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GENERATIVE AI TOOLKIT



State Bar
of Georgia

PREFACE

After careful deliberation and consideration, the Special Committee on Artificial Intelligence and Technology, created by State Bar President Ivy N. Cadle, (the Special Committee) determined Georgia lawyers would benefit from a dynamic reference tool providing practical guidance on the ethical use and application of generative AI in the practice of law. In an effort to address the Special Committee's findings, the Technological Competence Subcommittee, with the assistance of the Law Practice Management Program and the Office of the General Counsel, prepared and launched the State Bar of Georgia's Generative AI Toolkit (Toolkit) to provide Georgia lawyers utilizing generative AI technologies with recommendations, suggestions and resources to assist Georgia lawyers with ensuring their use of generative AI technology is appropriate, ethical and in compliance with the Georgia Rules of Professional Conduct (GRPC).

The Special Committee determined that the ethical use of AI is not nuanced, and lawyers may ethically utilize generative AI tools in the practice of law when the use and effect of using generative AI does not violate the GRPC. Accordingly, this Toolkit is not intended to promote or establish a formal advisory

opinion. Rather the Toolkit serves to provide ongoing guidance to the State Bar's membership to ensure and promote compliance with the GRPC, particularly in so far as technological advancements present lawyers with questions about whether their use of generative AI complies with the GRPC. Additionally, the Toolkit should be used only for guidance, and should not be substituted for qualified expert opinions, ethics advisory opinions, rulings or opinions by courts of competent jurisdiction, or consultation with the State Bar of Georgia's Ethics Helpline.

The authors of the Toolkit considered a broad range of ethical and regulatory issues that may be impacted by the use of generative AI and attempted to provide core ethical guidelines relevant to the GRPC by way of an easy to reference chart. Because technology is rapidly developing, it is the Special Committee's intent that the Toolkit be a "living" document, subject to change and improvement as required to address the Special Committee's concerns and the demands of law practice in the State of Georgia. For this reason, the Toolkit will be maintained by the State Bar of Georgia's Law Practice Management Program and will be subject to ongoing management and development.

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INTRODUCTION

The rapid evolution of technology is transforming the legal landscape, and one of the most significant developments in recent years is the rise of Generative Artificial Intelligence (AI). At its core, Artificial Intelligence refers to computer systems capable of performing tasks that typically require human intelligence, such as decision-making, pattern recognition, and natural language processing. Generative AI is a subset of AI that goes a step further: it can create new content—such as text, images, or code—based on patterns it has learned from large datasets. Tools like ChatGPT, for example, are trained to generate human-like text, making them particularly relevant to tasks involving written communication.

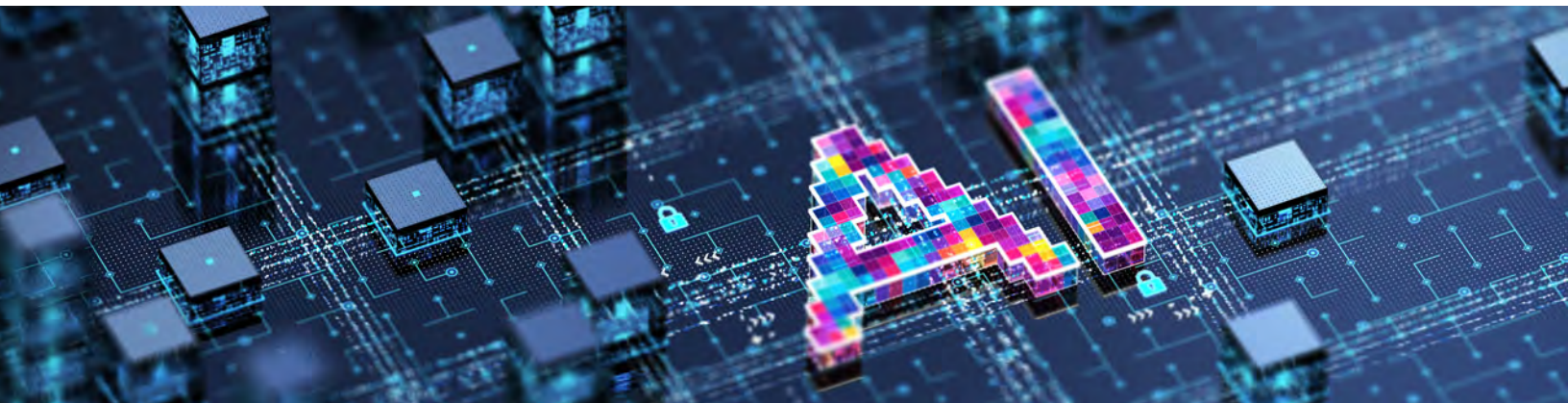
In legal practice, generative AI is already making an impact. Attorneys and firms are experimenting with AI-powered tools to streamline document review, automate client intake processes, and assist with legal drafting. These tools promise to increase efficiency, reduce costs, and improve access to justice while also

