

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
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STATE BAR OF ARIZONA) Administrative Order
PUBLIC MEETING POLICY) No. 2017 - 34
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_____)

The attached policy was submitted by the Board of Governors of the State Bar of Arizona pursuant to Rule 32 (m) of the Rules of the Supreme Court to promote openness by assuring that members of the State Bar and the public have an opportunity to attend meetings of State Bar boards and committees while providing flexibility to close meetings when appropriate as provided in the policy.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and,

IT IS ORDERED that the attached public meeting policy is adopted effective August 1, 2017.

Dated this 5th day of April, 2017.

FOR THE COURT:

SCOTT BALES
Chief Justice

Attachment

STATE BAR OF ARIZONA
Public Meetings Policy

A. Policy. To promote openness by assuring that the members of the State Bar and the public have an opportunity to attend the meetings of State Bar boards and committees, as defined below, while providing flexibility to close meetings when appropriate.

B. Definitions. In this section, the following definitions apply:

“Board” means the State Bar of Arizona Board of Governors, Board of Legal Specialization, the Board of Trustees of the Client Protection Fund, or any other body with final and independent decision-making authority relating to the governance and policy of the State Bar of Arizona.

“Committees” means committees appointed by the Board of Governors to conduct the business of the Board, or established by Court Rule, Administrative Order of the Court, or by statute.

“Meeting” means gathering of the majority of the members of a board or committee, whether in person or electronically, for the purpose of discussing or conducting board or committee’s business.

“Legal advice” means communication to the board or committee by an attorney employed by or representing the State Bar of Arizona regarding facts and information that have legal ramifications, the legality of various legal options, a recommended course of action, and response to any questions about the communication.

“Bar” means the State Bar of Arizona.

“President” means the President of the State Bar of Arizona.

“Chief Executive Officer/Executive Director” means the person appointed by the State Bar of Arizona Board of Governors as Chief Executive Officer/Executive Director.

C. Procedures.

1. Meeting Notice.

- a. Posting. State Bar staff shall post meeting notices in the Phoenix office of the State Bar of Arizona in a public area and on the State Bar of Arizona website at least 24 hours prior to a meeting. Notice of an emergency meeting shall be provided as soon as possible after the meeting location, time and agenda are established.

- b. Content. A notice shall identify the board or committee and the date, time and location of the meeting, specifying the name of the building, street address and room where the meeting is located. The notice shall identify a person or an office to contact to obtain a copy of the meeting agenda. The notice shall include the following statement: “Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, telephone, text telephone number).” A person requesting an accommodation should make the request as early as possible to allow time to arrange the accommodation.

2. Meeting Agenda.

- a. Availability. The contact person for the board or committee identified in the meeting notice shall have the agenda available at least 24 hours prior to the meeting for distribution in response to requests from the public.
- b. Content. The meeting agenda shall state each item to be addressed. The agenda shall also state, without breaching confidentiality, the general subject of an executive session item.
- c. Adherence. All boards and committees shall adhere to the published meeting agenda unless by majority vote the board determines:
 - (1) Deviation from the agenda is necessary to address a matter that the board or committee could not have reasonably anticipated, and
 - (2) Delaying the matter until the next meeting would be detrimental to the work of the board or committee and/or the interests of the public, and
 - (3) Addressing the matter without public notice would not significantly impair public awareness of the matter.

- 3. Public Comment. All agendas shall include a “Call to the Public” provision prior to meeting adjournment. The chair or president of the board or committee shall announce the opportunity for public comment regardless of whether a member of the public is in attendance or has expressed any desire to comment. The chair or president may impose reasonable time, place and manner limitations upon meeting participants including setting time limits, banning repetition and prohibiting profanity and disruptive behavior.

- 4. Public Access to Meetings. The public shall be permitted to attend meetings and listen to deliberations of boards or committees. The chair or president may permit public comment, other than during the call to the public, as appropriate. State Bar staff shall schedule meetings in locations reasonably accessible to the public, including persons with disabilities.

5. Executive Sessions. Upon a call by the chair or president with the concurrence of a majority of the members constituting a quorum, a board or committee may hold an executive session for the purposes stated below. The chair or president shall announce the general subject of the executive session and the specific provision of this rule authorizing the executive session without breaching confidentiality. Attendance shall be limited to members of the board or committee and additional persons whose presence is reasonably necessary for the board to perform its executive session responsibilities. An executive session may be held for any of the following purposes:
 - a. Discussion or consideration of hiring, assignment, appointment, job performance, promotion, demotion, dismissal, salary, discipline, resignation, ethical misconduct or alleged criminal conduct of an officer, member, appointee or employee of the State Bar of Arizona;
 - b. Discussion or consideration of applicants or candidates for commissions, committees, advisory boards or similar bodies, or judicial appointments;
 - c. Discussion or consideration of records, information or matters made confidential or privileged by statute, court rule, policies of the State Bar or this policy;
 - d. Discussion or consultation with an attorney employed by or representing the State Bar regarding legal advice, potential litigation or pending litigation;
 - e. Discussion or consultation with officers, members, appointees or employees of the State Bar regarding negotiations for the purchase or lease of real property or for contracting for goods or services;
 - f. Discussion or consideration of security or emergency response;
 - g. Discussion or consultation regarding relations with the courts or other governmental entities; or
 - h. Discussion or consultation in order to consider the position of the board and to inform staff regarding the position of the board regarding proposed or pending legislation, rule petitions, or petitions for refund of dues pursuant to Rule 32, Ariz. R. S. Ct.

D. Meeting Minutes.

1. Minutes shall be in writing or in other media, and shall include at a minimum:
 - a. The meeting date, time and place;

- b. The members attending;
 - c. The matters considered;
 - d. The results of all votes taken; and
 - e. The names of all persons who address the board or committee.
2. Availability. The contact person identified for each board or committee shall make the minutes available for public inspection, as soon as practicable but no more than 20 working days after the meeting.
 3. Executive sessions. Executive session minutes shall identify persons present and include any instructions given by the board or committee. Persons present shall keep executive session discussions and minutes confidential except from personnel of the State Bar of Arizona who require access to perform their duties and other persons authorized by law or policy. The chair or president shall instruct persons who are present at an executive session regarding these confidentiality requirements.

E. Noncompliance.

1. Remedial Measures. All board or committee chairs or presidents and staff persons shall comply with the provisions of this policy as one of the duties of their positions. If noncompliance is discovered, the chair or president of the board or committee, or the Chief Executive Officer/Executive Director of the State Bar of Arizona or his/her designee shall take reasonable measures consistent with this policy to bring the board or committee into compliance. Such measures may include reconsideration of a matter at a subsequent meeting.
2. Validity. Failure to comply with this policy in any respect shall not be a basis for invalidation of any action of a board or committee.

APPENDIX 1

NOTICE OF MEETING

The (name of board) will hold a meeting on the (date) of (month) 20- .

at

(location)

The meeting will begin at (time) o'clock (am/pm)

An agenda of the items to be considered, discussed, or decided may be obtained from the State Bar of Arizona, 4201 N. 24th Street, Suite 100, Phoenix, Arizona 85016, at least 24 hours in advance of the meeting. Agendas will be available between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday. Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, telephone number). A person requesting an accommodation should make the request as early as possible to allow time to arrange the requested accommodation.