

**PERTINENT EXCERPTS PERTAINING TO MEMBERSHIP AND ENROLLMENT FROM
STATE BAR OF GEORGIA OFFICIAL RULES, REGULATIONS AND BYLAWS.
FULL COPY OF RULES AND REGULATIONS ON OUR WEBSITE WWW.GABAR.ORG**

**Part 1. Chapter 2
MEMBERSHIP**

Rule 1-201. Membership.

All persons now or hereafter who are:

- (1) authorized to practice law in this State or;
- (2) authorized to act as a Foreign Law Consultant shall be members of the State Bar of Georgia.

Rule 1-202. Classes of Members.

Membership in the State Bar of Georgia shall consist of five classes: active, foreign law consultant, emeritus, disabled and inactive. The bylaws shall make provision for the registration of each active member and the location of his or her principal office for the practice of law, the registration of each foreign law consultant and the location of his or her principal office, and the registration of emeritus and inactive members and their mailing addresses.

(a) Inactive Members. All lawyers who are neither engaged in the practice of law nor holding themselves out as practicing attorneys nor occupying any public or private position in which they may be called upon to give legal advice or counsel or to examine the law or to pass upon the legal effect of any act, document, or law may be inactive members at their election. Members who are in military service may be inactive if they so elect.

(b) Active Members. Active members shall be all other lawyers including judges but excluding foreign law consultants. Only active members of the State Bar of Georgia in good standing may vote or hold office in the State Bar of Georgia.

(c) Foreign Law Consultants. Foreign law consultants shall be those persons who are licensed under Part D of the Rules Governing Admission to the Practice of Law as adopted by the Supreme Court of Georgia, Ga. Ct. & Bar Rules, p. 12-1 et seq.

(d) Emeritus Members. Any member of the State Bar of Georgia who shall have attained the age of 70 years and who shall have been admitted to the practice of law in the State of Georgia for 25 years, may retire from the State Bar upon petition to and approval by the Board of Governors. Such a retired member shall hold emeritus status and shall annually confirm in writing this emeritus status. An emeritus member of the State shall not be required to pay dues or annual fees. An emeritus member of the State shall not be privileged to practice law except that an emeritus member may handle *pro bono* cases referred by either an organized *pro bono* program recognized by the Pro Bono Project of the State Bar or a non-profit corporation that delivers legal services to the poor. An emeritus member may be reinstated to active membership upon application to the State Bar.

(e) Disabled Members. Any member of the State Bar of Georgia who is found to be permanently disabled by the Social Security Administration may retire from the State Bar of Georgia upon petition to and approval by the Board of Governors. Such a disabled member shall hold disabled status and shall annually confirm in writing this disabled status. A disabled member of the State Bar of Georgia holding disabled status under this paragraph shall not be privileged to practice law nor be required to pay dues or annual fees. A disabled member may be reinstated to active membership upon application to the State Bar of Georgia.

Rule 1-203. Practice by Active Members; Nonresidents. No person shall practice law in this State unless such person is an active member of the State Bar of Georgia in good standing; except as provided below:

(1) A person who is not a member of the State Bar of Georgia, but who is licensed to practice in a state or states other than Georgia, and is in good standing in all states in which such person is licensed, may be permitted to appear in the courts of this state in isolated cases in the discretion of the judge of such court; or

(2) A person who is not a member of the State Bar of Georgia, but who is licensed to practice in a state or states other than Georgia, and is in good standing in all states in which such person is licensed, may be permitted to appear in the courts of this state if such person:

- (i) is enrolled in a full time graduate degree program at an accredited law school in this state; and
- (ii) is under the supervision of a resident attorney; and
- (iii) limits his or her practice to the appearance in the courts of this state to the extent necessary to carry out the responsibilities of such graduate degree program.

(3) A person who is admitted to the Bar as a foreign law consultant pursuant to Part D of the Rules Governing Admission to the Practice of Law, Ga. Ct. & Bar Rules, p. 12-1 et seq., may render legal services in the State of Georgia solely with respect to the laws of the foreign country (i.e., a country other than the United States of America, its possessions and territories) where such person is admitted to practice, to the extent provided by and in strict compliance with the provisions of Part D of the Rules Governing Admission to the Practice, but shall not otherwise render legal services in this State.

