment   | Suspension date | Total amount of membership fees owed | Proposed waiver (50% of 2008 and earlier fees) | Potential amount collectable under Amnesty Program |
|---|--------------------|---------|------------|---|-----------------|--------------------------------------|--|--|
| 1 | Charles Davenport  | 198879  | 5/27/2009  | In favor of the proposed Amnesty Program in these difficult economic times and would like to participate.   | 8/16/2009       | \$1,610.00                           | \$550.00                                       | \$1,060.00   |
| 2 | Elizabeth Davies   | 136340  | 5/27/2009  | In favor of the proposed Amnesty Program and would like to participate. Although not practicing, would pay a reduced rate to "re-engage" and reconnect with the Bar.                                    | 9/18/2008       | \$698.75                             | \$271.88                                       | \$426.88   |
| 3 | Rebel Ely          | 150230  | 5/27/2009  | Member thinks that the proposed Amnesty Program is "far too little, too late". Member is opposed to the accrual of fees while suspended and the public display of suspension on the State Bar Web site. | 7/1/2008        | \$512.50                             | \$178.75                                       | \$333.75   |
| 4 | Hadas Rivera-Weiss | 163840  | 5/27/2009  | Member would only be interested in the Amnesty Program if all fees were waived.   | 9/29/1999       | \$5,377.50                           | \$2,433.75                                     | \$2,943.75   |
| 5 | Erin Humphries     | 110669  | 5/27/2009  | In favor of the proposed Amnesty Program. Supports the Bar helping those who wish to return to the practice of law.   | 9/1/2001        | \$4,485.00                           | \$1,987.50                                     | \$2,497.50   |
| 6 | Virginia Langan    | 102453  | 5/27/2009  | In favor of the proposed Amnesty Program and would like to participate.   | 9/18/2006       | \$698.75                             | \$271.88                                       | \$426.88   |
| 7 | Diane Taylor       | 177994  | 5/27/2009  | In favor of the proposed Amnesty Program and would like to participate. Member is an unemployed high school teacher who would like to return to the practice of law.                                    | 8/16/2007       | \$555.00                             | \$200.00                                       | \$355.00   |

Attachment C

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| 8  | Michael George | 93813   | 5/27/2009  | In favor of the proposed Amnesty Program and would like to participate. Amnesty Program would make it possible for member to be re-instated and return to the practice of law. Member would pay fees and complete MCLE requirements.         | 9/16/2004       | \$3,566.25                           | \$1,528.13                                     | \$2,038.13   |
| 9  | Cynthia Mobley | 139335  | 5/27/2009  | In favor of the proposed Amnesty Program and would like to participate. Reinstating her California license would allow member to sit for the Tennessee Bar exam, where she now resides.  | 9/16/2005       | \$761.25                             | \$303.13                                       | \$458.13   |
| 10 | Janet Bausch   | 93011   | 5/27/2009  | In favor of the proposed Amnesty Program and would like to participate.  | 9/16/2004       | \$2,723.75                           | \$284.38                                       | \$2,439.38   |
| 11 | Jeffrey Walker | 136680  | 5/27/2009  | In favor of the proposed Amnesty Program and would like to participate.  | 9/16/2005       | \$2,591.25                           | \$1,040.63                                     | \$1,550.63   |
| 12 | Jean Morse     | 62202   | 5/27/2009  | In favor of the proposed Amnesty Program.  | 7/21/1997       | \$1,311.25                           | \$578.13                                       | \$733.13   |
| 13 | Sarah Williams | 103139  | 5/28/2009  | In favor of the proposed Amnesty Program and would like to participate. Member would pay the dues and complete the MCLE requirements if it is possible to complete the requirements while overseas. <i>[It is possible to do so online.]</i> | 7/1/2008        | \$1,110.00                           | \$300.00                                       | \$810.00   |

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| 14 | Brad Beeson             | 73930   | 5/28/2009  | In favor of the proposed Amnesty Program and would like to participate. Member stated program would "change [his] life for the positive". Member would pay reduced fees and complete the MCLE requirements so that he can resume the practice of law.   | 9/1/2001        | \$4,485.00                           | \$1,987.50                                     | \$2,497.50   |
| 15 | Theresa Whatley (Welch) | 108130  | 5/28/2009  | In favor of the proposed Amnesty Program. Member is currently practicing law in New Mexico and the Amnesty Program would enable her to return to California to practice law.  | 8/16/1993       | \$1,586.25                           | \$715.63                                       | \$870.63   |
| 16 | David Shaffer           | 115286  | 5/28/2009  | In favor of the proposed Amnesty Program and would like to participate. Member is a government attorney in D.C. and would value active California membership, though, as a public servant, does not have the means to pay the full outstanding balance. | 8/16/2007       | \$1,610.00                           | \$550.00                                       | \$1,060.00   |
| 17 | Rodney Smith            | 78244   | 5/28/2009  | In favor of the proposed Amnesty Program and would like to participate.   | 7/1/2008        | \$1,110.00                           | \$300.00                                       | \$810.00   |
| 18 | Barbara Sweda           | 93794   | 5/28/2009  | In favor of the proposed Amnesty Program and would like to participate.   | 7/1/2008        | \$245.00                             | \$45.00  | \$200.00   |

