

Policy Regarding Communications Access to Members

The State Bar of Arizona recognizes and respects the privacy of its membership. It also believes that its members and the public benefit by allowing controlled access to State Bar members. This policy endeavors to balance access and privacy.

Under no circumstances will access be granted for partisan or political purposes in violation of *Keller v. State Bar of California*, 496 U.S. 1 (1990).

Directly Contacting Members

Requests for member contact will be referred to the Communications Division which will then make a recommendation to the State Bar CEO. The CEO's decision will be final unless appealed to the Executive Council of the Board of Governors. In general, requests from commercial vendors to promote CLE events will not be granted.

Commercial and Non-Profit Organizations—In most cases commercial and non-profit entities will not be given access to our members either through e-mail or traditional mail except as provided below. Exceptions may be granted when access clearly and directly enhances the State Bar's mission and is consistent with Supreme Court Rule 32. Approved access will be on a one-time use only basis and the organization will be required to pay a service fee and sign an agreement that clearly outlines the limits of such access.

Arizona Non-Profit Legal Organizations or Chapters of Regional or National Non-Profit Legal Organizations—Non-profit organizations primarily composed of lawyers or directly associated with the profession of law or administration of justice (e.g., county and affinity or special interest bar associations, Arizona Foundation for Legal Services & Education) may be provided access to members provided such access is consistent with the State Bar's Mission Statement and Supreme Court Rule 32. Such access may be provided through State Bar communications division as determined by the State Bar CEO, based on the reasonable use of the human resources of the Bar. As a general rule, e-mail lists will not be provided. Access to members may be provided via mailing lists, bar publications and the State Bar website. Non-profit legal organizations not based in Arizona will be dealt with in accordance with the policy regarding Commercial and Non-Profit Organizations.

Member Benefit Partners—Organizations which contract with the State Bar to provide member benefits may be granted limited access to our members through traditional mailing lists. In most cases this will not exceed more than one mailing per year. Member benefit partners will be required to pay for the mailing lists. Member benefit partners will not be provided with e-mail lists. Should any member benefit partner receive a mailing list, it will be on a one-time-use-only basis.

Research Purposes—On occasion, the State Bar may allow access to its members for educational and academic purposes. These could include surveys and research which will either enhance the State Bar's mission or in some way enhance the administration of justice or practice of law. In these cases, the bar will maintain the lists and be responsible for all mailings. The State Bar CEO in conjunction with the Board of Governors will determine which projects will be considered.

Supreme Court of Arizona and Other Governmental Organizations—The Supreme Court of Arizona shall have full and unfettered access to the members of the State Bar at no cost and without restriction. Requests for access to members from other governmental organizations will be granted when the purpose for such access directly relates to the State Bar’s mission. As a general rule, other governmental organizations will be charged for the administrative costs of providing access unless such costs are de minimis.

Section and Committee Communications—Bar sections and committees shall use State Bar communications media to enhance the mission of the State Bar. Section and Committee Chairs are responsible for ensuring that Bar resources (including e-mail) are used accordingly. In general, section and committee communications will not be used to promote non-bar CLE programs except as provided above.

Exceptions may be granted by the State Bar CEO. Communication of non-bar activities or matters requires pre-approval of the respective section or committee chair. Chairs will apply a four-part test in determining whether to approve such communications: 1-Consistent with Keller (non-partisan/political); 2-Directly supports State Bar mission; 3-Activity or information shared is valid; 4-Consistent with State Bar core values (integrity, service, diversity, professionalism, justice, leadership).

Indirectly Contacting Members

The State Bar has various publications and video platforms (*eLegal, Arizona Attorney*) which can be used to convey messages and information to outside organizations. Any organization wishing to have an item included may contact the Communications Division at the State Bar.

Decisions about what to include will be based on how the item relates to the State Bar’s Mission Statement as well as Rule 32. Commercial or political messages commercial non-State Bar CLE events are not eligible.

Requests for member contact will be referred to the Communications Division which will then make a recommendation to the State Bar CEO. The CEO’s decision will be final unless appealed to the Executive Council of the Board of Governors.

Policy for Failure to Comply

Entities that do not comply with the State Bar’s policy of using mailing lists on a one-time use basis will be denied access to mailing lists for five years.

Adopted by the Board of Governors of the State Bar of Arizona 03/25/11; amended by the Board of Governors 12/12-13/13.

Comment to 2013 amendment: added language that, in general, the organization will not promote non-Bar CLE events (exceptions may be granted by the Bar’s CEO).

Amended and adopted by the Board of Governors of the State Bar of Arizona 9/22/2023. Comment: Access to State Bar members expanded and granted to county and affinity or special interest bar associations as described.