(4) Persons who are authorized to practice law in this State are hereby authorized to practice law as sole proprietorships or as partners, shareholders, or members of:

- (i) partnerships under O.C.G.A. § 14-8-1 et. seq.; or
- (ii) limited liability partnerships under O.C.G.A. § 14-8-1 et. seq.; or
- (iii) professional corporations under O.C.G.A. § 14-7-1 et. seq.; or
- (iv) professional associations under O.C.G.A. § 14-10-1 et. seq.; or
- (v) limited liability companies under O.C.G.A. § 14-11-100 et. seq.
- (vi)

Rule 1-204. Good Standing.

No person shall be deemed a member in good standing:

- (a) while delinquent after September 1 of any year for nonpayment of the license fee prescribed in Chapter 5 hereof;
- (b) while suspended for disciplinary reasons;
- (c) while disbarred;
- (d) while suspended for failure to comply with continuing legal education requirements ; or
- (e) while in violation of Bar Rule 1-209 for failure to pay child support obligations.

Rule 1-205. Bar of Judicial Circuit.

Each member who is a resident of this State shall be considered a member of the bar of the judicial circuit in which his principal office for the practice of law is located, or, at his election, the circuit in which he resides, or if he has no office, the circuit in which he resides or last resided.

Rule 1-207. Change of Address.

All members of the State Bar of Georgia shall keep the membership department of the State Bar of Georgia informed of their current name, address and telephone number. It is incumbent upon those authorized to practice to keep the membership information current and accurate. The Court and the State Bar of Georgia may rely on the address carried by the membership department and failure on the part of a member to notify the membership department may have adverse consequences to a member. The choice of a member to use only a post office box address on the Bar membership records shall constitute an election to waive personal service in any proceedings between the Bar and the member. Notification given to any department of the Bar other than the Membership Department shall not satisfy this requirement.

Rule 1-208. Resignation from Membership.

Resignation while in good standing. A member of the State Bar of Georgia in good standing may, under oath, petition the Board of Governors for leave to resign from the State Bar of Georgia. Upon acceptance of such petition by the Board of Governors by majority vote, such person shall not practice law in this state nor be entitled to any privileges and benefits accorded to active members of the State Bar of Georgia in good standing unless such person complies with the Rules governing admission to the practice of law in Georgia as adopted by the Supreme Court of Georgia.

(1) The petition for leave to resign while in good standing shall be filed, under oath, with the Executive Director of the State Bar of Georgia and shall contain a statement that there are no disciplinary actions or criminal proceedings pending against the petitioner and that petitioner is a member in good standing. A copy of the petition shall be served upon the General Counsel of the State Bar of Georgia.

(2) No petition for leave to resign while in good standing shall be accepted if there are disciplinary proceedings or criminal charges pending against the member or if the member is not a member in good standing.

(3) A petition filed under this paragraph shall constitute a waiver of the confidentiality provisions of Rule 4-221(d) as to any pending disciplinary proceedings.

Rule 1-209. Failure to Pay Child Support Obligations.

(a) Obligation to Pay Child Support. A Bar member shall not wilfully refuse, as determined by a court of competent jurisdiction under the procedures of O.C.G.A. § 19-6-28.1, to timely pay a child support obligation and continue such refusal for thirty days after said determination becomes final. A certified copy of a court order finding that the member has wilfully failed to maintain compliance with child support obligations shall be conclusive evidence of an infraction of this Rule. So long as a member is complying fully with the purge provisions of a court order of contempt for non-payment of child support, this Rules shall not apply.

(b) Not in Good Standing Upon Non-Compliance. In the event a court of competent jurisdiction makes a finding, under the procedures of O.C.G.A. § 19-6-28.1 that a member has wilfully failed to timely pay a child support obligation and continues such refusal for thirty days after said determination becomes final, the member shall be deemed not to be in good standing and shall remain in such status until such time as the noncompliance is corrected.

(c) Action by State Bar of Georgia. Upon receipt of a certified copy of an order by a court of competent jurisdiction, under the procedures of O.C.G.A. § 19-6-28.1, finding that a member has failed to timely pay a child support obligation and continues such refusal for thirty days after said determination becomes final, a notice shall be mailed by certified mail to the member's current address contained in the membership records of the State Bar. The notice is deemed received whenever actually received or five days after the notice is mailed, whichever is sooner.

(d) Return to Good Standing. A member deemed not to be in good standing under this Rules shall be deemed to be in good standing upon providing the Executive Director of the State Bar a certified copy of a court order finding that the delinquency has been satisfied and by paying an administrative fee set by the Executive Committee. The member shall be returned to good standing only upon compliance with the foregoing conditions printed on the ballot for his circuit;

CHAPTER 5

FINANCE

Rule 1-501. License Fees.

