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**Subject:** Supreme Court regulation of attorneys

Senator Farnsworth, you have asked us to point out the provision in the Arizona Constitution that authorizes the Arizona Supreme Court to regulate the practice of law. That provision is Article 6, section 1 of the Arizona Constitution, which reads:

“The judicial power shall be vested in an integrated judicial department consisting of a supreme court, such intermediate appellate courts as may be provided by law, a superior court, such courts inferior to the superior court as may be provided by law, and justice courts.”

The Arizona Supreme Court, in Scheehle v. Justices Of The Supreme Court Of The State Of Arizona (211 Ariz. 282 / Oct. 5, 2005) had the following to say regarding this provision:

¶ 28 [Article 6, section 1](#) of our constitution vests the judicial power “in an integrated judicial department,” which includes all of the courts of this state. Because “the practice of law is so intimately connected and bound up with the exercise of judicial power in the administration of justice ... the right to define and regulate its practice naturally and logically belongs to the judicial department.” *Shannon*, 179 Ariz. at 76, 876 P.2d at 572 (quoting *In re Integration of Neb. State Bar Ass’n*, 133 Neb. 283, 275 N.W. 265, 268 (1937)).

¶ 29 Consequently, the Arizona Constitution's creation of an integrated judiciary gives to this Court the power not just to regulate all courts but also to regulate the practice of law. *Shannon*, 179 Ariz. at 76, 876 P.2d at 572; see also *Creasy*, 198 Ariz. at 541, ¶ 7, 12 P.3d at 216 (“The court's authority over the practice of law is also based on the creation of an integrated judicial department and the revisory jurisdiction of this court as provided in [article VI sections 1 and 5\(4\) of the Arizona Constitution](#).”); *In re Smith*, 189 Ariz. 144, 146, 939 P.2d 422, 424 (1997) (“The State Bar exists only by virtue of this court's rules, adopted under authority of [article III](#) and [article VI, §§ 1 and 5 of the Arizona Constitution](#).”).

¶ 30 The constitution's mandate in [article 6, section 3](#) that this Court shall have “administrative supervision” over the courts of this state enables this Court to supervise judicial officers, including attorneys. “Administrative supervision contemplates managing the conduct of court personnel.... Attorneys are universally recognized as ‘officers of the court,’ ... and as officers of the court, attorneys are amenable to the court as their superior.” *Shannon*, 179 Ariz. at 76–77, 876 P.2d at 573 (citations omitted); *Bailey*, 30 Ariz. at 412, 248 P. at 30 (quoting *In re Splane*, 123 Pa. 527, 16 A. 481 (Pa.1889)) (“The attorney is an officer of the court, and is brought into close and intimate relations with the court.”).

Please let us know if you have any further questions on this topic.

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