

REFERENCE TITLE: attorney discipline; revocation; prohibited basis

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1092

Introduced by
Senator 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. Attorney discipline; license revocation;
5 prohibited basis; civil penalty
6 A. THE STATE BAR OF ARIZONA AND THE ARIZONA SUPREME COURT SHALL NOT
7 INFRINGE OR IMPEDE THE POLITICAL SPEECH RIGHTS OF ANY ATTORNEY OR THE
8 ATTORNEY'S CLIENTS BY DISCIPLINING OR REVOKING AN ATTORNEY'S LICENSE FOR
9 BRINGING A GOOD FAITH, NONFRIVOLOUS CLAIM THAT IS BASED IN LAW AND FACT TO
10 COURT.
11 B. THE FOLLOWING CIVIL PENALTIES APPLY TO A VIOLATION OF THIS
12 SECTION:
13 1. IF THE STATE BAR OF ARIZONA VIOLATES THIS SECTION, THE STATE BAR
14 OF ARIZONA IS SUBJECT TO A CIVIL PENALTY THAT IS EQUIVALENT TO TEN PERCENT
15 OF THE TOTAL AMOUNT OF MONIES COLLECTED FROM LICENSING ATTORNEYS FOR THE
16 YEAR IN WHICH THE VIOLATION OCCURS.
17 2. IF THE SUPREME COURT VIOLATES THIS SECTION, THE SUPREME COURT IS
18 SUBJECT TO A CIVIL PENALTY THAT IS EQUIVALENT TO TEN PERCENT OF THE
19 SUPREME COURT'S BUDGET FROM THE PRIOR FISCAL YEAR.
20 Sec. 2. Legislative intent
21 The legislature intends that the first amendment right to petition
22 for the redress of grievances protects the rights of attorneys and their
23 clients to litigate as a form of political expression.