(a) Annual license fees for membership in the State Bar shall be due and payable on July 1 of each year. Upon the failure of a member to pay the license fee by September 1, the member shall cease to be a member in good standing. When such license fees and late fees for the current and prior years have been paid, the member shall automatically be reinstated to the status of member in good standing, except as provided in section (b) of this Rule.

(b) In the event a member of the State Bar of Georgia is delinquent without reasonable cause in the payment of license fees for a period of one (1) year, his membership in the State Bar of Georgia shall be terminated, and he shall not practice law in this state. He may thereafter reinstate membership only upon the successful completion of the Georgia Bar Examination.

Prior to terminating membership for a license fee delinquency, the State Bar shall send by certified mail a notice thereof to the last known address of the member as contained in the official membership records. It shall specify the years for which the license fee is delinquent and state that either the fee and all penalties related thereto are paid within sixty (60) days or a hearing to establish reasonable cause is requested within sixty (60) days, the membership shall terminate.

If a hearing is requested, it shall be held at State Bar Headquarters within ninety (90) days of receipt of the request by the Executive Committee. Notice of time and place of the hearing shall be mailed at least ten (10) days in advance. The party cited may be represented by counsel. Witnesses shall be sworn; and, if requested by the party cited, a complete electronic record or a transcript shall be made of all proceedings and testimony. The expense of the record shall be paid by the party requesting it and a copy thereof shall be furnished to the Executive Committee. The presiding member or special master shall have the authority to rule on all motions, objections, and other matters presented in connection with the Georgia Rules of Civil Procedure, and the practice in the trial of civil cases. The party cited may not be required to testify over his or her objection.

The Executive Committee shall (1) make findings of fact and conclusions of law and shall determine whether the party cited was delinquent in violation of this Rule 1-501; and (2) upon a finding of delinquency shall determine whether there was reasonable cause for the delinquency. Financial hardship short of adjudicated bankruptcy shall not constitute reasonable cause. A copy of the findings and the determination shall be sent to the party cited. If it is determined that no delinquency has occurred, the matter shall be dismissed. If it is determined that delinquency has occurred but that there was reasonable cause therefor, the matter shall be deferred for one (1) year at which time the matter will be reconsidered. If it is determined that delinquency has occurred without reasonable cause therefor, the membership shall terminate immediately upon such determination. An appropriate notice of termination shall be sent to the clerks of all Georgia courts and shall be published in an official publication of the State Bar of Georgia. Alleged errors of law in the proceedings or findings of the Executive Committee or its delegate shall be reviewed by the Supreme Court. The Executive Committee may delegate to a special master any or all of its responsibilities and authority with respect to terminating membership for license fee delinquency in which event the special master shall make a report to the Committee of its findings for its approval or disapproval.

After a finding of delinquency, a copy of the finding shall be served upon the Respondent attorney. The Respondent attorney may file with the Court any written exceptions (supported by the written argument) said Respondent may have to the findings of the Executive Committee. All such exceptions shall be filed with the Clerk of the Supreme Court and served on the Executive Committee by service on the General Counsel within twenty (20) days of the date that the findings were served on the Respondent attorney. Upon the filing of exceptions by the Respondent attorney, the Executive Committee shall within twenty (20) days of said filing, file a report of its findings and the complete record and transcript of evidence with the Clerk of the Supreme Court. The Court may grant extensions of time for filing in appropriate cases. Findings of fact by the Executive Committee shall be conclusive if supported by any evidence. The Court may grant oral argument on any exception filed with it upon application for such argument by the Respondent attorney or the Executive Committee. The Court shall promptly consider the report of the Executive Committee, exceptions thereto, and the responses filed by any party to such exceptions, if any, and enter its judgement. A copy of the Court's judgement shall be transmitted to the Executive Committee and to the Respondent attorney by the Court.

Within thirty (30) days after a final judgement which terminates membership, the terminated member shall, under the supervision of the Supreme Court, notify all clients of said terminated member's inability to represent them and of the necessity for promptly retaining new counsel, and shall take all actions necessary to protect the interests of said terminated member's clients. Should the terminated member fail to notify said clients or fail to protect their interests as herein required, the Supreme Court, upon its motion, or upon the motion of the State Bar of Georgia, and after ten (10) days' notice to the terminated member and proof of failure to notify or protect said clients, may hold the terminated member in contempt and order that a member or members of the State Bar of Georgia take charge of the files and records of said terminated member and proceed to notify all clients and take such steps as seem indicated to protect their interests. Any member of the State Bar of Georgia appointed by the Supreme Court to take charge of the files and records of the terminated member under these Rules shall not be permitted to disclose any information contained in the files and records in his or her care without the consent of the client to whom such file or record relates, except as clearly necessary to carry out the order of the court.

