

State Bar of Georgia

Section Leaders' Handbook



State Bar of Georgia

SECTIONS

Administrative Law ★ Agriculture Law ★ Animal Law ★ Antitrust Law ★ Appellate Practice ★ Aviation Law ★ Bankruptcy Law ★ Business Law ★ Child Protection and Advocacy Law ★ Consumer Law ★ Constitutional Law ★ Corporate Counsel ★ Creditors' Rights ★ Criminal Law ★ Dispute Resolution ★ E-Discovery and the Use of Technology ★ Elder Law ★ Eminent Domain Law ★ Employee Benefits Law ★ Entertainment and Sports Law ★ Environmental Law ★ Equine Law ★ Family Law ★ Fiduciary Law ★ Franchise and Distribution Law ★ General Practice and Trial Law ★ Government Attorneys ★ Health Law ★ Immigration Law ★ Individual Rights Law ★ Intellectual Property Law ★ International Law ★ Judicial Section ★ Labor and Employment Law ★ Law and Economics ★ Legal Economics Law ★ Local Government Law ★ Military/Veterans Law ★ Nonprofit Law ★ Product Liability Law ★ Professional Liability Law ★ Real Property Law ★ School and College Law ★ Senior Lawyers ★ Taxation Law ★ Technology Law ★ Tort and Insurance Practice ★ Workers' Compensation Law



State Bar
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State Bar of Georgia Sections

Sections are voluntary, non-appointed units within the State Bar. Sections provide specialized services and information to their members in their respective areas of the law. Section leaders determine and plan educational, community service and networking programs. Leadership is responsible for disseminating pertinent information about such events to their members. The section team can assist in all these areas. Sections are as active as their memberships demands.

All members in good standing of the State Bar of Georgia are eligible for membership upon annual payment of section dues, which vary by section. It is important to note, however, that only active members of the State Bar of Georgia are entitled to nominate a member for office or hold office in a section.

At present, there are 48 Sections. Chairs are current as of July 2016:

- Administrative Law - Marvin Woodard
- Agriculture - Lawton Heard
- Animal Law - Jessica K. Rock
- Antitrust - Christine Hopkinson
- Appellate Practice - Margaret Heinen
- Aviation - Alan Armstrong
- Bankruptcy - Carolyn Richter
- Business - Louis Spelios
- Child Protection and Advocacy - Nicki Vaughan
- Constitutional Law - Charles Ruffin
- Consumer Law - Vacant
- Corporate Counsel - Robert W. Kamerschen
- Creditors' Rights (cc) - Harriet C. Isenberg
- Creditors' Rights (cc) - Beth Ellen Rogers
- Criminal - Amy Rene Stone
- Dispute Resolution - Bonnie Powell
- E-discovery & the Use of Technology - Rachael Zichella
- Eminent Domain - Kenneth L. Levy
- Employee Benefits (cc) - Jennifer Schumacher
- Employee Benefits (cc) - Paulette Adams-Bradham
- Entertainment and Sports - Stephen Weizenecker
- Environmental Law - Richard A. Horder
- Equine Law - Vacant
- Family Law - Marvin L. Solomiany
- Fiduciary Law - Jeremy Ware
- Franchise and Distribution Law - Trishanda L. Treadwell
- General Practice and Trial Law - Kristine Orr Brown
- Government Attorneys - Charles Olson
- Health Law - Daniel J. Mohan
- Immigration Law - Dara Berger
- Intellectual Property - Brent Bellows
- International Law - Gregg Notte
- Judicial - Shawn LaGrua
- Labor and Employment Law - Daniel C. Kniffen
- Law and Economics - John Cole
- Legal Economics Law - Vacant
- Local Government Law - Daniel C. Haygood
- Military / Veterans - Cary King
- Nonprofit Law - Margaret Scott
- Product Liability - Jay Patton
- Professional Liability - Thomas Curvin
- Real Property Law - Gayle Y. Camp
- School and College Law - Jonathan Poole
- Senior Law - Wheeler Bryan
- Taxation Law - Julian Fortuna
- Technology Law - Paul Arne
- Tort and Insurance Law - Paul Groth
- Workers' Compensation - Kelly Benedict

Each section functions under its own bylaws that govern the operation of the section. All amendments thereto should be submitted to the State Bar's general counsel, Executive Committee and Board of Governors for approval. Each section is also subject to the rules and bylaws of the State Bar of Georgia. Whenever amendments are made to your existing bylaws, the State Bar Model Bylaws (provided on the Bar's website at www.gabar.org) should be used as a base. Once drafted, the amendment should be sent to the section liaison to begin the approval process.

