



# State Bar of Georgia

## Section Leaders' Handbook

Administrative Law | Agriculture Law | Animal Law | Antitrust  
Appellate Practice | Aviation Law | Bankruptcy Law | Bike Law  
Business Law | Cannabis & Hemp Law | Child Protection & Advocacy  
Class Action | Construction Law | Constitutional Law | Consumer  
Law | Corporate Counsel | Creditor's Rights | Criminal Law | Dispute  
Resolution | E-Discovery & the Use of Technology | Elder Law  
Eminent Domain | Employee Benefits Law | Entertainment & Sports  
Law | Environmental Law | Equine Law | Family Law | Fiduciary  
Law | Franchise & Distribution Law | General Practice & Trial  
Government Attorneys | Health Law | Immigration Law | Insurance  
Law | Intellectual Property Law | International Law | Judicial | Labor  
& Employment Law | Legal Economics | Local Government | Military  
& Veterans Law | Nonprofit Law | Privacy & Technology | Product  
Liability | Professional Liability | Real Property Law | Religious  
Liberty Law | School & College Law | Senior Lawyers | Taxation Law  
Workers' Compensation Law

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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 demand.

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 presented, there are 51 Sections. Chairs are current as of July 2023:

Administrative Law - TBD	Family Law - Karine Burney
Agriculture Law - Joel McKie	Fiduciary Law - Joseph Sillito
Animal Law - Michael Webb	Franchise & Distribution Law - Bin Minter
Antitrust Law - Parker Sanders	General Practice & Trial - Adam Hebbard
Appellate Practice - Konrad Ziegler	Government Attorneys - TBD
Aviation Law - Alan Armstrong	Health Law - Bob Brennan
Bankruptcy Law - Michon Walker	Immigration Law - TBD
Bike Law - Bruce Hagen	Insurance Law - TBD
Business Law - TBD	Intellectual Property Law - Chris Lightner
Cannabis & Hemp - Olia Wall	International Law - Gregg Notte
Child Protection and Advocacy - Laurie Thomas	Judicial Law - Hon. Latisha Dear-Jackson
Class Action - Robert Alpert	Labor & Employment Law - Lisa Knottek
Constitutional Law - TBD	Legal Economics - TBD
Construction Law - Peter Crofton	Local Government Law - Christian Henry
Consumer Law - Clifford Carlson	Military & Veterans Law - TBD
Corporate Counsel Law - Lynette Smith	Nonprofit Law - Ballard Yelton
Creditors' Rights - Harriet Isenberg	Privacy & Technology - Amanda Witt
Criminal Law - Keith Fitzgerald	Product Liability Law - Alan Holcomb
Dispute Resolution - Scott Zucker	Professional Liability Law - TBD
E-Discovery & the Use of Technology - Marc Efron	Real Property Law - Amanda Calloway
Elder Law - TBD	Religious Liberty Law - TBD
Eminent Domain - Angela Robinson	School & College Law - Randall Farmer
Employee Benefits Law - Douglas Robinson	Senior Lawyers
Entertainment and Sports Law - John Seay	Taxation Law - Alla Raykin
Environmental Law - Nic Howell	Workers' Compensation Law - Nathan Levy
Equine Law - Betsy Choder	

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](http://www.gabar.org)) should be used as a base. Once drafted, the amendment should be sent to the sections director 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

Upon sections approval, the section may reimburse officers and members for reasonable expenses incurred in furtherance of section purposes.

1. Transportation - The traveler 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.
  - a. Expenditures for personal items and entertainment will not be reimbursed.
  - b. Expenditures on behalf of a spouse or other companion will not be reimbursed.
  - c. Documentation - Requests for reimbursement should be made in writing, preferably to the Sections Director via email, 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.
  - d. 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 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 sections director will provide section chairs with updates on the financial position of the section.

Reimbursement requests should be submitted to the sections director via email. Checks are cut once weekly. Please allow 10 business days for processing\* and mailing.

