



ARIZONA STATE SENATE

Fiftieth Legislature, Second Regular Session

FINAL AMENDED

FACT SHEET FOR S.B. 1132

entertainment districts; liquor; location restrictions
(NOW: private attorney retention; contingency fees)

Purpose

An emergency measure that modifies statute related to private attorney retention by the Attorney General through a contingency fee contract.

Background

The Attorney General (AG) is an elected constitutional officer. The AG's office provides legal counsel to state agencies; represents the state in juvenile dependency matters; enforces civil rights, environmental, consumer protection and anti-trust laws; investigates and prosecutes certain criminal cases, handles criminal appeals; and assists county attorneys.

Laws 2011, Chapter 116 established guidelines for private attorney retention on a contingency fee basis by the AG, including a determination of the necessity to enter into a contingency fee contract, contingency fee limitations and reporting requirements.

There is no anticipated fiscal impact to the state General Fund.

Provisions

1. Specifies that the contingent fee limitation formula include fees from the state's portion of the recovery in specified aggregate amounts.
2. Specifies that decisions regarding settlement of a case may not be delegated to the state's private attorney.
3. Provides that the AG does not have to post a copy of a contingency fee contract with a private attorney on the AG's website upon a determination that the posting may cause damage to the reputation of any business or person.
4. Requires posting of a contingency fee contract no later than when a lawsuit is filed.
5. Exempts a contingency fee contract in which a private attorney is hired to pursue debt collection or restitution cases for the state.
6. Defines *attends* regarding a government attorney who attends settlement conferences to include attendance by phone, teleconferencing or similar electronic devices.

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7. Makes technical and conforming changes.
8. Becomes effective on signature of the Governor, if the emergency clause is enacted.

Amendments Adopted by House of Representatives

- Adopted the strike everything amendment relating to private attorney retention contingency fees.

House Action

COM 2/22/12 DPA/SE 8-0-0
3rd Read 3/22/12 58-0-2

Senate Action

Final Read 3/26/12 26-0-4

Signed by the Governor 3/29/12
Chapter 138 E

Prepared by Senate Research
May 7, 2012
GK/tf