

Fiscal Note

BILL # SB 1434

TITLE: attorney discipline; jury trial

SPONSOR: Finchem

STATUS: As Introduced

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Description

The bill would establish the right for an attorney to request a jury trial in a disciplinary matter.

Estimated Impact

We do not anticipate that the bill would have a state impact assuming a jury trial would occur in county superior courts. In that circumstance, the bill could increase the workload of those county courts. Any impact would depend on the number of attorneys that request a jury trial in disciplinary matters, and the specific rules subsequently adopted by the Arizona Supreme Court to govern these jury trials.

The Administrative Office of the Courts (AOC), however, believes that either their office or the State Bar would be responsible for conducting the jury proceedings. Under that interpretation, AOC estimates they would have potential costs associated with staffing and creating physical building space for the jury trials. AOC did not provide a dollar estimate of their costs as they said there were too many unknowns on how they would implement the bill.

Analysis

The process for attorney discipline in Arizona is governed by rules established by the Arizona Supreme Court. Under those rules, initial complaints are filed with the State Bar of Arizona for investigation where approximately 80% of cases are resolved with no formal action. If subsequent investigations or disciplinary action is warranted, current Arizona Supreme Court rules establish a multi-step process involving several public committees/panels to determine any such discipline and provide for an appeals process for the attorney. The current final step in the attorney discipline appeals process is the Arizona Supreme Court.

The potential number of jury trials would depend on implementation of the bill and at what stage in the disciplinary process an attorney may request a jury trial. Based on data from AOC, in 2023 there were 371 cases that reached the phase of being investigated by the State Bar, while 114 cases were submitted as formal complaints to the Office of the Presiding Disciplinary Judge, and 3 cases reached the final step of being appealed to the Arizona Supreme Court.

Local Government Impact

See above.

2/24/25