Guidelines For Disbursement of Section Funds - Adopted in 1997

I. GENERAL

Section funds may be used only in furtherance of the purposes of the Section. The Section may choose to adopt an annual budget. However, whether or not a budget is adopted, the officers and executive committee will take reasonable steps to ensure that expenditures are reasonable in amount and do not exceed the funds available to the section.

Expenditures may be authorized by the section chair or any officer of the section. Any expenditure in excess of \$500 shall be authorized only with the approval of two officers of the section. In situations where the check is made payable to an officer of the section, approval must be authorized by another officer(s) of the section, resulting in an officer not approving their own expense reimbursement request. Amounts in excess of \$2,500 will be authorized by the Treasurer of the State Bar.

II. REIMBURSEMENT OF EXPENSES INCURRED BY SECTION MEMBERS

The section may reimburse officers and members for reasonable expenses incurred in furtherance of section purposes. In determining whether reimbursement should be permitted, the following principles are applicable:

- A. Long distance telephone charges, reasonable copying costs, postage, printing and similar expenses incurred in conducting section business may be reimbursed.
- B. Reasonable expenses of travel related to section business may be reimbursed.
 1. Transportation—The traveller should choose the most reasonable form of transportation, considering both price and time.
 - a. Air transportation should normally be by commercial air carrier at the lowest available rate.
 - b. When a private automobile is used, mileage should be reimbursed according to the IRS standard in effect at the time of travel, plus tolls and parking.
 - c. Reasonable costs of rental cars, taxis and airport shuttles may be reimbursed
 2. Lodging and Meals – Reasonable costs for lodging, meals and necessary incidentals (tips, etc.) may be reimbursed.
- C. Expenditures for personal items and entertainment will not be reimbursed.
- D. Expenditures on behalf of a spouse or other companion will not be reimbursed.
- E. Documentation – Requests for reimbursement should be made in writing, preferably on the Section Check Request Form, along with an explanation of the nature and the purpose of the expenditures. Supporting documents should be submitted for each reimbursement request, including detailed receipts where applicable. Except in unusual and justifiable circumstances, request for reimbursement should be made within 30 days of the expenditure.
- F. Reimbursement of members' expenses shall be approved by the section chair or his/her designee. In determining whether reimbursement should be approved, the chair or designee should consider, inter alia, (1) The nexus of the expense to section business; (2) The reasonableness of the expense; (3) The adequacy of the receipts or other documentation submitted; (4) The circumstances surrounding any request for reimbursement made outside the 30 day period.

Section Finance Policies

Each Section is charged an assessment fee based on the number of its members and each has its own account within the State Bar's Accounting Department. The annual assessment covers the cost of the sections department, which serves all State Bar sections. Section funds are invested and the proceeds are deposited into the section account.

The section team will provide section chairs with updates in the Financial Position of the section.

Reimbursement requests should be submitted to the section liaison using the check request form found on the Bar's website. Checks are cut once weekly. Please allow 10 business days for processing* and mailing.

The check request form can be found at www.gabar.org> Committees, Programs & Sections>Section Leaders' Handbook

** Please be reminded that all requests must first be processed by the sections department.*

Standing Board Policy 100

No section of the State Bar shall recommend, support or oppose any legislation except as provided in Standing Board Policy 100 which is shown below:

1.01. GENERAL LEGISLATIVE POLICY.

(a) The Bylaws set forth the restrictions on establishing a legislative policy. Article II, Section 6 of the Bylaws provides that:

No legislation shall be recommended, supported or opposed by the State Bar unless:

1. such action has been initiated by an appropriate committee or Section, or by any ten members of the Board of Governors; and
2. the text of the legislation is furnished to the President, the President-elect and the Advisory Committee on Legislation at least thirty days prior to its submission for support or opposition as set forth below; and
3. provided further:
 - i. that such legislative position receives a majority vote of the members of the State Bar present at a meeting; or
 - ii. that such legislative position receives a two-thirds vote of the members of the Board of Governors present and voting; or
 - iii. when the Board of Governors is not in session, such legislative position receives a two-thirds vote of the members of the Executive Committee voting.

