

**IN THE SUPREME COURT**

**STATE OF GEORGIA**

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

**MOTION TO AMEND 2026-2**

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

SUBMITTED this \_\_\_\_ day of \_\_\_\_\_, 2026.

Counsel for the State Bar of Georgia

William D. NeSmith, III  
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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<sup>1</sup> as follows:

Preface

The Board of Governors of the State Bar of Georgia met at its regularly scheduled meeting on March 28, 2026. It approved the proposed rule changes by deleting the struck-through sections and inserting the underlined sections as follows:

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<sup>1</sup> 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/>).

1 **Rule 4-221. Hearing Procedures**

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

8 “I do solemnly swear or affirm that I will faithfully and impartially  
9 discharge and perform all of the duties incumbent upon me as a  
10 member of the State Disciplinary Board of the State Bar of  
11 Georgia/member of the State Disciplinary Review Board of the State  
12 Bar of Georgia/Special Master according to the best of my ability and  
13 understanding and agreeable to the laws and Constitution of this State  
14 and the Constitution of the United States.”

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

18 (b) Pleadings and Copies. Original pleadings shall be filed with the  
19 Clerk of the Boards at the headquarters of the State Bar of Georgia,

20 and the parties shall serve copies upon the Special Master and the  
21 opposing party pursuant to the Georgia Civil Practice Act. Depositions  
22 and other original discovery shall be retained by counsel and shall not  
23 be filed except as permitted under the Uniform Superior Court Rules.

24 (c) Witnesses and Evidence; Contempt.

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

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

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

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

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

40 It shall be the duty of the Chair of the State Disciplinary Board or  
41 Special Master to report the facts supporting contempt to the Chief  
42 Judge of the Superior Court in and for the county in which the  
43 investigation, trial or hearing is being held. The Superior Court shall  
44 have jurisdiction of the matter and shall follow the procedures for  
45 contempt as are applicable in the case of a witness subpoenaed to  
46 appear and give evidence on the trial of a civil case before the Superior  
47 Court under the laws in Georgia.

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

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

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

60 (6) Special Masters have the inherent authority and  
61 responsibility to maintain order in the tribunal. This power  
62 extends to addressing disruptive conduct that interferes with the  
63 proceedings. In situations involving disruptive conduct during a  
64 hearing before the Special Master, the Special Master may take  
65 various actions to maintain order, including, but not limited to:

66 (i) Issuing a warning to individuals engaging in disruptive  
67 behavior, informing them that if they persist, further action  
68 may be taken; or

69 (ii) Adjourning or terminating a hearing upon a finding that  
70 a party, non-party, or their counsel has engaged in

71 disruptive conduct that interferes with the proceeding; and

72 (iii) Keeping the record open upon termination of a hearing  
73 and directing the parties to submit evidence and argument

74 via written submissions including, but not limited to,  
75 testimony by affidavit.

76 (d) Venue of Hearings.

77 (1) The final evidentiary hearings on all complaints and charges  
78 against a resident Respondent shall be held in the county of the  
79 respondent's main office or the county of residence of the  
80 respondent unless the Respondent otherwise agrees.

81 (2) Where the Respondent is a nonresident of the State of  
82 Georgia and the complaint arose in the State of Georgia, the final  
83 evidentiary hearing shall be held in the county where the  
84 complaint arose or in the county of the State Bar of Georgia  
85 headquarters.

86 (3) When the Respondent is a nonresident of the State of  
87 Georgia and the offense occurs outside the State, the final  
88 evidentiary hearing ~~may~~ shall be held in the county of the State  
89 Bar of Georgia headquarters.

90 (4) When the Respondent is incarcerated or is otherwise under  
91 sentence or judicial order that makes it impracticable to conduct a  
92 hearing in the county of the Respondent's main office or the

93 county of residence of the Respondent, such hearing shall be held  
94 in any county where the Respondent is then-incarcerated, in a  
95 county in the same federal judicial district as any of the counties  
96 where a hearing would have otherwise been proper under (d)(1), or  
97 in the county of the State Bar of Georgia headquarters, with the  
98 appropriate county selected by the Special Master taking into  
99 account the availability and proximity of the Respondent and any  
100 necessary witnesses.

101 (5) The Special Master is permitted to conduct any hearing that  
102 is not the final evidentiary hearing via live video conferencing, live  
103 telephonic conferencing, or in-person in the county of residence of  
104 the Respondent, in the county where the complaint arose, or in the  
105 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 \_\_\_\_\_, 2026.

Counsel for the State Bar of Georgia

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## APPENDIX

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