Rule 1-501.1. License Fees - Late Fee.

Any member who has not paid his or her license fee on or before August 1 shall be penalized in the amount of seventy-five dollars (\$75.00). Any member who is delinquent in his or her license fee on or after January 1 of each year shall be penalized in the additional amount of one hundred dollars (\$100) for a total of one hundred seventy-five dollars (\$175).

Rule 1-502. Amount of License Fees.

The amount of such license fees for active members shall not exceed \$250.00, and shall annually be fixed by the Board of Governors for the ensuing year; provided, however, that except in the case of an emergency, such annual dues shall not be increased in any one year by more than \$25.00 over those set for the next preceding year. The annual license fees for inactive members shall be in an amount not to exceed one-half (1/2) of those set for active members. Subject to the above limitations, license fees may be fixed in differing amounts for different classifications of active and inactive membership, as may be established in the bylaws.

Rule 1-506. Clients' Security Fund Assessment.

(a) The State Bar of Georgia is authorized to assess each member of the State Bar of Georgia a fee of \$100.00. This \$100.00 fee may be paid in minimum annual installments of \$20.00 for a period of five (5) years. Each new member of the Bar will also be assessed a similar amount payable in a similar manner upon admission to the State Bar of Georgia. This fee shall be used only to fund the Clients' Security Fund and shall be in addition to the annual license fee as provided in Rule 1-501 through Rule 1-502.

(b) The Clients' Security Fund assessment shall be due and payable in \$20.00 installments on July 1 of each year until the balance of \$100.00 is paid. The failure of a member to pay the minimum annual installments shall subject the member to the same penalty provisions, including late fees and termination of membership, as pertain to the failure to pay the annual license fee as set forth in Bar Rules 1-501 and 1-501.1.

Rule 1-507. Bar Facility Assessment.

(a) The State Bar is authorized to assess each member of the State Bar a fee of \$200.00. This \$200.00 fee may be paid in minimum annual installments of \$50.00 for a period of four (4) years. This fee shall be used to purchase, maintain, and operate a facility for the State Bar offices and shall be in addition to the annual license fee as provided in Rule 1-501 through Rule 1-502 and the Clients' Security Fund Assessment as provided in Rule 1-506.

(b) The Bar Facility assessment shall be due and payable in \$50.00 installments on July 1 of each year until the balance of \$200.00 is paid. For members admitted to the Bar prior to July 1, 1997, such installments shall begin on July 1, 1997. For newly admitted members of the Bar, such installments shall begin when a new member is admitted to the State Bar. The failure of a member to pay the minimum annual installments shall subject the member to the same penalty provisions, including late fees and termination of membership, as pertain to the failure to pay the annual license fee as set forth in Bar Rules 1-501 and 1-501.1.

BYLAWS OF THE STATE BAR OF GEORGIA

Adopted June 20, 1992, as subsequently amended

ARTICLE I. MEMBERS

Section 1. Registration of Members.

Persons admitted by the courts to the practice of law shall, within sixty days after admission to the bar of the Superior Court, register with the State Bar and pay the dues for the fiscal year of the date of admission. If the date of admission is less than six months before the expiration of the fiscal year, the member shall pay one-half of the dues for that year. If the date of admission is on or after May 15, the member shall not be required to pay any dues for that fiscal year.

Section 2. Active Members and Foreign Law Consultants.

(a) Only active members of the State Bar are entitled to give legal advice and otherwise practice law.

(b) Only foreign law consultants are entitled to give legal advice as authorized by their license.

Section 3. Inactive Members.

(a) Inactive members shall:

- (1) pay annual dues as set forth in Bar Rule 1-502;
- (2) be exempt from continuing legal education requirements (except for years in which the member is on active membership status for any part of the calendar year);
- (3) affirmatively represent their status as inactive members of the State Bar of Georgia when any statement of State Bar membership is made;
- (4) not hold themselves out as being able to practice law in Georgia or render advice on matters of Georgia law;
- (5) not hold any position that requires the person to be a licensed Georgia attorney;
- (6) not nominate a member for office, hold a State Bar office, hold a section or committee office, or vote on any candidate or proposal concerning the State Bar;
- (7) not receive State Bar publications, including the State Bar Directory and State Bar Journal, unless the inactive member so requests;
- (8) keep the membership department advised of their current name, address and phone number as provided in Bar Rule 1-207.