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| 19 | Michael Raabe    | 123654  | 5/28/2009  | In favor of the proposed Amnesty Program. Under the program this member would be inclined to reactivate his license, which would otherwise not be a priority, "thus, providing the Bar with revenue it would not otherwise have."   | 8/16/2007       | \$555.00                             | \$200.00                                       | \$355.00   |
| 20 | Pam King         | 108431  | 5/28/2009  | Member lives outside of California and does not want to continue paying member fees.  | 8/19/2007       | \$555.00                             | \$200.00                                       | \$355.00   |
| 21 | K. Anthony White | 46151   | 5/28/2009  | In favor of the proposed Amnesty Program and would likely participate to reactivate membership and potentially do pro bono work now that he is retired. Second comment suggests that the penalties and late fees should be waived based on inability to pay.  | 9/10/2003       | \$886.25                             | \$365.63                                       | \$520.63   |
| 22 | Ruben Sanchez    | 118309  | 5/28/2009  | In favor of the proposed Amnesty Program and would like to participate. Member cannot afford to pay accrued fees otherwise. Member goes on to say that suspension due to his inability to pay has been "catastrophic" for him, because it has prevented him from "earning a livelihood to better [his] financial position." | 7/1/2008        | \$3,457.99                           | \$1,474.00                                     | \$1,984.00   |
| 23 | William Reyes    | 170971  | 5/29/2009  | In favor of the proposed Amnesty Program. It will assist members with financial difficulty and raise revenue for the Bar.   | 9/16/2004       | \$3,078.75                           | \$1,284.38                                     | \$1,794.38   |

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| 24 | Elizabeth Sears | 250450  | 5/29/2009  | This is an active member with no outstanding fees who supports the proposed Amnesty Program as a mechanism for suspended attorneys to get to back on track, especially during the current "economic crisis".  | NA              | \$0.00                               | \$0.00   | \$0.00   |
| 25 | Jan L. Thompson | 144882  | 5/30/2009  | In favor of the program and would like to participate. This member has not practiced for 20 years, yet has kept up with MCLE. The proposal will allow the member to reinstate as she is interested in doing volunteer legal work.   | 8/16/1993       | \$8,768.00                           | \$4,306.50                                     | \$4,461.50   |
| 26 | Michael Morgan  | 109670  | 5/30/2009  | In favor of the program. Member moved out of state but did not transfer to inactive status. Member would like to be able to pay at the inactive rate since the year he has been suspended.  | 9/16/2004       | \$3,078.75                           | \$1,284.38                                     | \$1,794.38   |
| 27 | Eric Lindblom   | 122924  | 5/31/2009  | In favor of the proposed Amnesty Program but suggests changes: 1. Cap on the maximum amount of payment required under the Amnesty program (ex. \$500) 2. For ongoing membership fees, charge a smaller annual fee for members who do not practice law in CA but want to stay active with the Bar. 3. Lower ongoing membership fees for individuals who work for non-profits or governments. | 7/21/1997       | \$1,311.25                           | \$578.13                                       | \$733.13   |

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| 28 | Sherman Thomas Fairbaum | 81847   | 5/31/2009  | In favor of the proposed Amnesty Program if more than half the fees and penalties are waived. Member would like to someday be on active status and use their license. <i>[This member is currently also on disciplinary suspension, which is not applicable to the Amnesty Program.]</i> | 9/1/2001        | \$275.00                             | \$137.50                                       | \$137.50   |
| 29 | Robert Brunelli         | 169960  | 6/1/2009   | In favor of the proposed Amnesty Program but believes that the accrual of fees at the active rate while a member who is suspended is "makes no sense"and is "unfair".  | 8/12/1996       | \$6,768.00                           | \$3,129.00                                     | \$3,639.00   |
| 30 | Sean Farley             | 153208  | 6/2/2009   | Would like the waiver to include all fees and penalites.   | 9/27/1999       | \$5,185.50                           | \$2,337.75                                     | \$2,847.75   |
| 31 | Justin Cade             | 232138  | 6/5/2009   | In favor of the proposed Amnesty Programand is interested in participating. Member thinks that the proposed waiver amount of 50% "probably strikes a good balance."  | 9/18/2006       | \$2,103.75                           | \$796.88                                       | \$1,306.88   |
| 32 | F.R. Favre              | 53505   | 6/7/2009   | Out of state member does not want to pay a yearly fee to maintain attorney status.   | 8/16/2007       | \$1,610.00                           | \$550.00                                       | \$1,060.00   |
| 33 | Darlene J. Johnson      | 108936  | 6/11/2009  | Member requests a sub-category indicating that member retired rather than suspended for non-payment of fees.   | 7/1/2008        | \$400.00                             | \$122.50                                       | \$277.50   |
| 34 | Desiree Scott           | N/A     | 6/12/2009  | In favor of the proposed Amnesty Program but believes that amnesty period should run through 2012 to "allow those in a position of financial hardship a better oppportunity to accumulate the funds necessary".  |                 |                                      | \$0.00   | \$0.00   |

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| 35 | Jonathan Golding    | 231885  | 6/12/2009  | In favor of the proposed Amnesty Program and would like to participate. He otherwise could not afford to pay the outstanding balance. Reinstatement would allow this member, currently in Illinois, to practice in Bankruptcy Court.  | 9/15/2005       | \$2,835.00                           | \$1,162.50                                     | \$1,672.50   |
| 36 | John Miilu          | 34742   | 6/15/2009  | Member believes lawyers on inactive status should have all of their past dues forgiven, or, in the alternative, senior inactive lawyers who participate in Bar Assn pro bono programs should receive full amnesty. Member will soon be returning to CA and is interested in participating in pro bono programs. | 8/16/2007       | \$900.00                             | \$372.50                                       | \$527.50   |
| 37 | Carolyn Alden       | 121897  | 6/16/2009  | In favor of the proposed Amnesty Program and would like to participate. Member is disabled and would not otherwise be able to afford to pay the outstanding balance.  | 9/18/2006       | 698.75                               | \$271.88                                       | \$426.88   |
| 38 | David Morris Corwin | 147710  | 6/17/2009  | In favor of the proposed Amnesty Program and would like to receive updates  | 9/18/2006       | \$1,748.75                           | \$796.88                                       | \$951.88   |

## **Bartlett, Laila**

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**From:** Charles Davenport  
**Sent:** Wednesday, May 27, 2009 4:07 PM  
**To:** Bartlett, Laila  
**Subject:** Amnesty Program

I am in favor of the program. Times are tough and it might help some attorneys get back on their feet. I must disclose that I would personally be taking advantage of the program.