introducing new questions about oversight, quality control, and ethical boundaries.

This Toolkit is designed to help legal professionals navigate these changes with more clarity. Its objectives are twofold:

1. To educate members on the practical use of AI in legal practice, offering guidance on how and where AI can be effectively integrated into existing workflows.
2. To promote ethical and secure AI adoption, ensuring that lawyers uphold their professional responsibilities related to client confidentiality, competence, supervision, and the unauthorized practice of law.

By equipping legal professionals with foundational knowledge and best practices, this toolkit supports the thoughtful integration of AI into the practice of law.



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KEY TERMS

This glossary provides definitions of key terms used throughout the Toolkit. It is intended to support clarity, reduce ambiguity and enhance ethical understanding for legal professionals integrating AI into their practice. Refer to the indicated Toolkit sections for application examples and detailed guidance.

AI-SPECIFIC TERMS

Artificial Intelligence (AI)

Technology designed to perform tasks that typically require human intelligence, such as decision-making, language understanding and pattern recognition.

Referenced in: Introduction, Risk Mitigation Considerations, Rule 1.1 Analysis

Generative AI (GenAI)

A form of AI that produces new content—such as text, code, or images—based on patterns learned from large datasets.

Referenced in: Core Ethical Guidelines, Risk Mitigation Considerations, Rules 1.1, 1.6, 3.3

Hallucination

A fabricated or inaccurate response generated by an AI system that may appear valid but is not supported by factual or legal authority.

Referenced in: Risk Mitigation Considerations, Rule 3.3

Large Language Model (LLM)

A machine learning model trained on vast amounts of textual data to predict and generate natural-sounding responses to user inputs.

Referenced in: Risk Mitigation Considerations

Machine Learning

A subset of AI that enables systems to improve performance over time without being explicitly programmed, by learning from data.

Output

The content produced by a generative AI tool in response to a prompt, which may include documents, images, summaries, code or other media.

Referenced in: Rules 1.1, 1.6, 3.3, Risk Mitigation Considerations

Prompt

A user-generated instruction or input designed to elicit a specific output from an AI system.

Referenced in: Risk Mitigation Considerations (Hallucinations)

LEGAL AND ETHICAL TERMS

Competence (Rule 1.1)

The duty of an attorney to provide knowledgeable and skilled representation, including staying informed about relevant technologies.

Referenced in: Rule 1.1 Analysis, Core Ethical Guidelines

Conflict of Interest (Rules 1.7, 1.9, 1.10)

Situations in which representation of one client is materially limited by responsibilities to another current or former client.

Referenced in: Rule 1.7, 1.9, 1.10 Analysis on AI Intake Tools

Confidentiality (Rule 1.6)

The ethical obligation to protect client information from unauthorized disclosure, particularly when using AI tools or third-party services.

Referenced in: Rule 1.6 Analysis, Risk Mitigation Considerations

Duty of Candor (Rule 3.3)

An attorney's responsibility to be truthful with the court, including correcting false statements and ensuring AI-generated content is accurate.

Referenced in: Rule 3.3 Analysis

Informed Consent

A client's voluntary agreement to a proposed course of action after receiving adequate information about the risks, benefits and alternatives—including use of AI.

Referenced in: Rule 1.0(l), 1.6 and 1.5 Analysis

Non-Lawyer Assistant (Rule 5.3)

Any individual or technological tool not licensed to practice law, whose work must be ethically supervised by an attorney.

Referenced in: Rule 5.3 Analysis

Reasonable Fee (Rule 1.5)

A fee that reflects fair value for legal services rendered, including considerations for efficiency gained through AI tools.