In addition to and in aid of these legislative powers, the Board shall have the power to adopt, by a vote of two-thirds of the members of the Board present and voting, a Standing Board Policy regarding legislation. Such Standing Board Policy shall be binding from session to session unless

suspended, modified or rescinded pursuant to a two-thirds vote of the members of the Board present and voting.

No committee or Section of the State Bar shall recommend, support or oppose any legislation except in the manner herein provided.

- (b) No legislative position shall be taken by the State Bar or any committee, Section or other organizational element thereof except as provided for in this policy.
- (c) A legislative position, once adopted, shall remain an official position of the State Bar during the full biennial session of the General Assembly in which it was adopted unless rescinded or modified.
- (d) Failure to receive a necessary two thirds vote to favor or oppose legislation shall not be considered adoption of the contrary position.
- (e) All legislative positions adopted by the State Bar shall be reduced to writing and communicated to the General Assembly as the organizational positions of the State Bar.
- (f) The Advisory Committee on Legislation, the Board, or the Executive Committee may allow any interested person to appear before it in person and in writing in support of or in opposition to any legislative proposal being considered subject to reasonable limitations on available time.
- (g) The Board and Executive Committee shall have authority to take reasonable action necessary to communicate and advocate legislative positions adopted pursuant to the Bylaws and this policy.
- (h) The Board or the Executive Committee shall have the authority to designate persons to promote State Bar legislative positions. Persons so designated shall be authorized to agree to and to support amendments and

substitute legislation which are consistent with legislative positions previously adopted pursuant to the Bylaws and this Policy.

- (i) Nothing in this policy shall be construed to prevent members of the State Bar from presenting their own personal views concerning any legislative matter.

1.02. BOARD OF GOVERNORS.

- (a) Consideration of any legislative proposal by the Board shall proceed in the following order:
 - 1. A written proposal shall be presented by an appropriate committee or Section or by any 10 members of the Board to the Advisory Committee on Legislation, the President and the President-elect at least 301 days prior to a meeting of the Board. Such proposal shall, as a minimum, include the following:
 - i. the specific legislation, if any, which is pending or proposed;
 - ii. if no specific legislation is pending or proposed, a statement of the issues to be addressed by the legislation;
 - iii. a summary of the existing law;
 - iv. principal known proponents or opponents of the legislation and, if possible, a brief statement of the reasons for opposition or support by the other interests;
 - v. a listing of any other committees or Sections which may have an interest in the legislation and a certification that any such committees have been provided a copy of the proposal simultaneous to its transmission to the Advisory Committee on Legislation; and
 - vi. the position which the committee, Section or group recommends be adopted by the State Bar.
 - 2. The Advisory Committee on Legislation, after consideration of the legislative proposal in accordance with Rule 1.04 of this policy, shall make a recommendation concerning the proposal to the Board at its next meeting.
 - 3. The Board shall determine specifically by a majority vote of members present and voting whether the proposed legislative action is germane to the legitimate purposes of the State Bar.
 - 4. If the determination in Section (3) above is affirmative, then at least two thirds of the members of the Board present and voting must vote to recommend, to support, or to oppose the legislative proposal.
- (b) Legislative positions may be considered and adopted by the Board at any special or regular meeting.