**Bartlett, Laila**

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**From:** Davies, Elizabeth  
**Sent:** Wednesday, May 27, 2009 4:29 PM  
**To:** Bartlett, Laila  
**Subject:** Amnesty Program Feedback

Thanks for inviting feedback on the Amnesty Program. This is something I would greatly favor as it would impact me positively.

I am an inactive member of the Bar and have been for years. After moving a few times in the late 1990's and early 2000's, the state bar lost touch with me and I with it. Since I don't practice, I didn't notice the lapse in my membership for a few years. I recently inquired about getting up-to-date and learned that what I owe is quite high, given the penalties.

I would, in an instant, pay a reduced rate to re-engage with the state bar. Even though I don't practice, I enjoy the connection.

Please allow the fee waiver and let me know when it becomes available.

Thank you,  
Elizabeth Davies

**Bartlett, Laila**

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**From:** Rebel Ely  
**Sent:** Wednesday, May 27, 2009 4:29 PM  
**To:** Bartlett, Laila  
**Subject:** Re: State Bar of CA Proposed Amnesty Program – Request for Public Comment – Mbr No. 150230

Hello,

I think this proposed legislative change is far too little, too late.

Other states don't allow the public to view anything regarding lawyers' credentials or state bar status. By contrast, California displays everything for the world at large to see via the Internet, including that a member who is in good standing otherwise, does not feel like paying the blackmail fee (aka annual dues) to the Bar Association when that member is NO LONGER practicing law, and the Bar Association is therefore NO LONGER PROVIDING ANY VALUE TO THAT FORMER MEMBER.

Furthermore, it is egregious that the state bar non-active dues are as high as they are. Is there any other organization (professional) in the world that forces inactive members to pay them for the 'privilege' of having previously been a member? No. Not a single trade organization, or country club, or athletic club would ever dream of such highway robbery.

This blackmail fee should have been eliminated altogether a long time ago. Worse yet, people who see the suspension for nonpayment think that it has something to do with the ethics or practice habits of the attorney, which it does not. It is pathetic that non-payment of dues for a non-practicing attorney then becomes cluttered in people's minds with other unethical attorneys who have been suspended for cause based on having committed malpractice or ethical violations.

If California's Bar Association is still so hard up for money that blackmail appears to be the only option, I suggest the fee be substantially reduced to \$10.00, which covers the cost of keeping the attorney's name in your database.

-Rebel Ely  
CA State Bar Member #150230

Rebel Ely  
cell (917) 617-6995  
[rebelely@yahoo.com](mailto:rebelely@yahoo.com)

**Bartlett, Laila**

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**From:** hadas rivera-weiss  
**Sent:** Wednesday, May 27, 2009 4:48 PM  
**To:** Bartlett, Laila  
**Subject:** Comment on Proposed Change to Fee Waiver Rule

Hello Laila.

I have had no need for any kind of Bar membership and therefore have seen no need to pay active or inactive dues for the past 11 or so years. I am now interested in membership but not interested enough to pay accrued fees. I would activate my membership if all of the accrued fees were waived, not just 50%.

Thank you.

Hadas  
163840

**Bartlett, Laila**

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**From:** ERIN HUMPHRIES  
**Sent:** Wednesday, May 27, 2009 4:55 PM  
**To:** Bartlett, Laila  
**Subject:** Public

It is my hope that those who wish to return to the practice of law will be helped to do so.

Erin H. Humphries

**Bartlett, Laila**

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**From:** Ginny Langan  
**Sent:** Wednesday, May 27, 2009 4:56 PM  
**To:** Bartlett, Laila  
**Subject:** Public Comment Re: Proposed Amnesty Program

Re: Proposed Amnesty Program

Dear Laila,

Obviously I think this is a very good idea. My own circumstances were: in 1995 after paying \$200 of the then \$478 active fees, I had decided to go inactive. However, the deadline had passed and I was told I could not change my status, and on top of the additional active fee, that I owed a 50% penalty.

Thereafter, the Bar would not respond to any of my requests to at least strike the 50% penalty and continued to bill me active fees year after year, plus penalties, and would not of course allow me to change my status as I was "under suspension". Many times I was told that a new president was going to be "lenient", I'd write letters, get no responses. I at one point offered to pay all of the fees due (although I have not practiced law) if they would waive the penalties, and was told no. Eventually, I gave up.

It would seem that the State Bar would at least welcome the inactive fees.

I strongly support the proposed "amnesty program".

Virginia Langan (102453)

**Bartlett, Laila**

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**From:** dianetaylor  
**Sent:** Wednesday, May 27, 2009 6:19 PM  
**To:** Bartlett, Laila  
**Subject:** Public Comment Re: Proposed Amnesty Program

I would like to extend my support to the proposed Amnesty Program.

I have accrued unpaid fees (plus interest) initially because the State Bar had the wrong address in their files. When I corrected the address and received the bill, the unpaid fees had already accrued to a high level -- too much to pay on my salary since I was 'inactive' and working as a high school English teacher.

Now, I would like to pay the fees (to get re-instated and work as a contract attorney), but they are simply too much for me to afford since I am currently unemployed. If the unpaid fees were reduced to 50%, I would pay them to get re-instated.

Thank you for your time.

Diane Taylor

**Bartlett, Laila**

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**From:** Michael George  
**Sent:** Wednesday, May 27, 2009 6:34 PM  
**To:** Bartlett, Laila  
**Subject:** RE: State Bar of CA Proposed Amnesty Program – Request for Public Comment – Mbr No. 93813

Dear Ms. Bartlett,

This is in response to your e-mail of May 27, 2009 inviting public comments to a proposed amnesty program for members who are suspended for nonpayment of annual membership fees.

I was suspended on September 16, 2004 for nonpayment of my annual membership fees and for noncompliance with MCLE requirements. I had retired early, but I am currently facing financial circumstances which will require me to re-enter the workplace. If I were not suspended from practicing law, I would dearly like to do so as an attorney. Five years' worth of back membership fees and penalties and the cost of taking the Bar approved MCLE courses to make up for those five years' worth of credits, however, represent a serious financial hardship for me and have thus far prevented me from seeking a reinstatement.

