State Bar of Georgia
GOVERNMENTAL AFFAIRS

Lawyer On Call Pilot Program

Policy Memorandum

I. Purpose

The State Bar of Georgia's Lawyer on Call Program (Program) is designed to provide members of the Georgia General Assembly with timely access to experienced Georgia lawyers who can offer practical, nonpartisan information concerning specific areas of Georgia law and the potential practical implications of proposed legislation or public policy.

Members of the General Assembly are routinely called upon to consider legislation affecting highly specialized areas of law. Although legislators and legislative staff bring significant policy expertise to that process, they may not have day-to-day experience practicing in the particular area of law affected by a proposal. The Lawyer on Call Program is intended to help bridge that informational gap.

The Program is best understood as a professional "phone-a-friend" resource: when a legislator, legislative committee, or legislative staff member needs a better understanding of how an area of law currently operates in practice, the State Bar's Governmental Affairs Department can identify a volunteer attorney with relevant experience who may be able to provide timely, practical information.

The Program is educational and informational in nature. It is not intended to advocate for or against legislation, advance a partisan or political objective, provide legal advice to legislators, or establish State Bar policy on an issue.

The Program will be administered, monitored, and maintained by the State Bar of Georgia's Governmental Affairs Department and coordinated through the Director of Governmental Affairs.

II. Program Objectives

The Lawyer on Call Program is intended to:

1. Provide legislators and legislative staff with access to attorneys who possess practical experience in particular areas of Georgia law;
2. Help policymakers understand the current state of the law and how existing legal processes operate in practice;
3. Provide factual and practical context regarding how proposed legislation could interact with existing statutes, court procedures, legal practice, or the administration of justice;
4. Assist legislators in identifying practical questions or considerations that may warrant further examination as legislation is developed;
5. Create an efficient resource through which the State Bar can connect policymakers with knowledgeable members of the legal profession without advocating a particular political or policy outcome;
6. Encourage State Bar members to contribute their professional knowledge to the legislative process in a constructive, nonpartisan manner; and

7. Ensure that any activity conducted through the Program remains consistent with the State Bar's mission, applicable law, and the constitutional limitations applicable to mandatory bar associations, including the principles established by *Keller v. State Bar of California*, 496 U.S. 1 (1990).

III. Program Administration

The Program will be administered by the State Bar of Georgia Governmental Affairs Department. The Director of Governmental Affairs will maintain a confidential or internally maintained roster of participating attorneys and their identified areas of experience. The Director will serve as the primary point of contact between the State Bar, participating attorneys, legislators, legislative committees, and legislative staff. All requests for assistance through the Program should be directed to or coordinated through the Director of Governmental Affairs.

The Director of Governmental Affairs will determine whether a request is appropriate for referral through the Program and will identify one or more participating attorneys whose stated experience appears relevant to the request. Participation in the Lawyer on Call roster does not guarantee that an attorney will receive a request during a legislative session.

IV. Participant Enrollment and Areas of Experience

State Bar members who wish to participate in the Program must complete the Lawyer on Call enrollment process and agree to the Program's policies and Participant Declaration.

Participants will be asked to provide information including:

- Name and contact information;
- Preferred method of contact;
- Law firm, employer, or professional affiliation;

- Number of years in legal practice;
- Primary and secondary practice areas;
- Specific subject-matter experience;
- Relevant experience with Georgia statutes, courts, administrative agencies, or legal procedures;
- Any specialized certifications or professional experience relevant to the identified subject matter; and
- General availability and preferred means for receiving time-sensitive requests.

Participants are responsible for accurately describing their experience and for notifying the Governmental Affairs Department if that information materially changes. Enrollment in the Program does not constitute an endorsement by the State Bar of the participant's legal opinions, professional services, law firm, employer or qualifications beyond the participant's representation that they possess experience in the identified area.

V. Request and Response Process

When a member of the General Assembly, legislative committee, or legislative staff requests information concerning an area of law, the Director of Governmental Affairs will evaluate the request and, when appropriate, identify a Lawyer on Call participant with relevant experience.

The Director will provide the participant with the nature of the inquiry and any available background information. The attorney may accept or decline the request based upon availability, experience, conflicts, or other professional considerations.

Because legislative questions frequently arise on short notice, the Program's goal is to provide a response within 24 hours of receiving a legislative inquiry whenever reasonably possible. Some

inquiries may require an even faster response, while more complex matters may require additional time.

Participants are not expected to conduct extensive uncompensated legal research or prepare formal legal opinions unless the participant voluntarily agrees to do so and the Director of Governmental Affairs determines that such assistance is appropriate for the Program.

