



The Bar and Politics

The State Bar of Arizona continually strives to promote the important role lawyers play in our community by establishing and building on relationships with other entities and organizations. This is primarily done through outreach efforts by the State Bar leadership, staff and membership.

One of our most important relationships is with the Arizona Legislature. We have made great strides over the past few years in establishing a meaningful and productive dialogue with the Arizona

Legislature. I believe the relationship is good, and I hope to keep it that way.

The State Bar has a long and, at times, tumultuous history with the Legislature. Some members of the Legislature have viewed the State Bar's role in the regulation of lawyers as self-serving and protective. These lawmakers believe that the Legislature should establish the laws that govern and regulate the practice of law as they do other professions and occupations in the State.

Over the years, various bills have been intro-

duced to abolish the State Bar or provide for other forms of law-based regulation of attorneys. Up until 1985, there were a series of laws that governed the legal profession, including a provision that made the unauthorized practice of law a misdemeanor. These laws were allowed to "sunset" after the State Bar and Legislature could not agree on amendments.

To date, efforts to restructure the regulation of the practice of law at the Arizona Legislature have not been successful. This is largely because of strong opposition within and outside the Legislature, and because of a concerted effort to educate lawmakers about the work of the State Bar and its successful track record of regulating the profession and protecting the public.

Nonetheless, efforts at legislative action still persist and will likely continue for years to come. Just two years ago, many legislators signed a letter calling for the State Bar to essentially be dissolved. These legislators were upset about the disciplinary proceedings involving Andrew Thomas. The State Bar, however, had stepped out of this matter and


appointed an independent counsel to prosecute the complaints.

It is critical that the State Bar keep an open line of communication with the leadership at the Arizona Legislature. The State Bar's chief executive officer John Phelps and lobbyist Janna Day deserve much credit for their efforts in facilitating an open and positive dialogue with key members of the Arizona Legislature.

In addition to the regular meetings with lawmakers, the State Bar offers its "Law School for Legislators" program the week before session begins each January following legislative elections. Judges, professors and lawyers teach this program. It provides an overview of the U.S. and federal constitutions as well as key principles of law and the manner in which the courts interpret the law. The program has been well attended and generated much good will with legislators.

We also have offered to serve as a resource to the Arizona Legislature. This involves making lawyers available to testify on subject matters within their areas of expertise and helping the legislative process in any way we can. You also may help inform (or educate) legislators by communicating with your respective legislators about legislative proposals that affect the courts, the State Bar and your practice.

As noted in the preamble to our Rules of Professional Responsibility, "An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice." These calls for government regulation of the practice of law will be obviated so long as we continue to meet the obligations of our professional calling.

We will continue to work toward bettering our legislative relations and keeping you informed about upcoming legislation that affects our profession and our efforts to address it. 

This is one of our most important relationships.

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