*\* 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 30 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. Continuing education programs that are six hours or more in credit hours shall be conducted through the Institute of Continuing Legal Education of the State Bar of Georgia in the area of law and field of practice of this section. Special attention should be given to the participation of women and minority lawyers as speakers at CLE seminars. For further information or help arranging a seminar, contact:

## **INSTITUTE OF CONTINUING LEGAL EDUCATION (ICLE)**

104 Marietta Street NW  
Suite #100  
Atlanta, GA 30303  
404-527-8795

Director: Julia Neighbors  
[julian@gabar.org](mailto:julian@gabar.org)

Any continuing legal education program that is less than six hours may be conducted by the Sections Department without the Institute of Continuing Legal Education of the State Bar of Georgia. The section may combine its continuing legal education event with the other sections of the State Bar of Georgia. All continuing education programs must be approved by the Commission on Continuing Lawyer Competency. For further information or help arranging a section led CLE event, contact:

## **SECTIONS**

104 Marietta Street NW  
Suite #100  
Atlanta, GA 30303

Director: Mary Jo Sullivan  
404-527-8782  
[maryjos@gabar.org](mailto:maryjos@gabar.org)

Senior Sections Coordinator: Lane Sosebee  
404-527-8774  
[lanes@gabar.org](mailto:lanes@gabar.org)

Sections Coordinator: Challie Smith  
404-527-8707  
[challies@gabar.org](mailto:challies@gabar.org)



# 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:

- Contact the Sections Department to check date/time available.
- 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 Sections Director 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. The section 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

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 Sections Department 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 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 mockup 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.

# List Server and Discussion Board Terms and Conditions of Use (Revised February 18, 2005)

The list servers and discussion boards are provided as a service of the State Bar of Georgia (hereinafter "Bar"). The Bar has established the specific Terms and Conditions of Use that follow to facilitate quality communications on the list servers and discussion boards. For example, violating antitrust laws, libeling others, copyright and trademark infringement, and selling and marketing are not permitted.

By accessing, posting to, or otherwise using the list servers and discussion boards that are sponsored, created, serviced, or otherwise allowed by the Bar, you agree that you understand and have agreed to all Terms and Conditions of Use and will comply with them.

## **RIGHT TO SUSPEND OR TERMINATE**

The Bar reserves the right, in its sole discretion, to suspend or terminate membership on all list servers and discussion boards, with or without notice, for users who violate these Terms and Conditions of Use. The Bar also reserves the right, in its sole discretion, to suspend or terminate the services being provided, including, but not limited to, terminating any and all list servers and discussion boards, with or without notice, if the Terms and Conditions of Use are violated. Furthermore, the Bar reserves the right, in its sole discretion, to suspend or terminate membership and services, with notice, for any other reason the Bar deems necessary or appropriate. If you have questions, please contact Bar Counsel at 404-527-8771, the Bar's MIS Director, Lamont Burwell, at 404-527-8746, or the moderator of a list server or discussion board.

## **RULES OF USER CONDUCT**

Exercise care during all discussions. Information posted on the list servers and boards is available for a number of people to see, and comments are subject

to all federal and state laws, including those related to libel, slander, antitrust, trademark, copyright, patent and unfair competition.

Do not use harsh criticism or attack others. The discussions on the list servers and boards are meant to stimulate conversation. Let others have their say. Defamatory, abusive, profane, threatening, offensive, illegal or unauthorized copyrighted material is strictly prohibited. Do not post anything in a list server or discussion board message that you would not want the world to see or that you would not want anyone to know came from you.

Do not post any information or other material protected by copyright without the permission of the copyright owner. Remember that the Bar and other list and board participants may reproduce postings to the list servers and boards. Do not post any materials that you do not want others to reproduce.

Do not post commercial messages ("spamming"). Do not post unsolicited messages to individuals participating on the list servers and boards whose topic is not relevant to the substance of the postings. Do not post unsolicited messages to individuals participating on the list server and boards who have not requested to be recipients of such postings.

Do not post messages that promote any business or personal ventures. Contact people directly with products and services that you believe would help them.

Do not post any messages that facilitate users to arrive at any agreement that either expressly or impliedly leads to price fixing, a boycott of another's business, or other conduct intended to illegally restrict free trade.

