



Legal Action Committee Policy On Provision of Legal Assistance

It is the policy of the Legal Action Committee of the Georgia Association of REALTORS® ("GAR") to consider requests from REALTOR® Members to provide assistance on legal matters which absent GAR's involvement could have an adverse impact upon REALTORS® as a group. The assistance provided by the Legal Action Committee is normally in the form of authorizing GAR's legal counsel, at GAR's expense, to either: 1) write a friend of the court (amicus curiae) brief; or 2) provide other technical support with respect to the legal matter to ensure that all cases and arguments helpful to the interests of REALTORS® are properly presented to the court. In special cases of great importance to REALTORS®, GAR will consider reimbursing the REALTOR® Member directly for all or a portion of the Member's legal expenses or will offer to have GAR's general counsel represent the REALTOR®.

All decisions of the Legal Action Committee to provide assistance are made on a case by case basis in the sole discretion of the GAR Legal Action Committee. In deciding whether to provide legal assistance in any particular matter, the Legal Action Committee will consider, among other factors, whether the case: (1) is one that, absent GAR's involvement, could lead to the establishment of a legal principle or precedent harmful to the interests of REALTORS® as a group; (2) is at a stage of proceeding where it is timely to provide legal assistance; (3) is one where the provision of legal assistance by GAR is likely to make a positive difference in the outcome of the case; and (4) is one that involves legal matters, issues, or procedures that go beyond those generally encountered or employed by REALTORS® in their normal business dealings.

Financial hardship alone on the part of the REALTOR® seeking assistance is not normally a basis for GAR to offer assistance in a case absent a finding that the failure of GAR to become involved could lead to the establishment of an adverse legal precedent or principle to REALTORS® as a group. Assistance is also generally not provided in cases where there might be an adverse impact on an individual REALTOR® but where there is little risk of a principle or precedent being established that could have an adverse impact on REALTORS® as a group. Cases being heard by an appellate court in Georgia tend to be favored by the GAR Legal Action Committee in terms of offering assistance because the decisions of these courts create binding statewide legal precedent. Finally, cases involving general principles of real estate law (rather than the rights and obligations of real estate brokers) are not normally accepted unless the principle is one that, if established, could make it more difficult or expensive to buy, sell or lease real property or otherwise reduce the availability of either: a) real property for sale or lease; or b) purchasers or lessees of the same.

Assistance will be provided only in response to a properly submitted written request by the REALTOR® Member to the GAR Legal Action Committee.

Georgia Association of REALTORS®
6065 Barfield Road
Atlanta, Georgia 30328

Legal Action Committee
Request for Assistance

Date: _____

Name: _____

Company: _____

Address: _____

Telephone: _____ Fax: _____

1. Name of Parties to Case: _____
Court where case is (was) pending: _____
Case Number: _____

2. Your attorney's name, address and telephone number: _____

3. Briefly state the facts of your case, including whether any other REALTOR® is a party to the case, and , if so, on what basis. (Attach additional pages, if necessary.) _____

4. What specific assistance are you requesting (e.g., financial, amicus curiae brief, other legal assistance, expert witnesses, etc.)? _____

5. Please describe why you feel an adverse decision in the case will have an impact on REALTORS® in Georgia.

Please attach any appellate opinions, court orders, or pleadings you feel would help the committee as it considers your request.