Should the proposed amnesty program be implemented, whereby the amount of my back membership fees and penalties would be halved, it would significantly lessen my financial burden. I would, in which event, take an immediate advantage of the opportunity, take the necessary MCLE courses and apply to be reinstated to practice law in California.

Sincerely,

Michael S. George

**Bartlett, Laila**

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**From:** CynMob.  
**Sent:** Wednesday, May 27, 2009 5:26 PM  
**To:** Bartlett, Laila  
**Subject:** Re: State Bar of CA Proposed Amnesty Program – Request for Public Comment – M...

Thank you for this email and the links. I moved from California in 2002 and, due to a subsequent illness, got behind on my Bar dues. I was inactive at the time. I would very much like to resolve the situation with California so that I can take the Bar in Tennessee, where I now live. I have not been actively practicing for a number of years.

I take it from reading the applicable rules that I could request a waiver even now?

Cyn Mobley, 139355.

## **Bartlett, Laila**

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**From:** jan  
**Sent:** Wednesday, May 27, 2009 7:18 PM  
**To:** Bartlett, Laila  
**Subject:** Amnesty program for unpaid dues

Dear Laila, I have been retired (now age 67) since the 90's when I returned to my home state of Nebraska. I have only done unpaid volunteer charity work since that time. When my husband retired from medicine we felt we could no longer pay the dues. My attempts to write and email the State Bar were unsuccessful and I was considered delinquent in not paying my dues instead of becoming non-active status. I would like to continue in my volunteer counseling and would like to be in good standing again. I would like to take advantage of the Fee Waiver Rule 2.16 proposed. Janet Bausch 93011

**Bartlett, Laila**

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**From:** Jeffrey Walker  
**Sent:** Wednesday, May 27, 2009 9:34 PM  
**To:** Bartlett, Laila  
**Subject:** Comment on amnesty

Yes!!!!!!

The only reason that I am not current is because of the lapse.

**Bartlett, Laila**

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**From:** Jean Morse  
**Sent:** Wednesday, May 27, 2009 10:54 PM  
**To:** Bartlett, Laila  
**Subject:** Re: State Bar of CA Proposed Amnesty Program \* Request for Public Comment \* Mbr No. 62202

Great idea!

**Bartlett, Laila**

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**From:** sarah williams  
**Sent:** Thursday, May 28, 2009 4:47 AM  
**To:** Bartlett, Laila  
**Subject:** Amnesty

I am one of those lawyers suspended for nonpayment. I moved out of the country and tried to go "inactive" but was told I had to pay the full year's dues AND do MCLE courses.

There is no way I can do MCLE courses except by Internet or video, and I was told I would have to return to California to complete several hours in person.

I can't afford to return to California. I have a pension, a new job with 2 day accrued vacation, and my deferred comp went the way of the Dodo Bird in our economic melt-down.

I would gladly pay the dues and do the MCLE if you offered an amnesty and if someone could please figure out a way I can comply with MCLE requirements while living overseas---or if I can go inactive without MCLE?

Thanks very much.

Sarah Williams  
103139

Jerusalem, Israel

**Bartlett, Laila**

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**From:** Brad Beeson  
**Sent:** Thursday, May 28, 2009 9:18 AM  
**To:** Bartlett, Laila  
**Subject:** Re: State Bar of CA Proposed Amnesty Program – Request for Public Comment – Mbr No. 73930

Laila, Would there be an application form to apply for Amnesty. That would change my life for the positive. Let me know what to do, please. Thank you.

**James Bradley Beeson (Brad)**  
**P.O. Box 1073, Penn Valley, Ca. 95946**  
**530 386-0351**  
[fundbuildsell@yahoo.com](mailto:fundbuildsell@yahoo.com)

**Bartlett, Laila**

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**From:** Brad Beeson  
**Sent:** Friday, June 05, 2009 10:51 AM  
**To:** Bartlett, Laila  
**Subject:** RE: State Bar of CA Proposed Amnesty Program – Request for Public Comment – Mbr No. 73930

Thank you for all your help. Please pass this along to the Board. Once you get behind on your dues, it is very hard to catch up. I last paid dues in 2001, and was not doing law, but mortgages and real estate sales. Things went badly, could not afford to pay dues, and forgot to withdraw. I was homeless off and on, clinically depressed, and things went from bad to worse. No drinking or drug problems. Once you are behind on dues, it is hard to pay about \$4,000. in back dues. I think it is the Bar's unofficial way to keep the unsuccessful from returning to law. I had a Death in the family. Then IRS troubles. It is a growing problem, once you are down.

I now am healthy and happy and trying to take care of details and improve. I retired early on Social Security, and now can afford to live, but not to pay my back bar dues. In cases like this the dues should be waived. Amnesty would be wonderful. I want to help children in need at Guardianship hearings, etc. Nevada County has a new program, and one attorney on the Board will recommend me for the position. .

I realize that I have to take continuing ed. classes, but that is good. No problem with learning. Thanks for all your help.

Sincerely,

**James Bradley Beeson (Brad)**  
**530 386-0351**

## **Bartlett, Laila**

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**From:** Whatley, Theresa  
**Sent:** Thursday, May 28, 2009 6:28 AM  
**To:** Bartlett, Laila  
**Subject:** comment re bar due amnesty

To Whom It May Concern;

I was a member in good standing until I moved to New Mexico to care for my ailing parents. I am now looking to come back to California and again be a prosecutor as I have been for my entire career. But for me to return now would cost of \$1,500.00. That is a lot of money in these hard economic times.

I have inquired if there is any amnesty that would allow me to be reinstated without paying such a large amount. I have been a public sector attorney my entire career and doing so has meant I never make a large salary. In order to move to care for my parents I had to take a 50% salary cut. And now there are no raises, and furlough programs that further affect my ability to have pay fees to be reinstated.