Do not post messages that encourage or facilitate an agreement among users about prices, fees, discounts, or terms or conditions of sale or services; salaries; profits, profit margins, or cost data; territories, allocation of customers (clients) or territories; or selection, rejection, or termination of customers (clients) or services.

The Bar reserves the right to interpret whether activities amount to appropriate user conduct, and may resolve such matters as they deem appropriate within the parameters of the law.

## **USER WARRANTIES AND REPRESENTATIONS**

By posting material, the posting party warrants and represents that he or she owns the copyright with respect to such material or has received permission from the copyright owner. In addition, the posting party grants the Bar and users of that list server or discussion board the non-exclusive right and license to display, copy, publish, distribute, transmit, print, and use such information or material.

## **LIST SERVER AND DISCUSSION BOARD ETIQUETTE**

Sign all messages with your first and last name. Show your e-mail address if it does not appear in the header. It is also helpful to give the name of your firm or company and address. Concisely and clearly specify the topic of the comments in the subject line. This makes it easier for other users to respond to your posting and to search the archives by subject. Include only the relevant portions of the original message in your reply, delete any header information, and place your response before the original posting.

Only send a message to the entire list when it contains information that all or most subscribers can benefit from. Send messages such as “thanks for the information” or “me, too” to individuals - not to the entire list or board. Do this by using your e-mail application’s forwarding option and typing in or cutting and pasting in the e-mail address of the individual to whom you want to respond.

Do not send administrative messages, such as “remove me from the list,” through the list server or discussion board. Instead, use the Web interface or contact the Bar’s MIS Director to change your settings or to remove yourself from a list. If you are changing e-mail addresses, you do not need to remove yourself from the list and rejoin under your new e-mail address. Simply change your settings.

Notify other list subscribers of lengthy messages either in the subject line or at the beginning of the message body with a line that says “Long Message.”

## **DISCLAIMER OF WARRANTIES AND OTHER DISCLAIMERS**

The Bar accepts no responsibility for the opinions, statements or information posted on the list servers and discussion boards by others. The content, whether posted by the Bar, a member or any third party, is provided without warranties of any kind, either express or implied, including, but not limited to, for a particular purpose or non-infringement. The Bar does not warrant that the content is accurate, reliable or correct, that the list server or board will be available at any particular time or location, or that any defects or errors will be corrected. Your use of the list servers or discussion boards is solely at your risk.

## **ANTITRUST**

Federal and state antitrust laws prohibit any agreements among competitors that result in a restraint of trade. Examples of such restraints include price fixing, bid rigging, allocation of markets or territories, group boycotts or refusals to deal. An agreement among competitors to “fix” or “establish” a price for goods or services or to “carve up” the market is often prosecuted as a criminal violation with fines of up to \$100,000,000 for institutions and \$1,000,000 for individuals. In addition, private parties can collect treble damages and attorneys fees. Proving such anticompetitive “agreements” is not very difficult. As a result, antitrust counselors advise competitors never to discuss the prices they charge for products or services. For example, if one Association member posts or mentions its pricing and another member

changes its price (whether or not it actually “agreed” with the other Association member), both members are exposed to potential antitrust claims.

Any “agreement” in restraint of trade involves groups who agree to “boycott” or “refuse to deal” with a particular vendor. When competitors have discussions concerning vendors which may result in the appearance of an agreement to “refuse to deal” or to “boycott” that vendor, the risk is that such conversations (whether in person, in writing or on the list server) can be viewed as an agreement to “boycott” that particular vendor.

## **DEFAMATION**

The law of defamation varies from state to state. In some states, “commercial” defamation is viewed as a separate claim from defamatory remarks about individuals and requires a different standard of proof. While it is generally correct that “truth” is a defense to such claims, the definition of “truth” is ultimately in the hand of a jury. Should a particular person suffer a significant financial loss because of erroneous, inflammatory or exaggerated statements, it is not beyond reason to anticipate that such a person would consider bringing a claim against those persons who made those statements.