Referenced in: Rule 1.0(w) and 1.5 Analysis

Supervision (Rules 5.1 and 5.3)

The obligation of lawyers to ensure that subordinate attorneys and non-lawyer assistants (including AI

systems) act in compliance with ethical rules.

Referenced in: Rule 5.1 and 5.3 Analysis

RISK AND COMPLIANCE TERMS

Clickwrap Agreement

A digital agreement accepted by clicking a button or checkbox, typically used when accessing software or digital tools.

Referenced in: Rule 1.6 Analysis, Risk Mitigation Considerations

Data Anonymization

The process of removing or masking personal identifiers from data to protect confidentiality.

Referenced in: Rule 1.6, Risk Mitigation Considerations

Data Leakage

The unauthorized or inadvertent exposure of sensitive data, potentially through AI systems trained on user inputs.

Referenced in: Risk Mitigation Considerations, Rule 1.6

Shrinkwrap Agreement

A license agreement that is considered accepted once a user opens or uses a software product, often pre-packaged with the product.

Referenced in: Rule 1.6 Analysis

Vendor Vetting

The due diligence process of assessing third-party service providers for compliance with data security, confidentiality and ethical standards.

Referenced in: Rule 1.6, Checklist, Risk Mitigation Considerations

This glossary is intended as a foundational reference for ethical AI adoption in legal practice. For additional guidance, consult the applicable Rules of Professional Conduct and State Bar opinions.

ETHICAL AND REGULATORY CONSIDERATIONS

PROFESSIONAL RESPONSIBILITY IN THE AGE OF GENERATIVE AI

As AI becomes more commonplace in legal practice, it is critical that attorneys maintain their professional duties. Ethical obligations around competence, confidentiality, diligence, transparency, and supervision are not diminished by the use of technology. In fact, AI amplifies the importance of these duties.

Attorneys must ensure:

- AI tools do not compromise the confidentiality of client information
- All AI-generated work is reviewed with professional judgment
- Vendors meet the security, privacy, and transparency standards of legal practice

Upon consideration of specific circumstances which warrant consultation and disclosure about the use of AI tools, attorneys should also ensure that clients are informed about how AI is used in their matter.

Ultimately, AI is a tool. It cannot apply legal reasoning, understand justice or assume ethical responsibility. That remains the role of the lawyer. This toolkit is here to ensure you uphold that responsibility as the practice of law evolves.

GUIDANCE ON COMPLIANCE WITH THE GEORGIA RULES OF PROFESSIONAL CONDUCT

Rule 1.1

Georgia Rule of Professional Conduct 1.1 requires that lawyers provide competent representation to

their clients. This includes possessing the requisite knowledge, skill, thoroughness and preparation necessary for the representation. As generative AI becomes increasingly integrated into legal practice, lawyers must navigate several practical considerations to ensure compliance with this rule.

Understanding and Knowledge of AI Limitations and AI Capabilities

Lawyers must be aware of the strengths and weaknesses of generative AI tools. Understanding what these tools can and cannot do is essential to avoid over-reliance on them. It also requires ongoing learning as technology evolves.

Human Oversight Required

Lawyers must review and vet any AI-generated content thoroughly. This ensures that the information is accurate and aligns with the legal standards required for competent representation. Reminder that lawyers are responsible for all content whether AI is involved or not. Lawyers must supervise the work as they would supervise the work of humans. AI algorithms can reflect or perpetuate biases—an additional area where lawyers are responsible for assessing AI output.

Communication with Clients and Avoiding Misleading Clients

The lawyer is the one representing the client and responsible for providing competent representation. Lawyers should not misrepresent their use of AI tools to clients. Clients must be made aware of the role of AI in their case and how it impacts the representation. Lawyers should maintain transparency with

clients regarding the use of AI tools in their cases, including the benefits and potential risks involved.

Keeping Skills Updated

The legal landscape is constantly evolving, especially with technological advancements. Lawyers must commit to ongoing education about generative AI and its implications on legal practice.

Rule 1.5

Georgia Rule of Professional Conduct 1.5 sets forth a lawyer's obligations regarding fees charged to clients and addresses the fees that lawyers may charge for their services. It requires that fees be reasonable and communicated clearly to clients.

