



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1566

state bar; attorney charges; damages

Purpose

States that the State Bar of Arizona (Bar) and the complainant in an unsuccessful attorney discipline matter are responsible for certain fees and costs incurred by the attorney who is the subject of the charge.

Background

Current statute allows the court to award a successful party reasonable attorney fees in any contested action arising out of a contract, express or implied. Statute specifies that the award of reasonable attorney fees made in this manner should be made to mitigate the burden of the expense of litigation to establish a just claim or a just defense, and that it need not equal or relate to attorney fees actually paid or contracted, but that it may not exceed the amount paid or agreed to be paid ([A.R.S. § 12-341.01](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. States that, if the Bar does not prevail in the final disposition of an attorney discipline matter, the Bar and the complainant are responsible to the attorney who is the subject of the charge for:
 - a) any attorney fees;
 - b) investigation and court costs;
 - c) any loss of future earnings; and
 - d) damage to the attorney's reputation.
2. Specifies that court costs include the cost of all stages of the investigation and discipline process and, if applicable, any court litigation and appeal.
3. Defines *attorney discipline matter* as any charge that is not dismissed by the Bar after a complaint is filed against the attorney.
4. Becomes effective on the general effective date.

Prepared by Senate Research
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ZD/sr