## **LIMITATION OF LIABILITY**

Under no circumstances shall the Bar be liable for any direct, indirect, punitive, incidental, special, consequential or any other damages whatsoever resulting from the content of the list servers and discussion boards or the use of, or inability to use, the list servers and discussion boards. This limitation applies to any alleged liability based on any legal theory including, but not limited to, contract, tort, negligence or strict liability, even if the Bar has been advised of the possibility of such damage.

The Bar is not responsible and assumes no liability for computer network, hardware, or software failure on equipment owned or operated by others, as a result of any use of the list servers and discussion boards discussed in these Terms and Conditions of Use.

The users or the group for whom a list server or discussion board is being sponsored, created, serviced, or otherwise allowed by the Bar agree to hold harmless

the Bar against any charges of liable, slander, antitrust, trademark, copyright, patent and unfair competition violations.

The Bar agrees not to distribute, sell, or use the list of users on a list server or discussion board, without prior consent of the user or the group for whom the list server or discussion board is being sponsored, created, serviced, or otherwise allowed by the Bar.

## **NO MONITORING OF SITE**

The Bar does not actively monitor the list servers and discussion boards for content and does not on its own undertake editorial control of postings. However, if the Bar is informed of material that in the opinion of the Bar may violate Federal, State and/or local law, or could be construed as obscene, offensive or otherwise inappropriate, it will be removed at the Bar’s discretion.

The moderator of the list server or discussion board shall not monitor for content and shall not undertake editorial control of postings. However, if the moderator is informed of material that appears to be inappropriate, they should bring such material to the attention of Bar Counsel at 404-527-8771, or the Bar’s MIS Director at 404-527-8746.

## **JURISDICTION**

The laws of the State of Georgia will govern any disputes arising from these Terms and Conditions of Use. If there is cause to bring a case to court, the matter is to be resolved in the State of Georgia.

## **MODIFICATION**

The Terms and Conditions of Use may be modified or amended at any time within the sole discretion of the Bar. The Bar agrees to provide notice of the modifications or amendments within a reasonable time, and the users and group for whom the list server or discussion board is being sponsored, created, serviced, or otherwise allowed by the Bar, will not be subject to the new terms and conditions until notification of modifications and amendments has been provided.

# Model Bylaws

## SECTIONS MODEL BYLAWS

### BYLAWS

#### (Section Name Inserted Here) SECTION STATE BAR OF GEORGIA

##### ARTICLE I

###### Name and Purpose

Section 1: The name of this Section shall be

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Section 2: The purpose of this Section shall be to form an association of licensed lawyers in the State of Georgia who desire to develop their knowledge and professional abilities in \_\_\_\_\_ and to render better services to their clients and to the public.

##### ARTICLE II

###### Membership and Dues

**Section 1:** Each member of this Section shall be a member in good standing of the State Bar of Georgia. Upon enrollment and payment of annual Section dues, any member of the State Bar shall be enrolled as a member of this Section. Thereafter, dues shall be paid in advance annually at the time of the payment of dues to the State Bar of Georgia. Section members who are enrolled and whose dues are paid shall constitute the membership of this Section. Any member whose annual dues are unpaid and past due shall cease to be a member and shall be dropped from the rolls of the Section, subject to reinstatement at any time upon the payment of dues on the current year. Annual dues shall be set by the Section leadership and approved by the Board of Governors.

**Section 2:** Student Law Members: Any student law member, pursuant to Rule 1-206.1, shall be eligible and may become a law student member of this Section upon application and payment of the required dues. Law student members shall be entitled to all of

the privileges of this Section, except that of voting or holding office.

**Section 3:** The amount of annual dues for Section members and law student members may be changed in an amount determined by a majority vote of the members of the Section, subject to the approval of the Board of Governors of the State Bar of Georgia.

