

## LETTING GAR'S LEGAL ACTION COMMITTEE HELP YOU

What would you do if you were ever sued? In all likelihood, your first call would be to your errors and omissions liability insurance carrier. It would normally assign an attorney to the case to defend you. Should your efforts stop there? Absolutely not!

The other step you should take is to contact the Legal Action Committee of GAR to let them know about the case and to seek their help in monitoring the case and assisting as needed. Why is this so important? The answer is that GAR is keenly interested in having the body of case law affecting REALTORS<sup>®</sup> develop in as favorable a way as possible. Every decision of our courts involving real estate agents and brokers helps establish precedent for other cases. By letting GAR know of litigation, you give GAR the opportunity to monitor cases which affect REALTORS<sup>®</sup> as a whole and ensure that the best arguments are made in your defense.

Why not let the lawyer hired by the insurance company worry about protecting REALTORS<sup>®</sup>? Unfortunately, different lawyers have varying levels of expertise when it comes to real estate brokerage matters. Some lawyers may not handle cases involving real estate agents and brokers on a regular basis. Other lawyers may not fully appreciate how a case they are handling could have implications for the entire real estate brokerage community. For example, we have yet to see an appellate court decision interpreting any portion of the Brokerage Relationships in Real Estate Transactions Act ("BRRETA"). Some insurance defense attorneys might not fully understand the importance of the law or the implications that a bad decision could have on REALTORS<sup>®</sup>.

How does the GAR Legal Action Committee help? Well, first of all, it is normally not a substitute for the REALTOR<sup>®</sup> having his or her own legal counsel. Instead, the Legal Action Committee assists by having its attorney work with your attorney to make sure that all defenses are properly raised and in filing *amicus curiae* briefs ("friend of the court" briefs), in which GAR as a trade organization supports the action of the REALTOR<sup>®</sup>. It has been our experience that such briefs help educate judges as to the broader implications of their decisions on the practice of real estate brokerage.

How do you ask for help? Complete the form (see next page), to request legal assistance. Remember, when it comes to litigation, protect yourself and your industry. Get the assistance of the GAR Legal Action Committee.

*by Seth G. Weissman, GAR General Counsel*



**Georgia Association of REALTORS®**  
**3200 Presidential Drive**  
**Atlanta, Georgia 30340**

**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.

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