

REFERENCE TITLE: supreme court; regulation of attorneys

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

HB 2300

Introduced by
Representative Kern

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
3 Statutes, is amended by adding section 12-119.06, to read:
4 12-119.06. Regulation of attorneys; mandatory assessments;
5 uses
6 A. TO THE EXTENT PROVIDED BY THE ARIZONA CONSTITUTION, ALL
7 REGULATORY FUNCTIONS RELATING TO THE PRACTICE OF LAW IN THIS STATE ARE
8 WITHIN THE AUTHORITY OF THE SUPREME COURT. ALL REGULATORY FUNCTIONS THAT
9 ARE ADMINISTERED BY THE STATE BAR ON THE EFFECTIVE DATE OF THIS SECTION,
10 INCLUDING ALL PUBLIC PROTECTION FUNCTIONS, ARE TRANSFERRED TO AND PLACED
11 EXCLUSIVELY IN THE SUPREME COURT.
12 B. THE SUPREME COURT SHALL ACTIVELY SUPERVISE ATTORNEYS TO REGULATE
13 THE PRACTICE OF LAW AND MAY COLLECT A MANDATORY ASSESSMENT FROM EACH
14 ATTORNEY, AS A CONDITION OF PRACTICING LAW IN THIS STATE, TO SUPPORT THE
15 COURT'S REGULATORY FUNCTIONS. THE SUPREME COURT MAY USE MANDATORY
16 ASSESSMENT MONIES ONLY FOR THE FOLLOWING REGULATORY FUNCTIONS FOR
17 ATTORNEYS WHO ARE UNDER THE ACTIVE SUPERVISION OF THE SUPREME COURT:
18 1. ADMITTING AN ATTORNEY TO THE PRACTICE OF LAW.
19 2. MAINTAINING ATTORNEY RECORDS.
20 3. ENFORCING THE ETHICAL RULES THAT GOVERN ATTORNEYS.
21 4. REGULATING ANY CONTINUING LEGAL EDUCATION MANDATES FOR
22 ATTORNEYS.
23 5. MAINTAINING ATTORNEY TRUST ACCOUNT RECORDS.
24 6. PREVENTING THE UNAUTHORIZED PRACTICE OF LAW.
25 7. MAINTAINING A CLIENT PROTECTION FUND, A BOARD OF LEGAL
26 SPECIALIZATION AND THE APPOINTMENT OF CONSERVATORSHIPS TO PROTECT CLIENT
27 INTERESTS.
28 C. THE SUPREME COURT SHALL INCORPORATE ANY MANDATORY ASSESSMENT
29 MONIES COLLECTED INTO ITS BUDGET.
30 D. AN ATTORNEY SHALL NOT BE REQUIRED TO BE A MEMBER OF ANY
31 ORGANIZATION TO BECOME OR REMAIN A LICENSED ATTORNEY IN THIS STATE.