##### ARTICLE III

###### Officers

**Section 1:** The Officers of the Section shall be a Chairperson (or President), a Vice-Chairperson (or Vice President), a Treasurer, and a Secretary, all of whom shall be members in good standing of the Section and who shall perform the usual duties of their respective offices and the duties hereafter specified. These officers shall be members of the Section Executive Committee and shall have general charge of the affairs of the Section. (Other officer positions may be added here. The secretary and treasurer positions may be held by one person)

**Section 2:** All newly elected Officers shall hold office for a term of one (1) year beginning at the commencement of the fiscal year of the State Bar of Georgia following the election at which he or she is elected and ending at the close of the same fiscal year of the State Bar of Georgia or until his or her successor has been elected. If a vacancy arises in the office of the Chairperson, the Vice-Chairperson shall become Chairperson for the unexpired term. If a vacancy arises in the office of the Chairperson and there is also a vacancy in the office of the Vice-Chairperson, the President of the State Bar of Georgia shall appoint a successor Chairperson for the unexpired term. The Section Executive Committee may, by majority vote, fill any other vacancy in any other elected office for the balance of the unexpired term of such office.

**Section 3:** The Chairperson shall provide notice of the Section Executive Committee meetings and Section meetings. The Chairperson will preside over

all meetings of the Section Executive Committee and of the Section, appoint appropriate committees to serve during his or her term as Chairperson, and plan and supervise the annual meeting of the Section. The Chairperson shall perform all executive and administrative duties necessary to the organization and functioning of the Section, including any responsibility as may be prescribed by the Section or by the State Bar of Georgia.

**Section 4:** The Vice-Chairperson shall assist the Chairperson and, in the absence or disability of the Chairperson, shall perform the duties of the Chairperson.

**Section 5:** The Secretary shall record and keep minutes of all meetings of the Section, present minutes to the Section members for approval, maintain permanent records until such time that the permanent records are transferred to the elected or appointed successor of the Secretary, and perform such other duties as may be prescribed by the Chairperson.

**Section 6:** The Treasurer shall keep an accurate record of all dues collected and expenses of the Section, assist in the preparation of an annual budget for the Section, report upon the budget at meetings of the Section, and shall perform other duties as may be prescribed by the Chairperson. The Treasurer shall provide an accounting to the Section at its annual meeting or upon the Chairperson's request.

#### **ARTICLE IV** **Meetings of the Section**

**Section 1:** A Section shall meet a minimum of twice per Bar year. Other meetings of the Section may be held from time to time on the call of the Chairperson or Vice-Chairperson or any four members of the Section Executive Committee or any ten active members of the Section. An annual meeting of the Section shall be held each Bar year at a location of the Section's choosing.

**Section 2:** The Chairperson may call a Special Meeting of the Section to be convened at such time and place and with such program and order of business as may be fixed by the Chairperson.

**Section 3:** At any meeting of the Section, \_\_\_\_\_ members present and eligible to vote shall constitute a quorum. Presence at a meeting can be in-person or by any electronic means of communication other than text messaging or email as set forth in Art. IV, Section 7 of these Bylaws.

**Section 4:** Except for administrative decisions made by the Officers or Section Executive Committee, all actions of the Section shall be by a majority vote of the members of the Section present and eligible to vote at any properly called meeting at which a quorum is present.

**Section 5:** Parliamentary procedure at all meetings of the Section shall be governed by Roberts Rules of Order, Newly Revised, and by these Bylaws.

**Section 6:** Notice of Section meetings shall be given at least [ten] days prior to the time and place of the meeting of the Section. Notice of a Section meeting shall be given by email or mailing a notice to each member of the Section. Notice shall be sent to the member's email address or office address as the same appears in the membership rolls of the Section maintained by the State Bar of Georgia. Notice of this Section's meetings may be included in other written or printed materials as distributed by the State Bar by email, U.S. mail, or posted on the official website of the State Bar of Georgia.

**Section 7:** If deemed prudent or necessary, the Section may conduct any meeting by any electronic means that allows for discussion, debate, and voting other than by text messaging or email. A Section may adopt internal rules to allow for email voting on noncontroversial matters, provided that the rule allows for any member to request verbal debate or discussion, which would stop all email voting. All internal rules must be approved by the Office of the General Counsel.