(b) An inactive member in good standing may on application become an active member. The application shall be accompanied by payment of the dues of an active member for the year in which the change is made, less dues paid by the member for that year as an inactive member. In addition, the member must satisfy the continuing legal education requirements for the calendar year in which the member is on active status.

Section 4. Failure to Register.

1.) A person who is otherwise eligible to practice law or practice as a foreign law consultant as defined in the Rules of the State Bar, but who failed to register as required by the Rules and Article I, Section 1 of these Bylaws, shall be entitled to register at any time for a period one year after the day upon which the person first became eligible upon the following terms and conditions:

a.) the payment of the dues for the year in which the applicant registers, together with unpaid dues for any previous year should the period of time in which the applicant failed to register extend between two fiscal years of the State Bar, plus a late fee of \$100.00; and

b.) the submission of an affidavit stating that the applicant's failure to sooner register was not intended as a violation of the State Bar Rules, that the applicant was not aware of the requirements of the Rules with respect to registration, that the applicant has not practiced law in Georgia during the period between the time the applicant first became eligible and the day the applicant submits the affidavit, and that the applicant will submit to the jurisdiction of the State Disciplinary Board for any complaints or grievances filed regarding the applicant's conduct for the period between eligibility and registration; or

c.) in the event the applicant cannot aver that he or she did not practice law in Georgia during the period between the time the applicant first became eligible and the day the applicant actually registered, the applicant shall submit an affidavit stating that the applicant's failure to sooner register was not intended as a violation of the State Bar Rules, and that the applicant was not aware of the requirements of the Rules with respect to registration. The affidavit shall also provide a detailed description of the applicant's practice of law during the period, and state that the applicant will submit to the

jurisdiction of the State Disciplinary Board for any complaints or grievances filed regarding the applicant's conduct for the period between eligibility and registration. A copy of the affidavit shall be supplied to either the Standing Committee or District Committee for the Unauthorized Practice of Law.

2.) A person who is otherwise eligible to practice law or practice as a foreign law consultant as defined in the Rules of the State Bar, but who failed to register within one year of the date the applicant was first eligible as required by the Rules and these Bylaws, shall be entitled to register upon the following terms and conditions:

a.) the payment of the dues for the year in which the applicant registers, payment of all unpaid dues for all past years at the active member level, and payment of a late fee of \$100 for the year in which the applicant registers plus \$100 per year for all past years;

b.) submission of a determination of fitness from the Board to Determine Fitness of Bar Applicants; and

c.) the submission of an affidavit stating that the applicant's failure to sooner register was not intended as a violation of the State Bar Rules, that the applicant was not aware of the requirements of the Rules with respect to registration, that the applicant has not practiced law in Georgia during the period between the time the applicant first became eligible and the day the applicant submits the affidavit, and that the applicant will submit to the jurisdiction of the State Disciplinary Board for any complaints or grievances filed regarding the applicant's conduct for the period between eligibility and registration; or

d.) in the event the applicant cannot aver that he or she did not practice law in Georgia during the period between the time the applicant first became eligible and the day the applicant submits the affidavit, the applicant shall submit an affidavit stating that the applicant's failure to sooner register was not intended as a violation of the State Bar Rules and that the applicant was not aware of the requirements of the Rules with respect to registration. The affidavit shall also provide a detailed description of the applicant's practice of law during the period, and state that the applicant will submit to the jurisdiction of the State Disciplinary Board for any complaints or grievances filed regarding the applicant's conduct for the period between eligibility and registration. A copy of the affidavit shall be supplied to the Board to Determine Fitness of Bar Applicants and either the Standing Committee or District Committee for the Unauthorized Practice of Law.

Section 5. List of Active Members.

As soon as practical after July 1 of each year, the State Bar shall furnish a copy of the membership directory to the clerks of every court of record in the State. On or before November 1, the State Bar shall furnish to the clerks of every court of record in the State a list of members of all membership categories, who are for any reason not in good standing with the State Bar. No later than six months after November 1 of each year, the State Bar shall update the list of members who are not in good standing and furnish the list to the clerks of the courts of records. A lawyer not in good standing shall be prohibited from appearing as counsel in any court, filing papers therein, or otherwise practicing law, unless and until that lawyer has a certificate from the Executive Director of the State Bar stating that he or she has become an active member in good standing. The list of all registered lawyers in good standing within the State shall be filed with the Clerk of the Supreme Court and with the Clerk of the Court of Appeals and the clerks of the various federal courts in Georgia.

