

House Resolution 427

By: Representatives Ehrhart of the 36th, Ridley of the 6th, Powell of the 32nd, Barton of the 5th, Belton of the 112th, and others

A RESOLUTION

1 Creating the House Study Committee on the Public Funding, Transparency, and Membership
2 of the State Bar of Georgia; and for other purposes.

3 WHEREAS, in 1963, the State Bar of Georgia was created and established by the General
4 Assembly by Georgia Laws 1963, Page 70 which provided that the State Bar of Georgia was
5 a legal entity; may sue and be sued; shall have perpetual existence; may contract; may
6 purchase, receive, lease, acquire, own, hold, improve, use, and otherwise deal with real and
7 personal property and any legal or equitable interest in property, wherever located; may sell,
8 convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its
9 property; may adopt and use an official seal; shall establish a principal office; and shall have
10 such other powers, privileges, and duties as may be reasonable and necessary for the proper
11 fulfillment of its purposes; and

12 WHEREAS, the State Bar of Georgia is an administrative arm of the Supreme Court of
13 Georgia with its only authorized purposes being to foster among the members of the bar of
14 this State the principles of duty and service to the public; to improve the administration of
15 justice; and to advance the science of law; and

16 WHEREAS, the States of Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana,
17 Iowa, Kansas, Maine, Maryland, Minnesota, New Jersey, New York, Ohio, Tennessee,
18 Vermont, and Virginia have voluntary bar associations but are still able to appropriately
19 regulate and license the practice of law; and

20 WHEREAS, subsequent to 1963, the State Bar of Georgia became a mandatory organization
21 which requires any person wishing to practice law in this State to pay an annual license fee,
22 a de facto tax, to the State Bar of Georgia which amount is established in the sole discretion
23 of the State Bar of Georgia's Board of Governors without input or a vote from any other
24 person; and

25 WHEREAS, the State Bar of Georgia prohibits any person from being a voting member
26 unless that person is an attorney; and

27 WHEREAS, unlike the Georgia Composite Medical Board and almost all other regulatory
28 agencies of this State, if not all, the State Bar of Georgia does not deposit the mandatory fees
29 and monies collected from the taxpayers into the general treasury of this State for annual
30 appropriation consistent with Article III, Section IX of the Constitution of the State of
31 Georgia; and

32 WHEREAS, the General Assembly does annually appropriate funds for the Supreme Court
33 of Georgia and the Judicial Branch of government, including the Judicial Qualifications
34 Commission which, similar to the State Bar of Georgia, is an independent agency tasked with
35 the investigation and regulation of judicial conduct; and

36 WHEREAS, the State Bar of Georgia creates and influences public policy, promulgates
37 rules, and takes other actions which can, and does, have extreme and significant impact on
38 the lives and livelihood of all Georgians; and

39 WHEREAS, annual appropriations by the General Assembly could increase the revenue
40 available to the State Bar of Georgia to accomplish and encourage needed and affordable
41 access to legal services, including incentives designed to provide access to attorneys by
42 persons living in rural areas with no, or very few, practicing attorneys; and

43 WHEREAS, the General Assembly is currently prohibited by the Constitution of Georgia
44 from adopting legislation that regulates the practice of law; and

45 WHEREAS, House Bill 166 was introduced in 2021 and would require the mandatory fees
46 and monies collected from the taxpayers by the State Bar of Georgia be deposited into the
47 general treasury of this State for annual appropriation consistent with Article III, Section IX
48 of the Constitution of the State of Georgia; and

49 WHEREAS, any adoption of legislation or constitutional amendment affecting the funding
50 or membership of the State Bar of Georgia should not be hastily adopted without in-depth
51 study and consideration by the General Assembly and appropriate stakeholders.

52 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

53 (1) **Creation of House study committee.** There is created the House Study Committee
54 on the Public Funding, Transparency, and Membership of the State Bar of Georgia.

55 (2) **Members and officers.** The committee shall be composed of seven members as
56 follows:

57 (A) Three members of the House of Representatives appointed by the Speaker of the
58 House of Representatives and one member of the House of Representatives appointed
59 by the Minority Leader of the House of Representatives. The Speaker shall designate
60 a legislative member of the committee as chairperson of the committee;

61 (B) A member of the State Bar of Georgia appointed by the Speaker of the House of
62 Representatives;

63 (C) A former or current judge or justice of any Superior Court, the Court of Appeals,
64 or the Supreme Court appointed by the Speaker of the House of Representatives; and

65 (D) A citizen member who is not a licensed attorney appointed by the Speaker of the
66 House of Representatives.

67 (3) **Powers and duties.** The committee shall undertake a study to examine the
68 mandatory membership requirement of the State Bar of Georgia and whether it would
69 advance public policy and transparency and allow meaningful citizen engagement in the
70 administration of justice to require the mandatory fees and monies collected from the
71 taxpayers by the State Bar of Georgia be deposited into the general treasury of this State
72 for annual appropriation consistent with Article III, Section IX of the Constitution of the
73 State of Georgia and recommend any action, legislation, or resolution for a constitutional
74 amendment which the committee deems necessary or appropriate.

75 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
76 may conduct such meetings at such places and at such times as it may deem necessary or
77 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
78 accomplish the objectives and purposes of this resolution.

79 (5) **Allowances and funding.**

80 (A) The legislative members of the committee shall receive the allowances provided
81 for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

82 (B) Members of the committee who are state officials, other than legislative members,
83 or state employees shall receive no compensation for their services on the committee,

84 but they may be reimbursed for expenses incurred by them in the performance of their
85 duties as members of the committee in the same manner as they are reimbursed for
86 expenses in their capacities as state officials or employees.

87 (C) Members of the committee who are not legislators, state officials, or state
88 employees shall receive a daily expense allowance in an amount the same as that
89 specified in subsection (b) of Code Section 45-7-21 of the Official Code of Georgia
90 Annotated, as well as the mileage or transportation allowance authorized for state
91 employees.

92 (D) The allowances and expenses authorized by this resolution shall not be received by
93 any member of the committee for more than five days unless additional days are
94 authorized. Funds necessary to carry out the provisions of this resolution shall come
95 from funds appropriated to the House of Representatives; except that funds for the
96 reimbursement of the expenses of state officials, other than legislative members, and
97 state employees shall come from funds appropriated to or otherwise available to their
98 respective agencies.

99 **(6) Report.**

100 (A) In the event the committee adopts any specific findings or recommendations that
101 include suggestions for proposed legislation, the chairperson shall file a report of the
102 same prior to the date of abolishment specified in this resolution, subject to
103 subparagraph (C) of this paragraph.

104 (B) In the event the committee adopts a report that does not include suggestions for
105 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
106 of this paragraph.

107 (C) No report shall be filed unless the same has been approved prior to the date of
108 abolishment specified in this resolution by majority vote of a quorum of the committee.
109 A report so approved shall be signed by the chairperson of the committee and filed with
110 the Clerk of the House of Representatives.

111 (D) In the absence of an approved report, the chairperson may file with the Clerk of the
112 House of Representatives a copy of the minutes of the meetings of the committee in lieu
113 thereof.

114 (7) **Abolishment.** The committee shall stand abolished on December 1, 2021.