Most Lawyer on Call engagements are expected to consist of brief, discrete interactions, including:

- A short telephone conversation;
- An email or text response;
- A general explanation of existing law or legal procedure;
- Identification of relevant statutes, terminology, or legal processes;
- An explanation of how a particular legal process operates in practice; or
- A general description of practical considerations that could arise from a proposed change in law.

In appropriate circumstances, a participant may also be asked to:

- Brief a legislative committee or subcommittee;
- Testify at a committee hearing;
- Participate in a meeting with one or more legislators or legislative staff members;
- Explain the operation of existing law in greater detail; or
- Discuss practical consequences or implementation considerations associated with proposed legislation.

Any such participation must be coordinated with the Director of Governmental Affairs.

VI. Role of the Participating Attorney

A Lawyer on Call participant serves as a subject-matter resource, not as a lobbyist or spokesperson for the State Bar of Georgia. Participants should provide information based upon their professional knowledge and practical experience. Their role is to help policymakers better understand the law and its operation, not to tell policymakers what political or policy position they should adopt.

A participant may explain that, based on their experience, a proposed change could have certain practical consequences. Participants may also identify ambiguities, implementation issues, unintended consequences, procedural concerns, or other considerations that policymakers may wish to examine.

However, unless expressly authorized by the State Bar through its established legislative process, participants may not characterize a position as the position of the State Bar or advocate for or against legislation on behalf of the State Bar.

The distinction is important:

***The Lawyer on Call Program provides expertise, not advocacy.

VII. Nonpartisan and Viewpoint-Neutral Participation

Participation in the Program requires a commitment to serve legislators without regard to political party, caucus membership, ideology, or the participant's personal political beliefs. A participant who agrees to serve through the Program must be willing to provide the same professional, respectful, and objective assistance to any legislator referred through the Program.

Participants should make reasonable efforts to distinguish among:

- What current Georgia law provides;
- How the law operates in actual legal practice;
- What a pending proposal would change;
- Potential practical consequences that reasonably arise from the participant's experience; and
- The participant's own personal or policy opinion.

Where reasonable lawyers may disagree regarding the interpretation or likely effect of a proposal, participants should acknowledge that disagreement rather than present a contested interpretation as settled fact.

Nothing in this policy restricts a State Bar member's ability, in the member's individual capacity, to participate in the legislative or political process. The limitations in this policy apply when the attorney is acting or communicating as a participant in the Lawyer on Call Program.

VIII. State Bar Position and *Keller* Compliance

The Lawyer on Call Program does not create an independent mechanism for establishing legislative policy or positions on behalf of the State Bar of Georgia. The State Bar's positions concerning legislation will continue to be established only through the Bar's authorized legislative processes and governing policies.

The Program will be administered in a manner consistent with the State Bar's institutional mission and applicable constitutional requirements governing the activities of mandatory bar associations, including the principles established in *Keller v. State Bar of California*.

Accordingly, participation in a Lawyer on Call referral does not authorize an attorney to:

- Endorse or oppose legislation on behalf of the State Bar;
- Represent that the State Bar supports the participant's interpretation or policy views;
- Engage in partisan political activity on behalf of the Program;
- Lobby legislators on behalf of the Program; or
- Use participation in the Program as a basis for independently initiating legislative advocacy under the State Bar's name.

The Director of Governmental Affairs may decline, limit, modify or discontinue a Lawyer on Call request when necessary to ensure that the activity remains consistent with the State Bar's mission, legislative policies, and applicable legal requirements.

IX. Communication and Coordination Requirements

All substantive communications made through the Lawyer on Call Program must be coordinated with, directed to, copied to, or otherwise made known to the Director of Governmental Affairs. Participants may not independently contact legislators or legislative staff on behalf of the Lawyer on Call Program unless the contact has been requested or approved by the Director of Governmental Affairs.

If a legislator contacts a participant directly as a result of a Lawyer on Call referral, the participant should promptly notify the Director of Governmental Affairs of the communication and keep the Director reasonably informed regarding substantive follow-up.

The purpose of this requirement is not to interfere with the exchange of information. Rather, centralized coordination allows the State Bar to maintain appropriate institutional oversight, ensure consistency with the Program's purpose, avoid duplication, and maintain appropriate boundaries between educational assistance and legislative advocacy.

X. Use of the Lawyer On Call Name

Only attorneys who:

1. Have formally enrolled in the Program;
2. Have agreed to the Program's policies and Participant Declaration;
3. Have completed required Program training; and
4. Have been contacted or authorized by the Director of Governmental Affairs concerning a particular request

may represent themselves as participating in the Lawyer on Call Program with respect to that request.