I think this program would be beneficial. With the times so dour and money so tight it would allow people in my position to be in good standing. It would allow my husband and I to return to California. That would mean future full member dues for the Bar, as well as having us contribute to the California economy.

I wholly support this proposition and hope it is passed.

Theresa Whatley  
Senior Trial Prosecutor  
District Attorney's Office  
520 Lomas Blvd. NW  
Albuquerque, New Mexico 87102  
(505) 841-7094  
(505) 841-7269 (fax)

**Bartlett, Laila**

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**From:** Shaffer, David  
**Sent:** Thursday, May 28, 2009 6:34 AM  
**To:** Bartlett, Laila  
**Subject:** Comments on amnesty proposal

I support the proposed amnesty program. I graduated from Stanford Law School and initially practiced in California until I moved to Washington, D.C. in 1987. For years I kept and valued my California Bar membership, but upon joining government service, my employer no longer paid for unnecessary bar fees. Since the California bar membership fee is so large for a public servant, I stopped paying on my own a few years ago. I would like to resume my California membership, but the penalties are too large for me to afford. The amnesty program would allow me to again be an active member of the California bar and I would value that membership. Thank you for consideration of my views.

Sincerely,

David J. Shaffer  
Assistant General Counsel  
Washington Metropolitan 'Area Transit Authority  
Office of General Counsel  
600 Fifth Street, NW  
Washington, DC 20001  
(202) 962-2820  
(202) 962-2550 fax  
[dshaffer@wmata.com](mailto:dshaffer@wmata.com)

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**Bartlett, Laila**

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**From:** Rodney  
**Sent:** Thursday, May 28, 2009 8:29 AM  
**To:** Bartlett, Laila  
**Subject:** Public Comment Re: Proposed Amnesty Program

Dear Ms. Bartlett,

I am currently serving as President of Southern Virginia University. I previously served as Dean of the Schools of Law at Montana and Arkansas. When I was teaching, I was exempt from the CLE requirement. I am teaching next year at Washington and Lee. My membership lapsed and I would like to revive it or move to inactive status. Who should I contact?

Obviously, I support the amnesty.

My name is Rodney K. Smith. I was admitted in 1977 and my social security number is [REDACTED]

Thanks,

Rodney K. Smith

## Bartlett, Laila

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**From:** Barbara Szweda  
**Sent:** Thursday, May 28, 2009 9:35 AM  
**To:** Bartlett, Laila  
**Subject:** Amnesty Program

Dear Laila,

Thank you for taking into consideration an Amnesty Program for the California Bar. I myself would very much appreciate it and that fact that it will be retroactive.

I have been an active member of the California Bar for three years and an inactive member of the California Bar for at least 25 years. Last year it seems I inadvertently did not pay my dues. I was between employment, traveling and did not recall whether or not I got a bill, and assumed I had paid my dues. I am a member of two other bars, Oklahoma and Indiana and have only kept up my California and Indiana bar because I hope to return to California to teach. I had taught for

17 years at Notre Dame and ran a not for profit clinic there, always paying my dues to the California Bar as an inactive member and the Indiana Bar as a member. When I left Notre Dame, I fear that they did not forward all my mail and I ended up missing the fee statement for the California Bar. It was an oversight that has huge consequences, consequences that far outweigh the error on my part of not making sure that the California Bar had my new address and the failing to forward my mail by my old employer. Therefore I think an amnesty program would be a less harsh way of dealing with unpaid fees. It is surely a more equitable way to deal with those of us, who through either inadvertence or inability to pay fail to pay dues than to disbar us along with those who are disbarred for unethical or immoral behavior.

Once again, thank you for considering this option for those of us who treasure our membership in the California Bar.

Best wishes,

Barbara Szweda

Barbara Szweda  
[bszweda@acluutah.org](mailto:bszweda@acluutah.org)  
801-521-9862 ext. 108  
<http://www.acluutah.org>

## **Bartlett, Laila**

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**From:** Michael Raabe  
**Sent:** Thursday, May 28, 2009 11:01 AM  
**To:** Bartlett, Laila  
**Subject:** Public Comment Re: Proposed Amnesty Program

Dear Ms. Bartlett:

I have been asked to comment on the Bar's proposed fee waiver provision. I am very much in favor of it, and believe it will increase the Bar's revenues and its revenue base. I, for example, do not practice law any more, but would still like to be a member of the California Bar. Since I quit practicing I quit paying dues, and my suspension for non-payment was not a problem. However, with the fee waiver, I would be inclined to reactivate my license, thus providing the bar with revenue it would not otherwise have. Good idea!

Michael E. Raabe  
Code Attorney  
Municipal Code Corporation  
[MRaabe@municode.com](mailto:MRaabe@municode.com)  
1-800-262-2633 x621

**Bartlett, Laila**

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**From:** Pam King  
**Sent:** Thursday, May 28, 2009 11:10 AM  
**To:** Bartlett, Laila  
**Subject:** RE: State Bar of CA Proposed Amnesty Program - Request for Public Comment - Mbr No. 108431

I KEEP TRYING TO TELL YOU THAT I HAVE LIVED IN TENNESSEE FOR ALMOST 15 YEARS AND HAVE NOT PRACTICED LAW FOR ALMOST 25 YEARS. I DO NOT WANT TO CONTINUE PAYING ACTIVE OR INACTIVE DUES TO CALIFORNIA BAR ASSN. I AM UNAWARE OF THAT BEING A CRIME. I AM OFFENDED THAT YOU THINK I NEED AN AMNESTY PROGRAM.

Pam King, CFRE, J.D.  
Director of Development, Marketing and Public Relations  
**Davidson Academy**  
1414 Old Hickory Blvd., Nashville, TN 37207  
(615) 860-5305

**Bartlett, Laila**

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**From:** Fortunelli  
**Sent:** Thursday, May 28, 2009 9:13 PM  
**To:** Bartlett, Laila  
**Subject:** Public Comment Re: Proposed Amnesty Program

I think it is a great idea. I know that I would be more likely to rejoin the Bar if it was a lower amount. The only reason I am not practicing is because I went through a time when I couldn't afford a pair of shoes, let alone bar dues, when I didn't make any money some years.