Determining Reasonableness of Fees

Lawyers should assess how the use of generative AI affects the costs associated with providing legal services. While AI can reduce the time spent on tasks, it is essential to evaluate whether this reduction justifies a change in fees.

Clear Communication of Fees and Transparency in Billing Practices

Lawyers must clearly communicate how generative AI influences their fee structure to clients. This includes explaining any changes in billing rates or the rationale behind adopting AI tools. If a lawyer fails to communicate this, it also implicates a Rule 1.4 issue.

Client Consent and Agreement—Informed Consent for Fees

Before implementing new AI tools that may affect billing, lawyers should seek informed consent from clients. Clients should understand how AI impacts

the services provided and any associated costs. Lawyers may need to obtain informed consent from the client depending on use, not just billing. A written engagement agreement would be good practice.

Avoiding Unreasonable Fees

Lawyers must ensure that the use of generative AI does not lead to unreasonable fees. This means balancing efficiency gained from AI with fair pricing for clients.

Rule 1.6

Generative AI can significantly impact the confidentiality requirements established in Rule 1.6 in several ways.

Data Security Risks and Vulnerability to Breaches

When lawyers input sensitive client information into generative AI systems, there is a risk that this information could be stored, processed or accessed by unauthorized parties. If the AI tool is not secure, it may expose confidential data. The self-learning nature of AI means there is a risk that the tool could disclose information about a client to outside users. A lawyer should not input confidential client information into any generative AI solution that lacks adequate confidentiality and security protections. Lawyers should anonymize client information and avoid entering details that can be used to identify the client. Make sure the technology's use of your client data is consistent with other privacy laws. The obligation to protect information also extends to prospective clients (1.18) and former clients (1.9).

Informed Consent and Client Awareness

Lawyers should obtain informed consent from clients before using generative AI tools that may in-

volve their confidential information. Clients should be aware of how their data will be used, stored and protected.

Accountability and Oversight

While generative AI can assist in legal processes, attorneys must remain accountable for the information generated. They need to ensure that AI-generated content does not inadvertently disclose confidential client information.

Software License Protections

Practitioners should exercise caution when relying on software or AI platforms governed by “shrink-wrap” or “clickwrap” licenses. These standard-form agreements—often accepted implicitly by using the service—frequently include broad disclaimers and may expressly exclude any obligation of confidentiality. As a result, information shared with such tools may not be protected under a legally enforceable duty of non-disclosure. To mitigate this risk, consider subscribing to a premium or enterprise-tier plan that expressly incorporates enhanced privacy protections. For instance, OpenAI’s ChatGPT Enterprise plan offers features such as data encryption, audit logs, customizable data retention policies and contractual data usage restrictions—all of which are designed to support confidentiality and compliance with applicable data protection regulations.

Training and Ethical Use

It is essential for legal professionals to receive training on the ethical implications of using AI tools. Understanding how to use these technologies responsibly is crucial for compliance with confidentiality rules.

Rules 1.7, 1.9 and 1.10

AI as an Intake or Screening Device

The use of artificial intelligence (AI) tools, such as chatbots or virtual assistants, to screen or interact with prospective clients on a law firm’s website implicates several ethical considerations—particularly under Rules 1.7, 1.9 and 1.10 of the Georgia Rules of Professional Conduct, which address current and former client conflicts and imputed disqualifications within a firm.

Prospective clients may, without prompting, disclose sensitive or case-specific information through such AI-driven interfaces. If the firm currently represents—or has previously represented—an adverse party, that disclosure could create a potential or actual conflict of interest.

Rule 3.3

Rule 3.3 governs an attorney’s duties to the court, specifically prohibiting attorneys from making false statements of fact or law, failing to correct false statements or failing to disclose legal authority that is directly adverse to their client’s position. When considering the implications of using AI in the context of GRPC Rule 3.3, there are several key areas to consider.

Accuracy of Information Provided by AI

- *Risk of Misrepresentation*

If an attorney relies on AI tools (like legal research tools, drafting software, or predictive analytics) to gather facts, draft documents, or make legal arguments, they must ensure that the information provided by AI is accurate. Under Rule 3.3, an attorney cannot present

false or misleading information to the court. If an AI system provides incorrect or misleading data, the attorney could be held responsible for any resulting misrepresentation. A lawyer could also run afoul of Rule 3.1 regarding meritorious claims and contentions.

