

REFERENCE TITLE: attorney regulation; assessments; membership dues

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2221

Introduced by
Representatives Kern: Finchem, Lawrence, Mitchell, Thorpe

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-119.06; RELATING TO THE SUPREME COURT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 12, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 12-119.06, to read:
4 12-119.06. Regulation of attorneys; mandatory assessments;
5 voluntary membership dues; uses; public records
6 A. TO THE EXTENT PROVIDED BY THE ARIZONA CONSTITUTION, ALL REGULATORY
7 FUNCTIONS RELATING TO THE PRACTICE OF LAW, INCLUDING THE REGULATION OF
8 ATTORNEYS IN THIS STATE, ARE WITHIN THE AUTHORITY OF THE SUPREME COURT.
9 B. AS A CONDITION OF PRACTICING LAW IN THIS STATE, THE SUPREME COURT
10 MAY COLLECT A MANDATORY ASSESSMENT FROM EACH ATTORNEY TO SUPPORT THE COURT'S
11 REGULATORY FUNCTIONS. THE SUPREME COURT MAY USE MANDATORY ASSESSMENT MONIES
12 ONLY FOR THE FOLLOWING REGULATORY FUNCTIONS FOR ATTORNEYS WHO ARE UNDER THE
13 ACTIVE SUPERVISION OF THE SUPREME COURT:
14 1. ADMITTING AN ATTORNEY TO THE PRACTICE OF LAW.
15 2. MAINTAINING ATTORNEY RECORDS.
16 3. ENFORCING THE ETHICAL RULES THAT GOVERN ATTORNEYS.
17 4. REGULATING ANY CONTINUING LEGAL EDUCATION MANDATES FOR ATTORNEYS.
18 5. MAINTAINING ATTORNEY TRUST ACCOUNT RECORDS.
19 6. PREVENTING THE UNAUTHORIZED PRACTICE OF LAW.
20 C. THE STATE BAR OF ARIZONA MAY ESTABLISH, COLLECT AND USE VOLUNTARY
21 MEMBERSHIP DUES FROM AN ATTORNEY FOR ANY LAWFUL ACTIVITY THAT IS NOT INCLUDED
22 IN SUBSECTION B OF THIS SECTION.
23 D. THE COLLECTION OF MANDATORY ASSESSMENTS MUST BE SEPARATE FROM THE
24 COLLECTION OF ANY VOLUNTARY MEMBERSHIP DUES. THE SUPREME COURT SHALL
25 INCORPORATE ANY MANDATORY ASSESSMENT MONIES COLLECTED INTO ITS BUDGET. ANY
26 OTHER ENTITY IN THIS STATE MAY NOT COLLECT MANDATORY ASSESSMENT FROM AN
27 ATTORNEY.
28 E. IF THE STATE BAR OF ARIZONA ACCEPTS ANY MANDATORY ASSESSMENT MONIES
29 COLLECTED BY THE SUPREME COURT TO CARRY OUT A REGULATORY FUNCTION LISTED IN
30 SUBSECTION B OF THIS SECTION, THE STATE BAR OF ARIZONA SHALL:
31 1. DISCLOSE AND MAKE AVAILABLE RECORDS AND OTHER MATTERS IN THE SAME
32 MANNER AS IS REQUIRED OF A PUBLIC BODY PURSUANT TO TITLE 39, CHAPTER 1.
33 2. ON OR BEFORE DECEMBER 31 OF EACH YEAR THAT MANDATORY ASSESSMENT
34 MONIES ARE ACCEPTED, MAKE AVAILABLE TO THE PUBLIC A LIST OF ALL OF THE
35 EXPENDITURES THAT WERE MADE WITH THE MANDATORY ASSESSMENT MONIES AND PROVIDE
36 AN INDEPENDENT AUDIT OF THE EXPENDITURES TO ENSURE THAT ALL EXPENDITURES WERE
37 IN FURTHERANCE OF THE REGULATORY FUNCTIONS LISTED IN SUBSECTION B OF THIS
38 SECTION.