



Attorneys who want to practice law in Arizona are forced to pay the State Bar of Arizona member dues. The State Bar uses this money to regulate the practice of law and to fund other activities, including lobbying and other political activity. **HB 2295 accomplishes two important reforms. First, so long as the State Bar regulates the practice of law, HB 2295 subjects the State Bar to public records laws. Second, HB 2295 protects attorneys' free speech rights by requiring that mandatory dues be used only for regulation. The bill allows the State Bar to continue to collect voluntary dues to pay for its other operations.**

HB 2295 increases transparency of the State Bar

While the State Bar plays a large role in regulating the practice of law, it is not subject to ordinary transparency measures such as public records laws. HB 2295 addresses this problem by subjecting the State Bar to the normal public records requirements all other regulatory agencies in the State are subject to.

HB 2295 respects the free speech rights of attorneys

The Goldwater Institute opposes conditioning the practice of law on bar membership because coerced membership violates the rights to free speech and free association guaranteed by the United States and Arizona Constitutions. HB 2295 limits the violation of the free speech rights of attorneys by requiring the State Bar only use mandatory dues for the direct regulation of the practice of law.

Limiting attorneys' forced funding of the State Bar only to regulatory activities is not a radical proposition. There are 18 states—Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Tennessee, and Vermont—that already regulate attorneys *without* compelling membership at all. These states demonstrate that violating attorneys' free speech rights is unnecessary to ensure the practice of law is safely regulated.

The State Bar can lobby right now; HB 2295 does not change that

The State Bar cannot compel attorneys to fund lobbying unrelated to attorney regulation. But nothing prevents the State Bar from collecting voluntary funds from attorneys to engage in any political activity that it wants. The State Bar presently has a policy that it will not engage in political activities unrelated to the practice of law, but there is nothing to stop the Bar from changing that policy tomorrow. As a result, HB 2295 does not prohibit the State Bar's political activities.

HB 2295 respects separation of powers and allows the Arizona Supreme Court to continue to delegate regulatory functions to the State Bar

The Arizona Supreme Court has interpreted the Arizona Constitution as giving the Court authority to regulate of the practice of law, including the power to determine who may practice law and under what conditions. HB 2295 respects that interpretation. The bill allows the State Bar to receive funds related to regulatory functions. HB 2295 does not dismantle the State Bar, prevent the Supreme Court from delegating regulatory functions to the State Bar, or prevent the Court from requiring attorneys to join the State Bar to further its regulatory functions. If the Arizona Supreme Court would like to maintain the regulatory structure as it presently stands, it can.

All HB 2295 does is increase the Bar's transparency if it continues to function as a regulator and prevent attorneys from being forced to fund the State Bar's activities beyond regulation. As a result, HB 2295 has no separation of powers concerns.