- ***Duty to Correct***
Rule 3.3 requires attorneys to correct false statements of fact or law. If an AI tool provides inaccurate legal reasoning or facts that an attorney does not catch, the attorney may fail in their obligation under Rule 3.3.
- ***Disclosure of Adverse Legal Authority***
If an AI tool fails to recognize or disclose relevant adverse legal authority in a case (for example, a ruling that directly contradicts the attorney's argument), the attorney could violate Rule 3.3's requirement to disclose such authority.
- Artificial intelligence tools, including large language models, are known to generate fabricated legal citations—commonly referred to as “hallucinated” or “phantom” citations—that may appear facially valid but have no basis in actual legal authority. Practitioners must not assume that AI-generated citations are accurate, authentic, or citable without independent verification. Rigorous source-checking remains essential to ensure compliance with professional standards of candor and accuracy.

Automated Legal Drafting

- ***Drafting Legal Documents***
If AI is used for drafting legal documents (such as motions, briefs, contracts, etc.), the attorney must ensure the content is consistent with the law and does not misrepresent facts or the law. AI-generated documents may lack the nuanced understanding of a human lawyer, which could lead to inaccuracies or omissions that could violate Rule 3.3.
- ***Ethical Dilemmas in Automation***
Over-reliance on AI in legal drafting could lead to situations where an attorney does not sufficiently review the document, risking errors or omissions that could mislead the court. This could have significant consequences for both the client and the legal system.

Transparency and Accountability

- If an attorney relies on an AI tool that they do not fully understand or cannot explain, they could face ethical challenges under Rule 3.3. This is especially important when it comes to the duty of candor to the court order. An attorney must be able to fully explain how and why they reached a conclusion, something that may be difficult if AI's internal workings are not fully understood.
- The attorney remains responsible for any misinformation or failures that arise from using

AI tools. Even if the AI produces an error, it is ultimately the attorney's responsibility to ensure that the court is not misled.

Rules 5.1 and 5.3

Georgia Rules of Professional Conduct (GRPC) 5.1 and 5.3 govern responsibilities of partners and lawyers in a management role supervising junior lawyers as well as responsibilities of lawyers who employ non-lawyer assistants. Rule 5.1 requires that partners in a law firm as well as lawyers in a managerial role make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Georgia Rules of Professional Conduct. Rule 5.3 outlines the ethical duties lawyers have when working with non-lawyers, such as paralegals, clerks or other staff, to ensure that their actions comply with the Georgia Rules of Professional Conduct.

As a result, lawyers will need to have policies and training for both lawyers and non-lawyers.

AI as Non-Lawyer Assistant

Under GRPC 5.3, attorneys are required to supervise and ensure that their non-lawyer assistants comply

with ethical rules. If AI is used in legal practice (for example, in drafting documents, legal research or case analysis), the attorney is responsible for ensuring that the AI tool operates within the bounds of ethical standards.

While AI does not require traditional “direct supervision” in the way that human assistants do, attorneys are still responsible for ensuring that the output generated by AI tools comply with professional standards (accuracy, confidentiality and ethical conduct). This includes reviewing the work produced by AI systems to make sure it aligns with the attorney's ethical duties, such as the duty of candor to the court (under GRPC Rule 3.3), confidentiality (under GRPC Rule 1.6), and competence (under GRPC Rule 1.1). A lawyer should also check vendor credentials and security protocols in place.

Training and Competence—Educating Staff on AI Use

Lawyers should provide training for their non-lawyer staff on the ethical use of AI tools, emphasizing the importance of maintaining client confidentiality and the integrity of legal work.

For a review of state legal ethics guidance on Artificial Review, please see Additional Resources.

RISK MITIGATION CONSIDERATIONS

PITFALLS OF GENERATIVE AI

Hallucinations

Hallucinations are a unique aspect of Generative AI technology that is not an aspect of a typical web based search. The technology works by ingesting large amounts of data, and when a user inputs a query, the tool will predict what the answer should be based on the training data that formed the Large Language Model that it is based on. Ethical obligations dictate that the responsible attorney using the GenAI tool review the text and results provided by the tool. An attorney has not met his or her ethical obligations when using a GenAI tool to draft a brief, with supporting case law, only to find out that the tool created false cases.

