



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

Senate: JUD DP 5-2-1-0 | 3rd Read 16-11-3-0

SB 1566: state bar; attorney charges; damages

Sponsor: Senator Leach, LD 11

Committee on Appropriations

Overview

States if the State Bar does not prevail in the final disposition of an attorney discipline matter, the State Bar is responsible to the attorney for any attorney fees, investigation and court costs, any loss of future earnings and damage to the attorney's reputation.

History

Misconduct by an attorney, individually or in concert with others, is grounds for imposition of one or more of the following sanctions: 1) disbarment; 2) suspension; 3) reprimand; 4) admonition; 5) probation; and 6) restitution.

Restitution may be imposed by order of the committee, the presiding disciplinary judge, the hearing panel or the Supreme Court to the people financially injured, including reimbursement to the State Bar Client Security Fund. Restitution and the amount of restitution must be proved by a preponderance of the evidence.

An assessment of costs and expenses related to disciplinary proceedings will be imposed upon the respondent in addition to any other sanction imposed. Upon a showing of good cause, all or a portion of the costs and expenses may be reduced, deferred or waived ([Rule 60, Rules of the Supreme Court of Arizona](#)).

Provisions

1. States if the State Bar does not prevail in the final disposition of an attorney discipline matter, the State Bar is responsible to the attorney for any attorney fees, investigation and court costs, any loss of future earnings and damage to the attorney's reputation. (Sec. 1)
2. Defines *attorney discipline matter* as any charge that is not dismissed by the State Bar of Arizona after a complaint is filed against the attorney. (Sec. 1)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note