1.03. EXECUTIVE COMMITTEE.

- (a) Consideration of any legislative proposal by the Executive Committee shall proceed in the following order:
 - 1. a proposal adopted by the Advisory Committee on Legislation or from a member of the Executive Committee shall be presented;
 - 2. the Executive Committee shall specifically determine by a majority of members voting whether the proposed legislative action is germane to the legitimate purposes of the State Bar;
 - 3. if the determination in subSection (2) above is affirmative, then the Executive Committee shall then determine by a majority vote of those voting either that (i) the requested legislative action could not reasonably have been submitted for consideration by the Board of Governors in accordance with existing policies, or: (ii) that a significant material change in circumstances since the last Board of Governors has made the Executive Committee action necessary;
 - 4. if either determination in subSection (3) above is affirmative, at least two thirds of the members of the Executive Committee voting must vote to recommend, to support, or to oppose the legislative proposal.
- (b) The Executive Committee shall take no action inconsistent with previous action of the Board on substantially identical legislation unless there has been a significant material change in circumstances since the last meeting of the Board of Governors. The failure to receive the required two thirds vote of the Board of Governors shall not be considered "previous action" by the Board.
- (c) During the time when the legislature is in session, if any emergency exists and is not feasible for the Executive Committee to act, then the president, upon consultation with and agreement by any two from among the president-elect, the immediate past president and the chairman of the Advisory Committee on Legislation may act upon pending or proposed legislation.
- (d) Any action taken by the Executive Committee or president shall be reported to the Board at its next meeting.

1.04. ADVISORY COMMITTEE ON LEGISLATION.

- (a) Structure—The Advisory Committee shall be composed of at least nine members, at least six of whom shall be members of the Board at the time of their appointment and the Immediate Past President.
- (b) Initial Terms—The nine members of the Advisory Committee appointed to serve effective July 1, 1986, shall be appointed for initially staggered terms as set out below:

1. three members, including two members of the Board, shall be appointed by the immediate past president for one-year terms.
 2. three members, including two members of the Board, shall be appointed by the president for two-year terms.
 3. three members, including two members of the Board, shall be appointed by the president-elect for three year terms.
 4. the chairman shall be appointed by the president.
- (c) Terms—Commencing July 1, 1987, the president-elect shall appoint three members, at least two of whom shall be members of the Board at the time of their appointment, to three-year terms and shall name a chairman-elect. The chairman-elect shall become chairman when the president-elect becomes president. The President, upon consultation with and agreement by the President-elect shall have the power to appoint additional voting members to the Advisory Committee who shall serve during the one-year term of his presidency. However, in any event at least two-thirds of this Committee will be members of the Board at the time of their appointment.
- (d) The Advisory Committee will meet for the purpose of developing its recommendations to the Board and Executive Committee with regard to requests to adopt a legislative position.
- (e) In each case involving a proposed legislative position, the Advisory Committee shall make a recommendation to the Board or the Executive Committee on the following:
1. whether the proposed legislative action is germane to the legitimate purposes of the State Bar; and
 2. the legislative position which the Board or Executive Committee should adopt.
- (f) In addition to the above, the Advisory Committee shall also have the authority to draft and submit to the Board or the Executive Committee, legislative concepts which may or should be the subject of legislation and recommend positions with respect thereto.
- (g) When the General Assembly is in session, appropriate committees and Sections of the State Bar may submit legislative proposals to the Advisory Committee for approval by the Executive Committee. All such proposals, however, shall be in writing and satisfy the format requirements set forth in subSection (a)(1) of Rule 1.02 of this policy.
- (h) All matters concerning contract and finance shall be submitted to the Executive Committee for approval.

Continuing Legal Education

One of the most valuable commodities for any attorney is information, and one of the best ways to provide a constant flow of accurate and timely information is through CLE seminars. Section CLEs must be approved and/or sponsored by the Institute for Continuing Legal Education (ICLE) in Athens. Recognizing this, ICLE will assist you in arranging CLE seminars and institutes on a wide range of topics at convenient locations around the state. Special attention should be given to the participation of women and minority lawyers as speakers at CLE seminars. For further information or help in arranging a seminar, contact:

Institute for Continuing Legal Education (ICLE)
P.O. Box 1885
Athens, GA 30603-1884
800-422-0893 / 706-369-5664
Executive Director: Steve Harper

Sections also have the option of hosting lunchtime CLE events, which also must be co-sponsored by ICLE and must adhere to the following rules and procedures:

Please see the "ICLE Manual For Section Leaders, YLD Leaders, and Seminar Program Chairs."

Meetings, Mailings & Reports

The Sections Department works closely with section officers by assisting with activity/meeting planning, preparing newsletters, and processing mailings and announcements to section members via email and U.S. mail if requested.