Confidentiality and Training Data

Generative AI is most useful when it is fed new and diverse data. Providers of Generative AI tools will typically have a goal of enhancing and improving their products, which is to the benefit of the tool and the users. However, if you are inputting confidential client data, or data that is identifiable to an individual, the GenAI tool can and will use that data to improve. There is a risk that the data that was ingested may end up in Output resulting from a query from another, unrelated user of the GenAI tool. The obvious result of that risk is a violation of Rule 1.6 by the attorney. An attorney seeking to use a GenAI tool in their practice should determine from the vendor whether the vendor intends to use identifiable data that is uploaded, as well as the Output created based on a user query, to train their model. In addition, the vendor may be contracting with a third party (OpenAI, Meta) to utilize the large language models

created by those third parties, in order to support the vendor's own tool. The responsible attorney should question how far down the technology supply chain your client data will be used. In any case, the attorney should consider using anonymized identifiers or 'dummy data' when using a GenAI tool, and avoid including sealed, personal health information, or personally identifiable information in the prompt.

To minimize the risk of using chatbots, agents, or similar intake systems, firms should implement safeguards that either:

- prevent the chatbot or intake system from soliciting or receiving detailed confidential information until a conflicts check is performed; or
- include clear, conspicuous disclaimers that no attorney-client relationship is formed until the firm confirms it has no conflict and agrees to undertake representation.

In the event that confidential information is inadvertently collected before a conflicts check, the firm should take prompt steps to isolate and embargo the information internally. It must then disclose the nature of the conflict to the prospective client, explain why representation cannot proceed, and describe the specific measures taken to secure or delete the disclosed information in accordance with Rule 1.18 (duties to prospective clients).

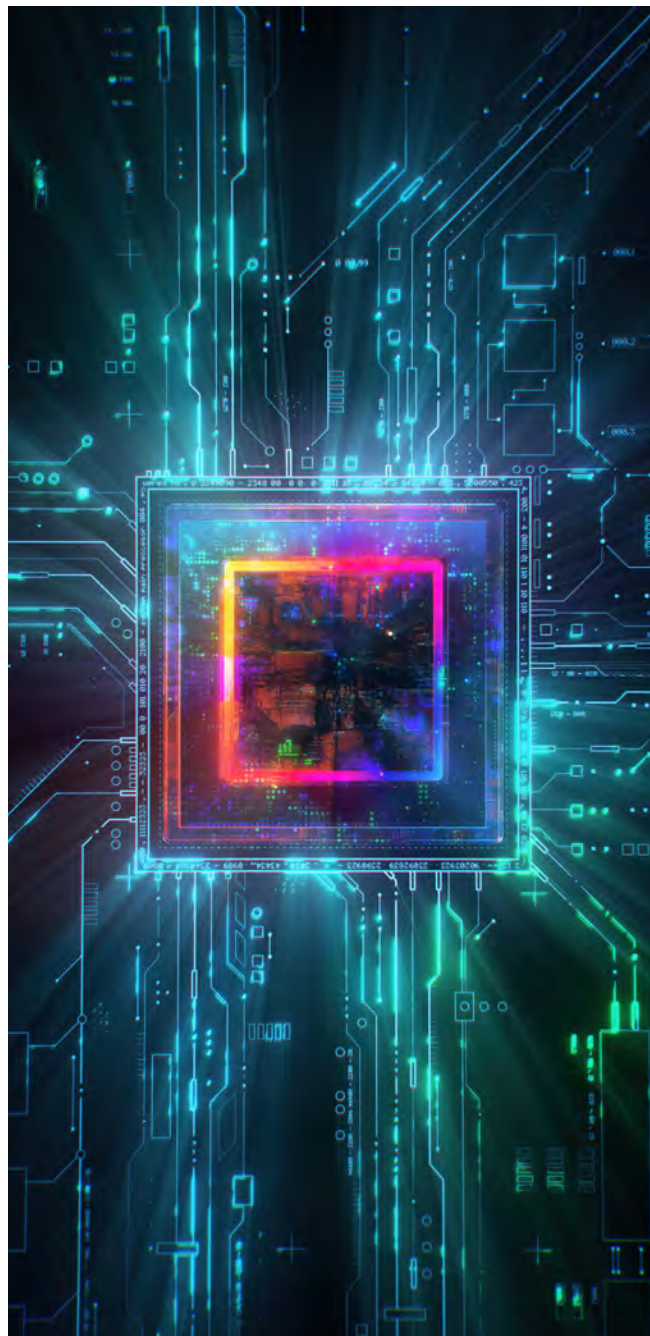
Proactive design of AI intake tools, coupled with human review protocols, can reduce the likelihood of ethical violations while enhancing access to legal services in a responsible manner.