It would be great to be able to help people pro bono or at low fees now that I am retired.

You might even get some good attorneys back in action. There are reasons for dissatisfaction, and then enlightenment, or at least excitement about a career that took 7 years to get during the younger years.

K. Anthony White

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**Bartlett, Laila**

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**From:** Fortunelli  
**Sent:** Thursday, May 28, 2009 9:16 PM  
**To:** Bartlett, Laila  
**Subject:** Public Comment Re: Proposed Amnesty Program

I should have also mentioned that I think all of the penalties or late fees should be waived based upon a showing of inability to pay... for instance, I am on disability and that is the only income I receive monthly. No rainy day money

K. Anthony White

## **Bartlett, Laila**

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**From:** RSanc  
**Sent:** Friday, May 29, 2009 9:14 AM  
**To:** Bartlett, Laila  
**Subject:** Comment on proposed new fee waiver provision

Laila Bartlett  
Member Services  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105

RE: Proposed new fee waiver provision (J) in rule 2.16

I am writing to comment on the proposed new fee waiver provision (J) in rule 2.16, that would provide an amnesty period during which the State Bar Secretary may waive a portion of accrued delinquent annual membership fees and penalties owed by members suspended for nonpayment of fees. The waiver applies to me directly, since I have been suspended for unpaid annual fees and penalties accruing for years 2008 and earlier.

I have been a member of the Bar for over 20 years. As everyone knows, the economic downturn in this country has had a profound and negative impact. I, personally, have been unable to meet my current financial obligations, including the payment of my State Bar dues. If I had the ability to make the payments, I would; it is that simple. Suspension compounds the problem because it prevents me from earning a livelihood to better my financial position. The State Bar is there to protect the public and assist attorneys in meeting their professional obligations. I fail to see how the suspension of members for non-payment of dues, especially in times of economic hardship, serves this goal.

I understand that dues are necessary. But the unintended effect of suspension for nonpayment during a depression, without any consideration of affect on members, is catastrophic to many, including me. I am not making any excuses, just stating the facts.

I urge the passage of the proposed new fee waiver because I believe that, with a fifty percent reduction of accrued fees and penalties I would be able to make payment of the remaining balance and current fees. Additionally, it is "the right thing to do". This would allow me to continue working in the profession I love and identify with.

I hope and pray that, with the grace of God, and the compassion of the Bar, passage of the fee waiver will come to pass.

Thank you for this opportunity to comment.

Ruben Sanchez  
SBN 118309

**Bartlett, Laila**

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**From:** William Reyes  
**Sent:** Friday, May 29, 2009 12:21 PM  
**To:** Bartlett, Laila  
**Subject:** Amnesty program for Members Suspended for Nonpayment of Fees

Hello Ms. Bartlett:

I think this is a great idea and strongly encourage the bar to adopt this rule change. Not only will it assist members who are experiencing financial difficulty, but it will no doubt raise revenue for the state bar as members pay up their back dues to regain active status. I am all in favor of this change.

Thanks,

Bill Reyes

## Bartlett, Laila

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**From:** Elizabeth C. Sears  
**Sent:** Friday, May 29, 2009 12:22 PM  
**To:** Bartlett, Laila  
**Subject:** Proposed New Provision (J) of State Bar Rule 2.16 - Amnesty program for Members Suspended for Nonpayment of Fees

Dear Ms. Bartlett,

As an active member of the bar, I am in favor of passage of the new amnesty proposal. The proposal would allow thousands of attorneys to be reinstated within a short timeframe. As such, many inactive members are facing the crippling effect of the domino syndrome. The amnesty would give them the opportunity to get back on track. With the current state of our economic crisis in the United States and California, this proposal is most timely.

Thank you for taking the time to read my comment.

Sincerely,

Elizabeth Sears  
SBN# 250450

Elizabeth C. Sears  
Associate

1111 Broadway  
10th Floor  
Oakland, CA 94607  
Phone: 510-590-9568  
Fax: 510-590-9595  
[esears@foleymansfield.com](mailto:esears@foleymansfield.com)



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**Bartlett, Laila**

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**From:** jan  
**Sent:** Saturday, May 30, 2009 10:08 AM  
**To:** Bartlett, Laila  
**Subject:** Re amnesty for bar members suspended for failure to pay fees

I support the temporary amnesty. Members suspended solely for failure to pay bar dues should be given a chance to reactivate on a one time only basis.

I have *not* practiced law for twenty years nor have I been able to catch up on fees due. I am interested in doing legal volunteer work, as I have kept up with my CLE. A temporary fee amnesty would allow me to reactivate my bar membership without financial hardship and get back into the profession I have been trained for.

(Jan L. Thompson 144882)

## Bartlett, Laila

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**From:** michael morgan  
**Sent:** Saturday, May 30, 2009 11:17 AM  
**To:** Bartlett, Laila  
**Subject:** Amnesty? Bar#109670

Hi Laila:

This note is in response to your call for comment regarding a amnesty program for attorneys who owe back dues. I am in that situation...through no fault of my own. I retired and moved to Mexico in September of 2003...I either was inactive at that time or I tried to sign-up for inactive status...Either the Bar would not allow me to become inactive or I filled out a form incorrectly or I could not send money to the bar quickly or easily from Mexico...the net result was that I was disbarred by the Supreme Court for non-payment of dues...this was very disappointing to me.

I wanted to remain a member of the Bar as an inactive member. Every year I get a note which explains how many thousands of dollars I need to pay and I believe that I need a bizillion hours of continuing education....I'm not interested in paying thousands to be an inactive member and I'm not interested in being a very up to date retired attorney...I just want to be inactive..pay those fees...and get rid of the notation that I was disbarred...Is there some way that this can occur???

I believe that I have sent this similar note every couple of years to the Bar and I have never even received the courtesy of a response.