## ARTICLE V

### Section Executive Committee

**Section 1:** The Section Executive Committee shall consist of the Officers of the Section and other members of the Section appointed by the Chairperson, whose term shall be co-existent with that of the Chairperson.

**Section 2:** Except for actions requiring a vote from the entire membership of the Section, the Section Executive Committee shall have full authority to act for the Section in any way the Section itself would be authorized to act. Any such action taken by the Executive Committee under this provision shall be reported to the members of the Section at its next meeting and by email or by the publication of a newsletter that is mailed or emailed to the members of the Section.

**Section 3:** All committees, except as otherwise provided herein, shall be appointed or removed by the Chairperson. Members of the Section Executive Committee, other than the Officers, and any other members of the Section may serve as Chairperson of appointed committees.

## ARTICLE VI

### Elections

**Section 1:** Annual elections for new officers shall occur between the mid-year meeting of the State Bar of Georgia and the annual meeting of the State Bar of Georgia. Prior to each election, the Chairperson shall appoint three or more members of the Section to be a nominating committee which shall nominate one or more members of the Section as qualified to hold each of the offices of the Section for the ensuing terms of office. The nominating committee's report shall be made to the Secretary thereafter, who shall present the report to the Section at its next meeting, or by email or publication of a newsletter. Thereafter, and before the election of Officers, any member of the Section may nominate any other member of the Section for election to fill any of the vacant offices by transmitting said nomination to the Secretary. Nominations shall be closed [ten days] after the presentation of the report of the nominating committee.

**Section 2:** The Officers of the Section shall be elected by written or electronic ballot. Before each election, voting instructions will be provided to all voting members. Ballots providing selections of the duly nominated candidates for each office shall be delivered in person at a regular or called meeting, by U.S. mail or by other Section approved electronic voting methods. Voting shall take place no later than [10] days after the close of nominations. Each member of the Section wishing to participate in the election shall complete his or her ballot by casting a vote for at least one candidate for each vacant office. Ballots shall be cast per the voting instructions for each election. Votes cast contrary to the prescribed voting instructions shall not be counted. Within [5] days of the due date for return of completed ballots, votes of Section members shall be tallied, and elected candidates shall be informed of their election. An election to any office requires a majority of the votes cast. If more than two candidates are nominated for any office and no candidate so nominated receives a majority of the votes cast upon the first ballot, then the two candidates receiving the largest number of votes cast upon such first ballot shall be voted upon again in a second ballot, and the candidate receiving a majority of the votes cast upon such second ballot shall be declared to be elected to the particular office. A Special Meeting of the Section may be called by the Officers to otherwise modify the procedure governing any election.

## ARTICLE VII

### Finances

**Section 1:** Funds of the Section shall be deposited in the treasury of the State Bar of Georgia. All expenses and accounts payable of the Section shall be approved by a member of the Section Executive Committee and paid by the Chief Financial Officer of the State Bar of Georgia. The Treasurer of the Section shall communicate with the Sections Director to obtain financial information necessary to create financial reports to be delivered to the members of the Section.

**Section 2:** Funds of the Section shall be expended for such purposes related to the Section's activities as authorized by the Section's Executive Committee.

**Section 3:** Officers and members of the Section shall not be compensated for services to the Section but may be reimbursed for reasonable expenditures incurred on behalf of the Section. Reimbursement of expenditure will require a receipt of the expense incurred on behalf of the Section and submitted to the Sections Director. The Sections Director will report the expense to the Executive Committee, which will approve or deny the reimbursement.

**Section 4:** A financial report of the funds of the Section shall be reported by the Treasurer at each meeting of the Section upon request by any member of the Section. The Sections Director will assist the Treasurer in preparing a financial report for the Section. This Section shall have the same fiscal year as the State Bar of Georgia.

**ARTICLE VIII**  
Miscellaneous

**Section 1:** The Section shall conduct continuing education programs at least once each Bar year. Continuing education programs that are six hours or more in credit hours shall be conducted through the Institute of Continuing Legal Education of the State Bar of Georgia in the area of law and field of practice of this Section. Any continuing legal education program that is less than six hours may be conducted by the Section without the Institute of Continuing Legal Education of the State Bar of Georgia. All continuing education programs must be approved by the Commission on Continuing Lawyer Competency. The Section may coordinate its continuing legal education efforts with the other sections of the State Bar of Georgia.

