IN THE SUPREME COURT

STATE OF GEORGIA

IN RE: STATE BAR OF GEORGIA
Rules and Regulations for its
Organization and Government

MOTION TO AMEND 2027-1

MOTION TO AMEND THE RULES AND REGULATIONS OF THE STATE BAR OF GEORGIA

SUBMITTED this ___ day of _____, 2027.

Counsel for the State Bar of Georgia

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COMES NOW the State Bar of Georgia, pursuant to the authorization and direction of its Board of Governors, and respectfully moves that the Rules and Regulations of the State Bar of Georgia be amended[1] as follows:

Preface

The Board of Governors of the State Bar of Georgia met at its regularly scheduled meeting on October 17, 2026. It approved the proposed rule changes by deleting the struck-through sections and inserting the underlined sections as follows:

[1] See the order of this Court providing for such amendments dated December 6, 1963 (219 Ga. 873), and amended by subsequent Orders, and published online in the State Bar of Georgia Handbook (https://www.gabar.org/handbook/).

I.

Rule 4-211. Formal Complaint; Service

(a) Within ~~30~~ 90 days after a finding of Probable Cause, the Office of the General Counsel shall file a formal complaint that specifies with reasonable particularity the acts complained of and the grounds for disciplinary action. A copy of the formal complaint shall be served upon the respondent after appointment of a Special Master. In those cases where a Notice of Discipline has been filed and rejected, the filing of the formal complaint shall be governed by the time period set forth in Rule 4-208.4. The formal complaint shall be served pursuant to Rule 4-203.1.

(b) Reserved.

(c) At all stages of the proceeding, both the respondent and the State Bar of Georgia may be represented by counsel. Counsel representing the State Bar of Georgia shall be authorized to prepare and sign notices, pleadings, motions, complaints, and certificates for and in behalf of the State Bar of Georgia and the State Disciplinary Board.

II.

Rule 4-215. Powers and Duties of the State Disciplinary Review Board

In accordance with these Rules, the State Disciplinary Review Board

shall have the following powers and duties:

(a) to review reports of Special Masters, and to recommend to the Supreme Court of Georgia the imposition of punishment and discipline or dismissal of the complaint;

(b) to adopt forms for notices and any other written instruments necessary or desirable under these Rules;

(c) to prescribe its own rules of conduct and procedure;

(d) to receive Notice of Reciprocal Discipline and to recommend to the Supreme Court of Georgia the imposition of punishment and discipline pursuant to Bar Rule 9.4 (b) (3); and

(e) to administer State Disciplinary Review Board reprimands.

(f) to review Petitions for Reinstatements, and to recommend to the Supreme Court of Georgia whether the respondent should be reinstated to the practice of law.

III.

Rule 4-216. Proceedings Before the State Disciplinary Review Board

(a) Upon receipt of the record and exceptions to the report of the Special Master pursuant to Rule 4-214, the State Disciplinary Review Board shall consider the record, review findings of fact and conclusions

of law, and determine whether a recommendation of disciplinary action will be made to the Supreme Court of Georgia and the nature of such recommended discipline. The findings of fact made by a Special Master may be reversed if the State Disciplinary Review Board finds them to be clearly erroneous or manifestly in error. Conclusions of law and determinations of appropriate sanctions shall be reviewed de novo.

(b) The respondent shall have the right to challenge the competency, qualifications, or objectivity of any member of the State Disciplinary Review Board considering the case under a procedure as provided for in the Rules of the State Disciplinary Review Board.

(c) There shall be no de novo hearing before the State Disciplinary Review Board.

(d) The State Disciplinary Review Board may consider exceptions to the report of the Special Master and may in its discretion grant oral argument if requested by any party within 15 days of transmission of the record and exceptions to the State Disciplinary Review Board. Exceptions and briefs shall be filed with the Clerk of the State Disciplinary Boards, in accordance with Rule 4-214. The responding

party shall have 30 days after service of the exceptions within which to respond.

(e) Within 90 days after receipt of the record including any exceptions to the report of the Special Master and responses thereto the State Disciplinary Review Board shall file its report with the Clerk of the State Disciplinary Boards. The 90-day deadline may be extended by agreement of the parties or with the consent of the Chair of the State Disciplinary Review Board for good cause shown. A copy of the State Disciplinary Review Board's report shall be served upon the respondent, and the Clerk shall file the record in the case with the Supreme Court of Georgia within 10 days after the report is filed. If no report is filed by the State Disciplinary Review Board within 90 days of receipt by it of the record and no extension is granted, the Clerk shall file the original record in the case with the Clerk of the Supreme Court of Georgia, and the case shall be considered by the Court on the record.

(f) Petitions for Reinstatement

A petition for reinstatement shall be filed with the Clerk of the State Disciplinary Boards.

(1) The Office of the General Counsel shall have 20 days after service of the petition to respond. If the Office of the General Counsel files a response, the petitioner shall have 10 days after service of any response to file a reply to the response. If the Petitioner files a reply to the response, the Office of the General Counsel shall have 10 days after service of the reply to file a sur-reply. An extension of 5 days may be granted by the Chair of the Disciplinary Review Board for good cause shown to the initial deadline of any responsive pleading under this sub-paragraph, but no additional extension may be granted for that particular responsive pleading after an extension has been granted. After service of the sur-reply or the conclusion of any period for a responsive pleading without such a responsive pleading being filed, the record shall be closed, and the Clerk of the State Disciplinary Board shall deliver the record to the Review Board.