What do I have to do??? Who should I direct my communications to??? If the only solution is to pay thousands and spend additional hundreds on continuing education...I'm not interested. But...I would like to become a inactive member...

Mike

## Bartlett, Laila

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**From:** kateeric  
**Sent:** Sunday, May 31, 2009 5:05 AM  
**To:** Bartlett, Laila  
**Subject:** Comments on Fee Waiver Proposal

Seems like a great idea to me, both as a way to provide lapsed members a way to get on board and as a way to bring in some revenues the state is not likely to get otherwise. Toward that end, I have a few suggestions (assuming changes are possible):

- 1) Put a cap on the maximum amount of payment required -- i.e., if someone has not paid for quite a long time, they should be able to be reinstated by paying less than 50%, perhaps by paying a maximum of \$500 or some other not enormous amount. That should sharply increase the number of people who will take advantage of the amnesty period, getting the CA bar more members paying future annual dues.
- 2) Not just for lapsed folks that take advantage of the fee waiver period, but for all CA bar members who live outside of CA and do not practice law in CA but who want to stay on as active members, charge a smaller annual fee (less than \$100). That, too, should increase the number of people who take advantage of the amnesty period (if out of state, why pay past dues to become a renewed member if that means facing high future annual fees?), and should also reduce the number of people who drop out of the CA bar when they move away, further maintaining membership and ongoing revenues.
- 3) Also have lower fees (for both in-CA and outside-of-CA members) for persons who work for nonprofits or government and not in for-profit law firms. Such a fee structure is just a matter of equity and economic reality. Persons working outside of CA for nonprofits or government are unlikely to be able to get their employer to pay the CA fees for them -- and even those working for nonprofits or the government inside of CA deserve a financial break given that they and their employers have, in most cases, more restricted resources and typically cannot benefit from taking tax deductions for fee payments.

Full disclosure: I would benefit from most of these proposals.

Thanks for your consideration,

-- Eric Lindblom

49 Elm Avenue  
Takoma Park, MD 20912  
[kateeric@verizon.net](mailto:kateeric@verizon.net)

## **Bartlett, Laila**

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**From:** Attbag  
**Sent:** Sunday, May 31, 2009 11:00 PM  
**To:** Bartlett, Laila  
**Subject:** Bar Fees suspension

I am in favor of the suspension of all penalties and fees, much less half of those fees. Where non payment results in termination of livelihood, it would be cruel to expect any past payments for the privilege of not working in the legal field in the interim. At the very most the fees should reflect the bare minimum annual charge for inactive licensing.

I have changed professions since I had a suspension (over 9 years ago) and expended \$20,000 in tuition and other fees to secure the privilege of a teaching credential and Masters in education. I currently am happily working with underprivileged children in a title 1 school as a 4th grade teacher, and have done so since 1999. Title 1 schools have 90% below poverty line, and in my district 90% non English speaking parents with generally less than High School education. I may want some day to use my bar license for helping my school district or if I get laid off, a back up career in which I have 20 years experience. Of course this is not possible given the Bar penalty.

Of course, as we use to say, bad facts make bad law, however please consider that it is possible that replication of my circumstance is not unlikely among others who have abandoned the "Legal Profession".

(Sherman T. Fairbaum 81847)

**From:** Brunelli, Robert  
**Sent:** Monday, June 01, 2009 8:38 AM  
**To:** Bartlett, Laila  
**Subject:** Public Comment Re: Proposed Amnesty Program

I agree with the amnesty program, but also think that you need to change some of the rules that contributed to this problem. I haven't practiced in CA in 13 years since moving back to the East Coast. When I moved away a couple of years went by when I did not receive my CA bar dues notice so I neglected to pay my dues. When I learned how much I owed after those couple of years, I attempted to switch to non-active to reduce the fees that were piling up, but the CA bar rules said I had to first pay all the unpaid fees and penalties before they would switch me to non-active. This rule makes no sense. At that time, I was in the public sector and could not afford to pay back all the unpaid dues at once. I was willing to make monthly payments to pay it off, but I was not allowed to do so without the fees mounting at the active membership rate. Consequently, my unpaid fees (charged as an active member) have piled up over the years, along with the penalties, making it unlikely that I will pay them off. I would like to be a non-active viable member of the CA bar but it is not financially practical for me to pay off the money owed. I don't need to be a member for professional reasons (I am an active member of another state bar). I think the amnesty program is a good start but it doesn't address the underlying problem---an unfair rule that charges active member fees to individuals who would like to be registered as non-active. I suspect I am not the only one in this position and would guess the proposed amnesty program was prompted by the accumulated unpaid fees by people in the same situation as myself. I most certainly would have paid non-active CA bar fees for the past ten years or so if I was allowed to switch to non-active membership. But I had no professional reasons for paying the unpaid fees and penalties, plus as a matter of principle I thought the fees were unfair. Indeed, the rule requiring members to pay back all unpaid fees and expenses before permitting a switch to non-active acts as a disincentive to repayment. I would be happy to discuss this matter with you if you have any questions. Thanks for seeking my comments.

Best Regards,

Robert Brunelli

## Bartlett, Laila

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**From:** Sean E. Farley  
**Sent:** Tuesday, June 02, 2009 8:49 PM  
**To:** Bartlett, Laila  
**Subject:** Re: State Bar of CA Proposed Amnesty Program  Request for Public Comment  Mbr No. 153208

I think the waiver should be total. At the time I stopped paying dues, they were ruled unconstitutional. I think they still are. Nonetheless, I paid dues to the state bar for ten years, and I never saw one iota of help. I had financial difficulty, I couldn't make payments, the Bar was unforgiving. I changed professions because of it and have less income to show for it. I couldn't afford to wait on my delinquent clients as well as the state with its hand out.

I would to practice law again. I was good at what I did (estate planning - helping the elderly). Its up to you. Do the right thing. Don't ask me. This is what your are elected for.