**Section 2:** The Section, subject to the rules, bylaws, and Standing Board Policies of the State Bar of Georgia, may study or review proposed legislation. The Section may submit any proposed legislation to the Advisory Committee on Legislation for consideration by the Committee. The Section shall report or submit a report in writing of any legislative activities to the State Bar of Georgia at or prior to the Annual Meeting of the State Bar of Georgia. Written reports shall be submitted at least six weeks in advance of the Annual Meeting for publication in the Annual Meeting Board Book.

**Section 3:** The Section will not engage in actions and activities or promote positions that are not germane to the scope and purpose of the State Bar of Georgia. A section shall not do any act or take any action contrary to the rules, bylaws and standing policies of the State Bar of Georgia

**ARTICLE IX**  
Effective Date and Amendment

**Section 1:** These Bylaws shall become effective upon approval by the Board of Governors of the State Bar of Georgia.

**Section 2:** These Bylaws may be amended by a majority vote of the members of the Section present at any properly called meeting at which a quorum is present, provided the proposed amendment has first been approved by a majority of the Executive Committee.

**Section 3:** No amendment to these Bylaws shall become effective until approved by the Board of Governors of the State Bar of Georgia.

Signed, sealed and subscribed before the undersigned this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**CHAIRPERSON**

\_\_\_\_\_  
**SECTION SECRETARY**

# Social Media Requirements

Currently, the State Bar of Georgia does not prohibit the Board of Governors, the Bar's Executive Committee, the Executive Committee and Executive Council of the Young Lawyers Division, or any section, division, board, forum, task force, committee, commission or subcommittee of the State Bar from establishing and maintaining social media accounts. However, the State Bar reserves the right at any time to adopt a policy either prohibiting or regulating such accounts. The Bar will provide notice of such a policy within a reasonable time, and the policy will be effective upon notification. The State Bar also reserves the right, in its sole discretion, to require (Section) to suspend the use of or to terminate the social media account.

Communications on State Bar social media accounts are business communications that reflect upon the State Bar as an organization serving the legal profession. Members are expected to exercise care to protect the State Bar from liability and reputational harm. This policy applies to those State Bar members (and non-members) participating on social media accounts set up in the name of the State Bar, and/or the name of any of its sections, divisions, boards, forums, task forces, committees, commissions or subcommittees.

Neither the State Bar, nor any of its employees, will monitor your social media account for content or undertake editorial control of postings. Although the State Bar does not recommend that (Section) actively and consistently monitor your social media account, if your Admins are informed of material that in your opinion violates Federal, State and/or local law, or

could be construed as obscene, offensive or otherwise inappropriate, they are encouraged to remove it.

(Section) may not incorporate the State Bar's name and/or logos into your social media identity or the design of your social media account without the prior approval of Jennifer Mason, Director of Communications.

(Section) users are responsible for the posted material and should carefully consider content since what is published will be widely accessible for some time and, in some cases, indefinitely. Keep the posts relevant to the mission and/or goals of the State Bar and (Section).

Follow copyright and fair use laws. Always give people proper credit for their work. Make sure you have the right to use material with attribution before publishing. When in doubt as to the proprietary nature of material, don't use it. Recognize the potential professional and legal consequences of any failure to follow applicable laws governing the use of others' material.

Abide by the social network's rules. By joining a particular social network, you agree to abide by that community's terms of use, so review those terms carefully.

Each State Bar entity may create additional policies applicable to itself, consistent with these broad guidelines. These additional policies should be reviewed by Jennifer Mason, Director of Communications, and approved before their use.

# Newsletter Requirements

## Basic Guidelines

- All items/articles to be included in a newsletter should be complete, edited and sent in *one* email message to the Sections Coordinator.
- List the order which each item/article should appear in the newsletter.

## Articles

- Include the title and author's name, and a short author bio if available.
- Proofread/edit all text before submitting.

