



LEGAL, REGULATORY & FINANCIAL SERVICES

STEVE TWIST, SERVICES GROUP OF AMERICA, CHAIR

MISSION

The Legal, Regulatory and Financial Services Committee supports policies to relieve unnecessary regulatory burdens on private entities and enhance Arizona's legal system, so it supports the free market through the fair and efficient adjudication of disputes. The Committee supports the appropriate balance of power and accountability among the courts, the state Legislature, the executive branch, and the Arizona Corporation Commission. Endeavor to provide a free market that encourages entrepreneurial advancement and innovation, enhances our competitive business climate, and creates opportunities for all Arizonans.

GUIDING PRINCIPLES

SUPPORT REGULATORY TRANSPARENCY & NECESSITY: Regulatory accountability and transparency should balance the benefits and costs of regulations, while protecting the rights of the regulated. Strive to remove unreasonable regulatory barriers to entry for those wanting to start new businesses, eliminate barriers to business innovation, and ensure any new or expanded regulation is deemed necessary through an open and transparent public process. Governments should provide clear notice of the basis of their decisions or actions and enforce these notice requirements to promote fairness in the administrative adjudication process. Industry should be allowed greater flexibility to develop innovative products and practices within the marketplace. Expand access to capital, through private mechanisms, for qualified businesses and consumers and promote economic growth.

EXPEDITE BUSINESS PERMITTING AND LICENSING PROCESSES: Processes should be streamlined and maximize the use of technology to make it quicker and easier for businesses and professionals to get the permits and licenses necessary to operate. Agencies should be restrained in their ability to revoke licenses without a demonstration of harm to health or safety, or fraud. Support policies that avoid duplication and inefficiency between all levels of government in processing permits and licenses. Support streamlining the adjudicative process for protest and appeals.





UPHOLD FREEDOM TO CONTRACT & PROTECT PRIVATE PROPERTY RIGHTS: Public policy should guard against efforts to erode private contracting agreements. Courts should have no power to invalidate a core and unambiguous provision of contract freely negotiated for mutual benefit between sophisticated parties represented by competent counsel. Governmental agencies should be prohibited from issuing subpoenas or seizing personal and business records without reasonable cause and businesses should maintain the right to confidential communications with legal counsel. The protection of trade secrets and intellectual property and private records should be prioritized, including in those cases where a private business is contracted to perform work on behalf of a governmental entity.

IMPROVE THE CIVIL LITIGATION SYSTEM: The legal system should promote prompt resolution of disputes, fairness, and certainty, curb civil lawsuit abuse, reduce the cost of litigation, and protect due process rights. Sophisticated parties should be permitted to enter into contracts that define and limit the scope of discovery. Appropriate checks and balances should be assured in the process of adopting court rules.

IMPROVE THE COURT SYSTEM AND PROMOTE A DIVERSE AND INDEPENDENT JUDICIARY: The legal system should allow civil cases to be resolved in a timely manner. Constructive dialogue should define the relationship between the state Legislature, the courts, and the business community regarding legal and judicial reform issues. An independent judiciary is a cornerstone of a successful Arizona. Judges must feel free to use their best judgment to apply the

law to cases before them without fear of political reprisal. Support the continuation of a business court designed to expedite business proceedings, and to attract judges who have business experience and expertise. Protect civil litigants' rights and interests in obtaining a fair trial by advocating for policies that create a fair and impartial jury pool.

SUPPORT FURTHER TORT REFORM & DETER SYSTEMIC ABUSE OF THE JUDICIAL SYSTEM: Frivolous and unfounded claims in lawsuits cause substantial and unnecessary legal costs and divert attention away from business operations. The civil justice system should not inflate settlement values nor prolong the litigation process. Improve all aspects of Arizona's tort and legal system. Safeguard businesses from the inappropriate use of public nuisance statutes and expand protections in Rule 11 of the Rules of Civil Procedure.

PROMOTE FREE MARKET DELIVERY OF FINANCIAL SERVICES: Oppose limits on interest rates, where appropriate. Oppose restrictions on fees, additional regulation on the financial services industry, duplicative or inconsistent privacy and security requirements, restrictions that would inhibit legitimate business use of personal identifying and credit information, and government interference in contracts.

IMPROVE GOVERNMENT OPERATIONS: Support efficiency and transparency in government operations and consistency in government procurement practices. There should be appropriate reviews of programs, rules, and statutes to streamline all regulatory processes.