The following guidelines should be considered when arranging meetings and mailings:

- After determining the meeting time and location, space needs to be booked right away. (The Bar's Conference Center fills up quickly.)
- Allow one to two days for meeting registrations to be set up and notification emailed to members.
- Allow seven to 10 days for newsletter production.
- Mailings are sent using first class postage.
- Larger mailings (such as newsletters) will be sent out by a mail house. Use of the State Bar's bulk rate permit is available with advance notice to the section liaison so that funds can be made available in the State Bar's bulk rate account. The Postal Service may take one to three weeks to deliver bulk rate mail; perhaps longer during holidays. Costs will be charged to the section.

MEETINGS

The State Bar encourages its members to use the Bar Center for section meetings. There are several conference rooms available, including a large classroom that can accommodate a group of approximately 90 people and an auditorium that can seat more than 200, and all Bar members can park in the Bar's deck at no charge. You can reserve conference rooms by calling the sections department.

Sections will be billed for any after hours meetings and functions held at the Bar Center for overtime security and janitorial services. Catering will be handled by the sections department at the section's request and expense for any lunch or breakfast meetings.

All sections are required to provide value to their members by holding at least one meeting per year and two email updates about section activities.

ANNUAL REPORTS

Article X, Section 6, of the bylaws of the State Bar of Georgia states that each section shall submit to the regular annual meeting of the members of the State Bar a report of the activities of the Section during the year. This should be a brief summary of your section's activities and should be submitted to the State Bar in April for publication to the Board of Governors during the State Bar's Annual Meeting. All publications and meeting locations should comply with the Americans with Disabilities Act.

Executive Committee Policy 500

Faxes and Emails To Members

Adopted Aug. 22, 2003

PURPOSE

It is important for the members of the Bar to be informed about matters relating to the judicial system and legal profession. To that end, the State Bar should provide efficient and effective communication with Georgia lawyers. At the same time, it is recognized that unnecessary or unwanted communications, especially blast faxes and emails, have a long-term adverse impact on effective communication. Therefore, this policy is designed to enhance communication by authorizing the use of faxes and emails for important information with appropriate limits on frequency and content. It is also intended to maintain compliance with Federal and state laws governing blast faxes and emails.

AUTHORIZED COMMUNICATIONS

- (a) All Blast faxes are prohibited.
- (b) Emails are authorized as limited by this policy.
- (c) All communications shall be for the lawful purpose of the State Bar of Georgia.

AUTHORIZED USERS

- (a) Supreme Court of Georgia, for any communication to all members;
- (b) Court of Appeals of Georgia, for any communication to all members;
- (c) State Bar President, for limited, significant Bar related matters to all members;
- (d) YLD President, for limited, significant YLD related matters to YLD members;
- (e) Board of Governors members, for communications with their Circuit's members;

(In circuits which have two or more representatives on the Board, each communication shall reflect the view of the majority of the representatives. The intent is for a limited number of emails from the circuit's representatives as a group rather than multiple emails from individual Board members. If the members of a circuit are evenly divided with no majority viewpoint, no email should be sent. The Board members in each circuit may accomplish this by jointly prepared emails, by electing a single spokesperson for the group, or by any other method of their choice that accomplishes the intent of this policy.)

- (f) State Bar Sections and Committees, for communications from Section leaders with their Section members, but not for soliciting new members; and Committee chairs with their committee members;
- (g) Candidates for State Bar elected positions, for Officers of the State Bar or YLD, Board of Governors members, Executive Committee members, and ABA delegates (limited to contested races and no more than two (2) emails per election);
- (h) Administrative Office of the Courts, for use by individual courts to communicate with the lawyers practicing in the courts; and
- (i) Others, as approved by the Executive Committee for limited, urgent uses.

ALL USERS MUST

- (a) Not sell, give or otherwise redistribute the email addresses of the members;
- (b) Use format that eliminates downloading of data;
- (c) Use only for officially authorized Bar or judicial purpose;
- (d) Not be used for private, commercial purposes; and
- (e) Allow recipients to be removed from list.