## Images

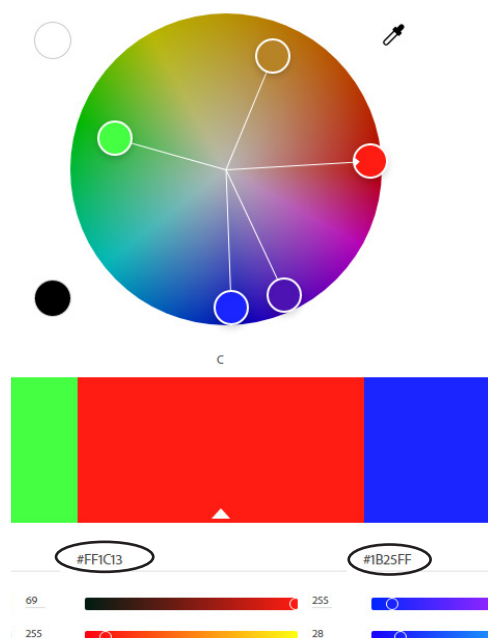
- Send all images in a high-resolution file format.
- Note where each image should be placed in the article.
- Include a short description of each image, and list all individuals by first and last name.
- For images *not* associated with a specific article, please list where those images should appear in the newsletter.

## Ads

- Review all ads in the newsletter and verify if those ads should remain, be deleted, or replaced.

## Color(s)

- If a specific color scheme is desired, include those color names.
- If needed, reference Adobe's Color Wheel, where the color codes can be located.
  - The circled numbers and letters are the color codes



# Tips for “Section of the Year Award”

- USE the funds of your section, as opposed to stockpiling. Scholarships, charitable donations, etc.
- Collaborate with groups/sections other than your own to plan events.
- Create new and innovative programs or initiatives.
- Utilize your resources (money, skills, time, etc.) to benefit others outside of your section.
- Go beyond your section community to impact the public with programs and events that reach the needs of those outside of the legal community.

# Sections & State Bar Staff

All State Bar Sections share the services of three professional staff members: the Sections Director, Senior Sections Coordinator and Sections Coordinator, 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 Sections team also acts as facilitators between the sections and other State Bar staff.

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

M. Lane Sosebee,  
Senior Sections Coordinator  
(P) 404-527-8774  
(F) 404-527-8749  
lanes@gabar.org

Challie Smith,  
Sections Coordinator  
(P) 404-527-8707  
(F) 404-527-8749  
challies@gabar.org

State Bar of Georgia, 104 Marietta Street, NW, Suite 100, Atlanta, Georgia 30303

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

Paula Frederick, General Counsel .....	404-527-8730
Bill NeSmith, Deputy General Counsel.....	404-527-8720
Damon Elmore, Executive Director.....	404-527-8755
Sarah Coole, Chief Operating Officer.....	404-527-8776
Ron Turner, Chief Financial Officer .....	404-527-8748
Amanda Draper, Director of Membership.....	404-527-8636
Mercedes Ball, Director of Clients Assistance Program .....	404-527-8746
Lamont Burwell, Director of Information Technology.....	404-527-8746
Jennifer Mason, Director of Communications.....	404-527-8761
Michael Monahan, Director of Pro Bono Resource Center.....	404-527-8762
Donna Davis, Director of Fee Arbitration.....	404-527-8751
Gakii Kassamba, Director of Meetings.....	404-527-8790
Richard Harris, Director of High School Mock Trial Program.....	404-527-8779
Faye First, Conference Center Manager.....	404-419-0155
Jessica Oglesby, Director of the Young Lawyers Division.....	404-527-8778
Nkoyo Effiong, Director of Law Practice Management .....	404-527-8770
Dee Dee Worley, Director of CLE .....	404-527-8712
Julia Neighbors, Director of ICLE.....	404-527-8795
LaCara Reddick, Office Manger of South Georgia Office.....	229-387-0046
Kindall Harville, Office Manger of Coastal Georgia Office.....	912-239-9910



State Bar  
of Georgia

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SECTIONS