**Bartlett, Laila**

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**From:** Justin Cade  
**Sent:** Friday, June 05, 2009 12:31 PM  
**To:** Bartlett, Laila  
**Subject:** re: Amnesty program for Members Suspended for Nonpayment of Fees

re: Amnesty program for Members Suspended for Nonpayment of Fees

Hi Laila,

Since this would directly affect me, my comments are likely helpful.

Do I think this is a good proposal? Yes, if the idea is to bring back attorneys into the fold... attorneys who have likely fallen on hard times. I also think it would benefit the State Bar since they'd have more money coming in sooner that might not otherwise come in. I wouldn't be surprised if other members felt the proposal was unfair, since it looks like a sort of "reward" for people who don't pay bills, but for those of us who have gone through it I doubt it seems like any sort of reward.

Would I take advantage of the program? Most likely, yes. My reasons for being where I am are extremely complicated and not worth discussing, but I myself am at a point where, even if I don't practice law, the benefit of bringing my status current probably outweighs the monetary cost. The proposed waiver amount (50% of dues and penalties) is not a "great deal", since I received zero benefits from being excluded from bar membership, but neither is it insignificant so it probably strikes a good balance.

I hope that was helpful.

Justin Cade  
State Bar #232138

**Bartlett, Laila**

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**From:** FR Favre Esq  
**Sent:** Sunday, June 07, 2009 2:41 AM  
**To:** Bartlett, Laila  
**Subject:** Re: Fees waiver

Dear CalBar:

Why would a 30 plus years California Attorney, with exemplary record and who has been out of the state for a decade, has to pay a yearly fee for keeping his well earned "attorney" status, when judges and law professors are exempted?

F.R.Favre, Esq.

**Bartlett, Laila**

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**From:** Darlene Dewar  
**Sent:** Thursday, June 11, 2009 6:05 PM  
**To:** Bartlett, Laila  
**Subject:** Suspension from membership for non-payment of fees

Dear Ms. Bartlett

I stopped payment of State Bar fees when I retired and would appreciate if there was a sub-category indicating that I retired rather than simply that I was suspended for non-payment of fees.

Thank you.

Darlene J. Johnson  
#108236

## **Bartlett, Laila**

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**From:** Desiree Scott  
**Sent:** Friday, June 12, 2009 11:14 AM  
**To:** Bartlett, Laila  
**Subject:** State Bar Amnesty Program for suspension due to failure to pay fees

I read the release regarding the proposed amnesty program. I believe the amnesty should be for a longer period of time, through 2012. This would allow those who are in a position of financial hardship a better opportunity to accumulate the funds necessary.

Desiree Scott  
[dwinlive@hotmail.com](mailto:dwinlive@hotmail.com)

**Bartlett, Laila**

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**From:** Jono Golding  
**Sent:** Friday, June 12, 2009 12:37 PM  
**To:** Bartlett, Laila  
**Subject:** Re: State Bar of CA Proposed Amnesty Program – Request for Public Comment – Mbr No. 231885

To The State Bar of California:

I am writing in support of the Amnesty program proposed for members currently suspended for nonpayment of dues. I myself am currently suspended for nonpayment. I wasn't practicing in California, I was struggling to make it in Hollywood and never had money to pay my bar dues. Now I have gone to practice with my father in Illinois but I still don't have the money to catch up on my dues. Renewing my California membership would allow me to practice in Bankruptcy Court, and this proposed Amnesty would be a godsend. Thank you for considering it and I urge you to approval the proposal.

Very truly yours,

Jonathan Golding  
231885

## Bartlett, Laila

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**From:** john Miilu  
**Sent:** Monday, June 15, 2009 6:20 PM  
**To:** Bartlett, Laila  
**Subject:** Proposed amnesty for members suspended for nonpayment of fees.

I am a long time member of the California Bar who was suspended several years ago for nonpayment of bar dues. Not having lived in nor practiced law in California for many years, I was an inactive member. The membership fees for inactives increased to the point where I felt them to be unreasonable, since I am retired and perceive no benefit accruing to me from such an expense. I will soon be returning to California and am interested in volunteering in the State Bar pro bono program for senior lawyers. However I'm not inclined to do so if I have to pay what to me are large fines and back dues. So my comments are two fold: Lawyers on inactive status should have all of their past dues forgiven, or, in the alternative, senior inactive lawyers who participate in Bar Assn pro bono programs should receive full amnesty. Thank you for your consideration of this comment. John R. Miilu #34742

P.O. Box 494  
Naples, FL 34106-0494  
June 12, 2009

**RECEIVED MSC**

**JUN 16 2009**

Laila Bartlett  
Member Services  
The State Bar of California  
180 Howard Street  
San Francisco, CA 94105

RE: proposed change to Fee Waiver Rule

I absolutely believe that there should be an Amnesy program for those members currently suspended for nonpayment of bar membership fees.


I am disabled and have troubled just paying my bills from months to month. I currently owe over \$700.00 as a result of my inability to pay my annual fee to remain on inactive status. I don't understand the thinking behind imposing a cumulative fee on me for non-payment of fees. If I couldn't pay the annual fee to begin with then I'm not going to be able to pay these mounting penalties.

Instead of adding penalties, I think that suspending a member is sufficient. Other states don't charge to be on inactive status and in the event of a non-payment of an annual fee would merely suspend a member.

I would hope that if these mounting penalties were dismissed I would be able to keep up with my annual fees. If they aren't dismissed then I don't have a prayer of ever paying them.

I definitely support amnesty for those members, like me, who owe large penalties due to their inability to pay their annual fees.

Very truly yours,



Carolyn E. Alden  
Member No. 1218987

**Bartlett, Laila**

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**From:** david corwin  
**Sent:** Wednesday, June 17, 2009 8:59 AM  
**To:** Bartlett, Laila  
**Subject:** Re: State Bar of CA Proposed Amnesty Program – Request for Public Comment – Mbr No. 147710

I am interested in this program and would be pleased to receive further updates on this proposal.

Thanks.