STANDARDS

- (a) The subject line will include enough information so recipients can quickly determine if they want to delete the message without opening it. One subject per message is preferred.
- (b) The message will be brief, sometimes including instructions on where to get additional information. When applicable, web links may be included.
- (c) Attachments may or may not be included, depending on their number and size, and only upon final approval by the Bar's IT Department.
- (d) Each email message will include unsubscribe or opt out instructions. If a member opts out of receiving email messages, all email communications from all entities, including the State Bar, will stop. There will not be a way to selectively opt out receiving emails from any particular entity. This is especially important and should be noted in the opt out instructions.

PROCESS

- (a) Broadcast email messages are coordinated centrally by the Communications Department and are not to be sent by

individuals, departments or entities. Because most emails are time sensitive, all participants in this process shall cooperate to perform their duties in a timely manner.

- (b) The entity wishing to send an email message drafts the message and submits it to the Chief Operating Officer for approval. The President and Executive Director are available for discussion when deemed appropriate by the Chief Operating Officer.
- (c) The Chief Operating Officer-approved email message is sent to the Communications Director and to Bar Counsel. After reviewing the email for compliance with law and State Bar rules/policies, Bar Counsel will advise the Communications Director of its findings.
- (d) The Membership Department is notified of the request so

the email address file can be prepared.

- (e) The finalized email message and all related information are sent to the IT Department for distribution to the list.
- (f) The Executive Director and Chief Operating Officer are copied on all fax and email messages. The person(s) initiating the email request is also copied.

Note: Due to anti-spam measures and other email filtering software utilized by our membership, Internet Service Providers (ISPs), and the various data communications equipment which provides the routing of all equipment internet-related traffic, the State Bar cannot guarantee that every recipient listed in its email address database will successfully receive the email message instituted with the blast email procedures specified above.

Executive Committee Policy 600

Websites established by State Bar entities

Adopted May 17, 2007

No section, division, standing committee, special committee, program, department or other entity of the State Bar of Georgia may establish or maintain a website except as follows:

- (a) a mock up of the website, including both visuals and text, shall be submitted to the communications department and the bar counsel for written approval.

- (b) upon approval by both the communications department and bar counsel, the State Bar entity website may go online, but any material change to the website shall first be submitted for approval under subparagraph "a" above.

The Executive Committee, Communications Department, or Bar counsel may rescind approval of any State Bar entity website at any time, with or without cause.

Section & State Bar Staff

All State Bar Sections share the services of two professional staff members, the section liaison and the section coordinator (part-time), whose main responsibilities are to provide direct support to the sections by facilitating the ongoing activities of the sections and to implement new programs and activities. The Section team also acts as facilitators between the sections and other State Bar staff.

Derrick W. Stanley, Section Liaison
(P) 404-527-8774
(F) 404-527-8749
derricks@gabar.org

Mary Jo Sullivan, Section Coordinator
(P) 404-527-8782
(F) 404-527-8749
maryjos@gabar.org

State Bar of Georgia, 104 Marietta Street, NW, Suite 100, Atlanta, Georgia 30303
800-334-6865

The following State Bar staff and program directors are also available to assist you.

- Paula Frederick, General Counsel404-527-8730
- Jeff Davis, Executive Director404-527-8755
- Sharon L. Bryant, Chief Operating Officer404-527-8776
- Steve Laine, Chief Financial Officer404-527-8748
- Brinda Lovvorn, Director of Membership404-527-8785
- Lynda Hulsey, Consumer Assistance Program404-527-8759
- Lamont Burwell, MIS Director404-527-8746
- Sarah Coole, Director of Communications404-527-8791
- Michael Monahan, Pro Bono Project Director.....404-527-8762
- Rita Payne, Director of Fee Arbitration.....404-527-8751
- Michelle Garner, Director of Meetings404-527-8790
- Michael Nixon, High School Mock Trial Project Coordinator404-527-8779
- Faye First, Conference Center Manager404-419-0155
- Mary McAfee, Director of the Young Lawyers Division.....404-527-8778
- Natalie Kelly, Director of Law Practice Management.....404-527-8770
- DeeDee Worley, CCLE, Assistant Director404-527-8712
- Bonne Cella, Tifton Office Coordinator.....912-387-0446 / 800-330-0446
- Kindall Harville, Coastal Georgia Office Director.....912-239-9910 / 877-239-9910