(2) Within 60 days after receipt of the record, the State Disciplinary Review Board shall file its report with the Clerk of the State Disciplinary Boards. The 60-day deadline may be extended up to 15 days by the Chair of the State Disciplinary

Review Board. A copy of the State Disciplinary Review Board's report shall be served upon the respondent, and the Clerk shall file the record in the case with the Supreme Court of Georgia within 10 days after the report is filed. If no report is filed by the State Disciplinary Review Board, the Clerk shall file the original record in the case with the Clerk of the Supreme Court of Georgia within 90 days of receipt of the record by the State Disciplinary Review Board, and the case shall be considered by the Court on the record.

IV.

Rule 4-221. Hearing Procedures

(a) Oaths. Before entering upon his duties as herein provided, each member of the State Disciplinary Board, each member of the State Disciplinary Review Board, and each Special Master shall swear or affirm to the following oath by signing a copy and returning it to the Clerk of the Boards or to the Clerk of the Supreme Court of Georgia, as appropriate.

"I do solemnly swear or affirm that I will faithfully and impartially discharge and perform all of the duties incumbent

upon me as a member of the State Disciplinary Board of the State Bar of Georgia/member of the State Disciplinary Review Board of the State Bar of Georgia/Special Master according to the best of my ability and understanding and agreeable to the laws and Constitution of this State and the Constitution of the United States."

The Clerk of the Boards shall maintain the completed Oaths of Board members, and the Clerk of the Supreme Court of Georgia shall file the completed Oaths of Special Masters.

(b) Pleadings and Copies. Original pleadings shall be filed with the Clerk of the Boards at the headquarters of the State Bar of Georgia, and the parties shall serve copies upon the Special Master and the opposing party pursuant to the Georgia Civil Practice Act. Depositions and other original discovery shall be retained by counsel and shall not be filed except as follows: ~~permitted under the Uniform Superior Court Rules.~~

(1) Depositions and other discovery material shall not be required to be so filed unless:

(i) Required by these Rules;

(ii) Ordered by the Special Master, Review Board, or the Supreme Court;

(iii) Requested by any party to the action;

(iv) Relief relating to discovery material is sought and said material has not previously been filed under some other provision of these Rules, in which event copies of the material in dispute shall be filed by the movant contemporaneously with the motion for relief; or

(v) Such material is to be used at an evidentiary hearing or is necessary to a pretrial or posttrial motion and said material has not previously been filed.

(2) Until such time as discovery material is filed under sub-paragraphs (i) through (v) of paragraph (b) (1) of this Rule, the original of all depositions shall be retained by the party taking the deposition and the original of all other discovery material shall be retained by the party requesting such material, and the person thus retaining the deposition or other discovery material shall be the custodian thereof.

(c) Witnesses and Evidence; Contempt.

(1) The respondent and the State Bar of Georgia shall have the right to require the issuance of subpoenas for the attendance of witnesses to testify or to produce books and papers. The Special Master shall have the power to compel the attendance of witnesses and the production of books, papers, and documents relevant to the matter under investigation, by subpoena, and as further provided by law in civil cases under the laws of Georgia.

(2) The following shall subject a person to rule for contempt of the Special Master or State Disciplinary Board:

(i) disregard, in any manner whatsoever, of a subpoena issued pursuant to Rules 4-203 (9), 4-210 (h) or 4-221 (c) (1);

(ii) refusal to answer any pertinent or proper question of a Special Master; or

(iii) willful or flagrant violation of a lawful directive of a Special Master.

It shall be the duty of the Chair of the State Disciplinary Board or Special Master to report the facts supporting contempt to the Chief Judge of the Superior Court in and for the county in which the investigation, trial or hearing is being held. The Superior Court shall

have jurisdiction of the matter and shall follow the procedures for contempt as are applicable in the case of a witness subpoenaed to appear and give evidence on the trial of a civil case before the Superior Court under the laws in Georgia.

(3) Any Special Master shall have power to administer oaths and affirmations and to issue any subpoena herein provided for.

(4) Depositions may be taken by the respondent or the State Bar of Georgia in the same manner and under the same provisions as may be done in civil cases under the laws of Georgia, and such depositions may be used upon the trial or an investigation or hearing in the same manner as such depositions may be used in civil cases under the laws of Georgia.

(5) All witnesses attending any hearing provided for under these Rules shall be entitled to the same fees as now are allowed by law to witnesses attending trials in civil cases in the Superior Courts of this State under subpoena.

(d) Venue of Hearings.

(1) The hearings on all complaints and charges against a resident respondent shall be held in the county of the respondent's main office or the county of residence of the respondent unless he otherwise agrees.

(2) Where the respondent is a nonresident of the State of Georgia and the complaint arose in the State of Georgia, the hearing shall be held in the county where the complaint arose.

(3) When the respondent is a nonresident of the State of Georgia and the offense occurs outside the State, the hearing may be held in the county of the State Bar of Georgia headquarters.

If the proposed amendments to the rule are approved, the amended rule will read as it appears under Appendix "A."

SO MOVED, this ____ day of ___, 2027.

Counsel for the State Bar of Georgia

Russell D. Willard
Georgia Bar No. 760280
General Counsel

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APPENDIX

I.

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(b) The respondent shall have the right to challenge the competency, qualifications, or objectivity of any member of the State Disciplinary Review Board considering the case under a procedure as provided for in the Rules of the State Disciplinary Review Board.

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argument if requested by any party within 15 days of transmission of the record and exceptions to the State Disciplinary Review Board. Exceptions and briefs shall be filed with the Clerk of the State Disciplinary Boards, in accordance with Rule 4-214. The responding party shall have 30 days after service of the exceptions within which to respond.

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