

REFERENCE TITLE: attorney general; counsel; fees

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1701

Introduced by
Senators Sundareshan: Alston, Bravo, Diaz, Fernandez, Gonzales, Hatathlie,
Kuby, Miranda, Ortiz, Sears

AN ACT

AMENDING SECTIONS 41-191 AND 41-191.01, ARIZONA REVISED STATUTES;
REPEALING LAWS 2022, CHAPTER 311, SECTION 9; RELATING TO THE ATTORNEY
GENERAL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section. 1. Section 41-191, Arizona Revised Statutes, is amended to
3 read:

4 41-191. Attorney general; qualifications; salary; assistants;
5 fees; exceptions; outside counsel

6 A. The attorney general shall have been for not less than five
7 years immediately preceding the date of taking office a practicing
8 attorney before the supreme court of ~~the~~ THIS state. ~~He~~ THE ATTORNEY
9 GENERAL is entitled to receive an annual salary pursuant to section
10 41-1904.

11 B. The attorney general and ~~his assistants~~ ASSISTANT ATTORNEYS
12 GENERAL shall devote full time to the duties of the office and shall not
13 directly or indirectly engage in the private practice of law or in an
14 occupation conflicting with such duties, except:

15 1. Such prohibition shall not apply to special assistants, except
16 that ~~in no instance shall~~ special assistants SHALL NOT engage in any
17 private litigation in which ~~the~~ THIS state or an officer ~~thereof~~ OF THIS
18 STATE in ~~his~~ THE OFFICER'S official capacity is a party.

19 2. Assistant ~~attorney~~ ATTORNEYS general may, but in no
20 circumstances shall be required to, represent private clients in pro bono,
21 private civil matters under the following circumstances:

22 (a) The representation will be conducted exclusively during off
23 hours or while on leave and the attorney will not receive any compensation
24 for such services.

25 (b) The client is not seeking an award of attorney fees for the
26 services.

27 (c) The services are for an individual in need of personal legal
28 services who does not have the financial resources to pay for the
29 professional services or for a nonprofit, tax exempt charitable
30 organization formed for the purpose of providing social services to
31 individuals and families.

32 (d) The representation will not interfere with the performance of
33 any official duties.

34 (e) The subject matter of pro bono representation is outside of the
35 area of practice to which the attorney is assigned in the attorney
36 general's office and the activity will not appear to create a conflict of
37 interest.

38 (f) The activity will not reflect adversely on this state or any of
39 its agencies.

40 (g) The assistant attorney general's position will not influence or
41 appear to influence the outcome of any matter.

42 (h) The activity will not involve assertions that are contrary to
43 the interest or position of this state or any of its agencies.

1 (i) The activity does not involve a criminal matter or proceeding
2 or any matter in which this state is a party or has a direct or
3 substantial interest.

4 (j) The activity will not ~~utilize~~ USE resources that will result in
5 a cost to this state or any of its agencies.

6 (k) The attorney's supervisor may require the attorney to submit a
7 prior written request to engage in pro bono work ~~which~~ THAT includes a
8 provision holding the agency harmless from any of the work undertaken by
9 the attorney.

10 ~~Notwithstanding any provision of law or rule to the contrary,~~
11 ~~representation by an attorney of a pro bono client shall not disqualify~~
12 ~~the office from subsequently participating in any action affecting the~~
13 ~~client.~~

14 C. The attorney general may also, within the limits of
15 appropriations made therefor, employ attorneys for particular cases ~~upon~~
16 ON a fixed fee basis who shall be exempt from the restrictions imposed by
17 this section ~~upon~~ ON regular or special assistants.

18 D. The attorney general may also, in suits to enforce state or
19 federal statutes pertaining to antitrust, restraint of trade, or
20 price-fixing activities or conspiracies, employ counsel on a ~~fixed~~
21 CONTINGENCY fee basis, ~~not to exceed an hourly rate of fifty dollars per~~
22 ~~hour, such fee to be contingent upon and payable solely out of the~~
23 ~~recovery obtained in suits so instituted,~~ except that where the court in
24 which the case is pending has the authority to set a fee in conjunction
25 with a given case, and does so set a fee, the court awarded fee ~~shall~~ MAY
26 be paid in lieu of the fee provided in this section. CONTINGENCY FEE
27 CONTRACTS AUTHORIZED PURSUANT TO THIS SUBSECTION SHALL COMPLY WITH CHAPTER
28 48 OF THIS TITLE. Employment and payment of counsel under this subsection
29 shall not be subject to the limitations imposed by title 35, nor shall
30 ~~counsel so~~ THE employed COUNSEL be subject to the limitations on private
31 practice or litigation imposed ~~upon~~ ON regular or special assistants.

32 E. If the attorney general determines that legal action is
33 reasonably necessary in order to collect a debt owed to this state or its
34 agencies, boards, departments or commissions, the attorney general may
35 retain or employ counsel to collect the debt. Counsel retained or
36 employed by the attorney general shall account for the entire amount
37 collected. A person retained as counsel under this subsection is not
38 subject to the limitations on private practice or litigation applicable to
39 regular or special assistants.

40 F. NOTWITHSTANDING ANY OTHER LAW OR RULE TO THE CONTRARY,
41 REPRESENTATION BY AN ATTORNEY OF A PRO BONO CLIENT UNDER SUBSECTION B,
42 PARAGRAPH 2 OF THIS SECTION SHALL NOT DISQUALIFY THE OFFICE FROM
43 SUBSEQUENTLY PARTICIPATING IN ANY ACTION AFFECTING THE CLIENT.

