

State Bar of Arizona Board of Governors
Keller-Refund-Request Policy and Procedures

The State Bar shall conduct all lobbying activities in compliance with *Keller v. State Bar of California*, 496 U.S. 1 (1990). Additionally, a member who objects to particular State Bar lobbying activities may request a refund of the portion of the annual fee allocable to those activities at the end of the membership year. Rule 32, Ariz. R. Sup. Ct.

This policy governs the procedures by which an objecting member may request a refund.

A. A member who claims that the State Bar is funding political or ideological activities in violation of this article may submit a written challenge to the CEO/Executive Director of the State Bar.

1. A written challenge must be made individually and shall include the challenger's name, address, telephone number, email address and Bar number. It must also identify the challenged activity and be signed by the member.
2. Written challenges must be received at the State Bar office in Phoenix, Arizona, on or before February 1 of the year immediately following the calendar year in which the challenged activity occurred. Failure to submit a written challenge by the deadline shall constitute a waiver.
3. Submission of a challenge does not relieve a member from timely paying his or her membership fees in full.

B. After a written challenge has been received, the Board or its designee shall promptly determine the pro rata amount of the member's membership fees used to fund the challenged activity and shall place that amount in an escrow account pending determination of the merits of the challenge.

C. Upon the expiration of the deadline for receipt of written challenges to the same activity, the Board or its designee shall decide whether to give a pro rata refund to the challengers or to refer the challenge to arbitration. The Board may elect to have all challenges consolidated in a single arbitration proceeding.

D. Whenever the Board elects to refer a challenge to arbitration, an impartial arbitrator shall be selected by mutual agreement of all parties within twenty (20) days after the Board gives notice of its election to arbitrate. If all parties cannot agree upon the selection of an arbitrator, the President of the State Bar shall apply to the Chief Judge of the United States District Court for the District of Arizona, who shall select an impartial arbitrator as soon as practicable. Absent a challenge for cause, the selection of an arbitrator by the Chief Judge shall be final. The impartial arbitrator shall determine whether the funding of a challenged activity complies with the limitations of this article. If not, the arbitrator shall determine the pro rata share of membership fees that is to be refunded, plus the actual interest rate earned in the escrow account from the date of payment of those membership fees to the State Bar.

E. The State Bar has the burden of proving by a preponderance of the evidence that the challenged activity is permitted by this article.

F. The necessary cost of the arbitration shall be paid by the State Bar and may be paid from mandatory membership fees.

G. The decision of the arbitrator shall be final on the question whether the challenged activity violates the limitations on the State Bar's political and ideological activities as set forth in this article and any pro rata share of membership fees to be refunded.

Approved by the Board of Governors on September 27, 2019.