Enrollment on the roster does not authorize an attorney to independently approach legislators while representing themselves as acting on behalf of the Program. Attorneys remain free to communicate with legislators, advocate on issues, testify, lobby, or otherwise participate in the legislative process in their individual or professional capacities. However, when doing so independently, they may not use the Lawyer on Call designation or otherwise imply that their activity is sponsored, endorsed, or authorized by the State Bar.

XI. No Legal Advice or Attorney-Client Relationship

The Lawyer on Call Program is intended to provide general legal and practical information, not legal advice. Participation in the Program does not create an attorney-client relationship between the participating attorney and the legislator, legislative committee, legislative staff member, State Bar of Georgia, or any other person or entity.

Participants should not provide individualized legal advice concerning a legislator's personal legal interests or the legal interests of a third party through the Program. If an inquiry develops

into a request for legal representation or individualized legal advice, the participant should refer the matter back to the Director of Governmental Affairs.

Participants remain responsible for complying with all applicable Georgia Rules of Professional Conduct, including any obligations relating to confidentiality and conflicts of interest.

XII. Conflicts and Confidential Information

Before accepting an assignment, participating attorneys should consider whether their involvement presents an actual or potential conflict of interest. A participant should decline an assignment when the participant determines that professional obligations, client interests, confidentiality requirements, or other circumstances make participation inappropriate.

Participants must not disclose confidential or privileged client information in explaining legal practice or providing examples. Whenever possible, examples should be hypothetical, generalized, or based upon information contained in the public record.

XIII. Testimony and Committee Appearances

A Lawyer on Call participant may be asked to appear before a legislative committee or subcommittee when a more detailed explanation of existing law or legal practice would assist policymakers. Such appearances must be coordinated through the Director of Governmental Affairs.

Unless the State Bar has separately adopted an official position on the matter and specifically authorized the attorney to communicate that position, the participant should make clear that:

> The participant is appearing through the Lawyer on Call Program as a subject-matter resource; the participant's observations are based upon the participant's professional

experience; and the participant does not sp*eak on behalf of the State Bar of Georgia regarding the merits of the legislation.*

The Director of Governmental Affairs may provide additional guidance before any legislative testimony or formal committee appearance.

XIV. Example of the Program in Practice

The House Judiciary Committee is considering legislation that would modify Georgia's process for the legitimation of children. The proposal implicates several competing policy considerations. Some members of the committee are not attorneys. Other members are attorneys but do not practice family law. Before considering testimony concerning the merits of the proposal, the committee would benefit from understanding how Georgia's existing legitimation process works.

A committee member, Representative Doe, contacts the State Bar's Governmental Affairs Department and asks whether the Bar can provide someone who can give the committee a general overview of current Georgia law and explain how the proposed legislation would alter existing legal practice. The Director of Governmental Affairs reviews the Lawyer on Call roster and contacts an experienced Georgia family-law attorney. The Director explains the request and asks whether the attorney is available to assist. The attorney agrees and offers to provide a short briefing to the full committee.

The Director coordinates the briefing with committee staff. During the presentation, the attorney explains the existing legitimation process, identifies the principal statutes and procedures involved, describes how those requirements operate in actual family-law practice, and explains which portions of that process would change under the proposed legislation. The attorney does

not tell the committee whether it should pass or defeat the bill and does not purport to speak for the State Bar regarding the policy merits of the proposal.

Following the briefing, committee members have a stronger foundational understanding of the existing law and are better equipped to question the bill sponsor, proponents, opponents, and other members of the public regarding the policy choices presented by the legislation.

That is the purpose of the Lawyer on Call Program: to help policymakers understand the law before they are asked to change it.

XV. Required Pre-Session Training

All participating attorneys must complete a Lawyer on Call orientation and training session before participating in the Program. The training will be conducted virtually before the beginning of each legislative session and will address:

- The purpose and scope of the Lawyer on Call Program;
- The role of the Governmental Affairs Department;
- The State Bar's Legislative Program and applicable institutional limitations;
- *Keller* considerations and the distinction between education and advocacy;
- Nonpartisanship and viewpoint neutrality;
- Appropriate communications with legislators and legislative staff;
- Distinguishing legal information from legal advice;
- Testifying before legislative committees;
- Conflicts, confidentiality, and professional-responsibility considerations;
- Appropriate use of the Lawyer on Call designation; and

- Procedures for accepting, responding to, and documenting requests.

Completion of training is a condition of active participation in the Program.

XVI. Program Oversight

Participation in Lawyer on Call is voluntary and may be discontinued by either the participating attorney or the State Bar at any time. The Director of Governmental Affairs may remove or suspend a participant from the active roster when necessary to preserve the integrity, neutrality, effectiveness, or appropriate operation of the Program.

The Governmental Affairs Department may periodically review and revise Program procedures, subject to any approval required by State Bar policy.