SECURITY AND CONFIDENTIALITY

In order to comply with Rule 1.6, part of any technology vetting should include the confidentiality and security obligations of the vendor as set forth in the terms of service. In addition, as set forth above, data leakage is a risk with GenAI tools. As GenAI tools are continuously training with new data sets, there have been instances of a GenAI tool producing Output for a user that revealed confidential data of another user gleaned from that first user's prompt. And if the vendor is contracting with a third party that owns the large language model, the attorney should check the terms of service to ensure that their chosen vendor is obligated to flow the confidentiality and security obligations to their subcontractors. It is common for terms of service to allocate the risk inherent in GenAI and large language model technology to the user, and the vendor disclaims responsibility for the risks identified above. These topics are important for the attorney to consider when reviewing the terms of service.

PROPOSED CHECKLIST WHEN REVIEWING CONTRACT TERMS

- Scope of Use of Your Data (Client Information)
- What the vendor intends to do with the data (will they 'train' the model with identifiable client data?)
- Confirmation of flow down of obligations to the underlying model used for the tool
- Assurances against biased Output.
- What happens to the prompts and Output once the contract term concludes? Does the GenAI tool retain that data, or purge it?



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ADDITIONAL RESOURCES

AMERICAN BAR ASSOCIATION

- [Formal Opinion 512, Generative AI Tools](#)
- [House of Delegates Resolution 604](#)
- [House of Delegates Resolution 112](#)
- [Task Force on Law and Artificial Intelligence](#)

CALIFORNIA

- [Practical Guidance for the Use of Generative AI in the Practice of Law](#)

DISTRICT OF COLUMBIA

- [Ethics Opinion 388](#)

FLORIDA

- [Opinion 24-1](#)

KENTUCKY

- [Ethics Opinion KBA E-457](#)

LAW SOCIETY OF SINGAPORE

- [The 4R Decision Framework—A Lawyer's Guide to Deciding When \(NOT\) to Use AI](#)

MICHIGAN

- [Judicial Ethics Opinion JI-155](#)
- [AI for Attorneys—FAQs](#)

MINNESOTA

- [Working Group on AI Report & Recommendations](#)

MISSISSIPPI

- [Ethics Opinion 267](#)

MISSOURI

- [Informal Opinion 2024-11](#)

NEW JERSEY

- [Preliminary Guidelines on Use of AI by NJ Lawyers](#)
- [Task Force on AI and the Law: Report, Requests, Recommendations and Findings](#)

NEW MEXICO

- [Formal Opinion 2024-004](#)

NEW YORK

- [N.Y.C. Bar Formal Op. 2024-5: Generative AI in the Practice of Law](#)
- [Task Force on AI Report & Recommendations](#)
- [Task Force on the Post-Pandemic Future of the Profession Report & Recommendations](#)

NORTH CAROLINA

- [2024 Formal Ethics Opinion 1](#)

PENNSYLVANIA

- [Joint Formal Opinion 2024-200](#)

TEXAS

- [Ethics Opinion 705](#)
- [Taskforce for Responsible AI in the Law Interim Report](#)

VIRGINIA

- [Guidance on Generative AI](#)

WEST VIRGINIA

- [JIC Advisory Opinion 2023-22](#)
- [Legal Ethics Opinion 24-01](#)

ARTIFICIAL INTELLIGENCE AND EMERGING TECHNOLOGY COMMITTEE

This special committee shall examine (1) how the Georgia Rules of Professional Conduct cover advancements in technology, particularly artificial intelligence, and the practice of law; (2) whether existing rules and Bar policies adequately address lawyers' technology-related conduct; and (3) how the State Bar of Georgia can aid its members as they integrate artificial intelligence and technological advances into the practice of law. It shall report its findings and recommendations to the Executive Committee, the Board of Governors and the Supreme Court of Georgia.

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