



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR S.B. 1092

attorney discipline; revocation; prohibited basis

Purpose

Prohibits the State Bar of Arizona (Bar) and the Arizona Supreme Court (Supreme Court) from disciplining or revoking an attorney's license for bringing a good faith, nonfrivolous claim that is based in law and fact to court. Subjects the Bar and Supreme Court to monetary civil penalties for a violation as outlined.

Background

The Supreme Court has the power to make rules relative to all procedural matters in any court ([AZ Const. Art. VI § 5](#)). The Supreme Court may make rules of pleading, practice and procedure supplementary to, but not inconsistent with, statute as prescribed, and to amend such rules for the purpose of the convenient administration of justice and simplifying procedure so far as it affects judicial review of administrative decisions ([A.R.S. § 12-903](#)).

The Supreme Court of Arizona maintains under its direction and control a corporate organization known as the Bar. Every person licensed by the Supreme Court to engage in the practice of law must be a member of the Bar in accordance with the Supreme Court Rules. The Supreme Court empowers the Bar, under the Supreme Court's supervision, to: 1) organize and promote activities that fulfill the responsibilities of the legal profession and its members to the public; 2) promote access to justice for those who live, work, and do business in Arizona; 3) aid the courts in the administration of justice; 4) assist the Supreme Court with the regulation and discipline of persons engaged in the practice of law and assist the Supreme Court with the regulation and discipline of alternative business structures and legal paraprofessionals; and 5) conduct educational programs regarding substantive law, best practices, procedure and ethics and report its recommendations to the Supreme Court concerning these subjects ([A.R.S. § Sup.Ct.Rules, Rule 32](#)).

There may be a positive impact to the state General Fund if either the Bar or the Supreme Court commits an attorney discipline violation and is required to pay civil penalties as outlined.

Provisions

1. Prohibits the Bar and the Supreme Court from infringing upon or impeding the political speech rights of any attorney or the attorney's clients by disciplining or revoking an attorney's license for bringing a good faith, nonfrivolous claim that is based in law and fact to court.
2. Subjects the Bar, if it commits a violation, to a civil penalty that is equivalent to ten percent of the total amount of monies collected from licensing attorneys for the year in which a violation occurs.

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3. Subjects the Supreme Court, if it commits a violation, to a civil penalty that is equivalent to ten percent of the Supreme Court's budget from the prior fiscal year.
4. Contains a statement of legislative intent.
5. Becomes effective on the general effective date.

Prepared by Senate Research

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ZD/KS/sr