

Senate Bill 215

By: Senators Robertson of the 29th, Echols of the 49th, Gooch of the 51st, Goodman of the 8th and Kirkpatrick of the 32nd

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to the State Bar of Georgia, so as to provide for the responsibilities of the  
3 administrative arm of the Supreme Court relative to the practice of law in this state; to repeal  
4 provisions for the establishment of a unified self-governing bar association to be known as  
5 the 'State Bar of Georgia,' composed of all persons licensed to practice law in this state; to  
6 provide for jury trials prior to final orders or disbarments relative to individuals licensed to  
7 practice law in this state; to provide for furnishing rules and regulations governing the  
8 practice of law in this state; to repeal provisions relative to the amendment of rules and  
9 regulations of the State Bar of Georgia; to provide for legislative findings and intent; to  
10 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 (a) The General Assembly finds that, in the case of Janus v. AFSCME, Council 31, 585  
15 U.S. 878 (2018), the United States Supreme Court held that:

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16 (1) The First Amendment, made applicable to the states by the Fourteenth Amendment,  
17 forbids abridgment of the freedom of speech; that freedom of speech includes both the  
18 right to speak freely and the right to refrain from speaking at all; and that the right to  
19 eschew association for expressive purposes is likewise protected, as freedom of  
20 association plainly presupposes a freedom not to associate;

21 (2) Forced associations that burden protected speech are impermissible, as is compelling  
22 one person to subsidize the speech of another; and

23 (3) States and public sector unions that extract agency fees from nonconsenting members  
24 violate the First Amendment.

25 (b) It is the General Assembly's intent that individuals who are licensed to practice law in  
26 this state shall not be required to be members of any bar association or other organization for  
27 which they are required to pay license fees that may be used to advocate for public policies  
28 espoused by such bar association or other organization for any purpose other than:

29 (1) Adopting rules and regulations governing the practice of law in this state and  
30 defining the rights, duties, and obligations of individuals licensed to practice law in this  
31 state;

32 (2) The examination of individuals applying for a license to practice law in this state;

33 (3) The admission of qualified applicants to the practice of law in this state;

34 (4) Enforcing the ethical rules governing individuals licensed to practice law in this state;

35 (5) Regulating the mandate of continuing legal education for individuals licensed to  
36 practice law in this state; and

37 (6) Pursuing those who engage in the unauthorized practice of law in this state.

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## SECTION 2.

40 Article 2 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the  
41 State Bar of Georgia, is amended by revising Code Section 15-19-30, relating to  
42 establishment of unified state bar authorized, as follows:

43 "15-19-30.

44 In recognition of the fact that attorneys are officers of the courts of this state; that they have  
 45 the exclusive right to practice law and represent members of the public in connection with  
 46 their legal affairs; that they are charged with important responsibilities in connection with  
 47 the administration of justice both in and out of the courts; and that for these reasons a  
 48 strong legal profession is in the public interest, the Supreme Court of this state is  
 49 authorized to establish as an administrative arm of the court to be responsible for:

50 (1) Adopting rules and regulations governing the practice of law in this state and  
 51 defining the rights, duties, and obligations of individuals licensed to practice law in this  
 52 state;

53 (2) The examination of individuals applying for a license to practice law in this state;

54 (3) The admission of qualified applicants to the practice of law in this state;

55 (4) Enforcing the ethical rules governing individuals licensed to practice law in this state;

56 (5) Regulating the mandate of continuing legal education for individuals licensed to  
 57 practice law in this state; and

58 (6) Pursuing those who engage in the unauthorized practice of law in this state.

59 ~~a unified self-governing bar association which shall be known as the 'State Bar of Georgia,'~~  
 60 ~~composed of all persons licensed to practice law in this state."~~

61 **SECTION 3.**

62 Said article is further amended by revising Code Section 15-19-31, relating to adoption of  
 63 rules for organization and government of the State Bar of Georgia, as follows:

64 "15-19-31.

65 ~~The Supreme Court shall have the authority by appropriate orders, upon recommendation~~  
 66 ~~made by the State Bar of Georgia, to adopt rules and regulations for the organization and~~  
 67 ~~government of the unified state bar and to define the rights, duties, and obligations of the~~  
 68 ~~members therein, including the payment of a reasonable license fee, and otherwise to~~

69 ~~regulate and govern the practice of law in this state, to the end that the unified state bar~~  
70 ~~shall promote the best interest of the public by maintaining high standards of conduct in~~  
71 ~~the legal profession and by aiding in the efficient administration of justice. As a~~  
72 ~~prerequisite to or a condition of being or remaining licensed to practice law in this state,~~  
73 ~~no individual shall be required to be a member of any association composed of individuals~~  
74 ~~licensed to practice law in this state, including, but not limited to, the State Bar of Georgia.~~"

75 **SECTION 4.**

76 Said article is further amended by revising Code Section 15-19-32, relating to option of jury  
77 trial prior to final order or disbarment, as follows:

78 "15-19-32.

79 The rules and regulations governing ~~the unified state bar~~ the practice of law in this state  
80 shall provide that before a final order of any nature or any judgment of disbarment is  
81 entered the attorney involved may elect to have any material issues of fact determined by  
82 a jury in the superior court of the county of his or her residence."

83 **SECTION 5.**

84 Said article is further amended by revising Code Section 15-19-33, relating to procedure for  
85 adoption of rules; as follows:

86 "15-19-33.

87 A copy of proposed rules and regulations ~~of the State Bar of Georgia governing the practice~~  
88 of law in this state shall be furnished to all ~~members~~ individuals licensed to practice law  
89 in this state. The Supreme Court shall set down for public hearing the adoption of  
90 proposed rules and regulations and any attorney or other person interested may appeal in  
91 person or by brief for the purpose of either supporting or opposing proposed rules and  
92 regulations."

93 **SECTION 6.**

94 Said article is further amended by repealing Code Section 15-19-34, relating to amendment  
95 of rules, in its entirety.

96 **SECTION 7.**

97 This Act shall become effective on July 1, 2026.

98 **SECTION 8.**

99 All laws and parts of laws in conflict with this Act are repealed.