



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2763

county officials; practice of law

Purpose

Allows a sheriff's deputies to practice law and form a partnership with an attorney-at-law.

Background

Statute prohibits the sheriff and constable, and their deputies, from practicing law or forming a partnership with an attorney-at-law.

Statute allows deputy county attorneys to represent private clients in pro bono, private civil matters if: 1) the representation will be conducted exclusively during off hours or while on leave and the attorney will not receive any compensation for such services; 2) the client is not seeking an award of attorney fees for the services; 3) the services are for an individual in need of personal legal services and who does not have the financial resources to pay for the professional services or for a nonprofit, tax-exempt charitable organization formed for the purpose of providing social services to individuals and families; 4) the representation will not interfere with the performance of any official duties; 5) the subject matter of pro bono representation is outside of the area of practice to which the attorney is assigned in the county attorney's office and the activity will not appear to create a conflict of interest; 6) the activity will not reflect adversely on the state, the county or any of their agencies; 7) the deputy county attorney's position will not influence or appear to influence the outcome of any matter; 8) the activity will not involve assertions that are contrary to the interest or position of the state, the county or any of their agencies; 9) the activity does not involve a criminal matter or proceeding or any matter in which the state or the county is a party or has a direct or substantial interest; 10) the activity will not use resources that will result in a cost to the state, the county or any of their agencies; and 11) the attorney's supervisor may require the attorney to submit a prior written request to engage in pro bono work that includes a provision holding the agency harmless from any of the work undertaken by the attorney.

Representation by an attorney of a pro bono client, notwithstanding any provision or law to the contrary, does not disqualify the county attorney's office from subsequently participating in any action affecting the client ([A.R.S. § 11-403](#)).

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

Provisions

1. Allows a sheriff's deputies to practice law and form a partnership with an attorney-at-law.

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2. Clarifies that specified pro bono representation by a deputy county attorney, rather than representation by any attorney, does not disqualify the county attorney's office from subsequently participating in an action affecting the client.
3. Makes technical changes.
4. Becomes effective on the general effective date.

House Action

MAPS	2/15/21	DPA	8-6-0-0
3 rd Read	3/4/21		31-28-1

Prepared by Senate Research

March 16, 2021

JA/RC/kja