

Not Licensed to Practice Law in Georgia? Beware Before Answering that Georgia Garnishment!

In these economic times, employers are devoting more of their resources to responding to wage garnishments. Wage garnishments usually last about six (6) months and require a number of answers to be filed with the Court, along with whatever wages are subject to the garnishment. Before answering that garnishment, however, be sure you are not about to engage in the unlicensed practice of law, which is a criminal offense in Georgia.

Any person who is not licensed to practice law in Georgia and represents anyone other than himself in a Georgia court engages in the unauthorized practice of law.[1] Moreover, companies must be represented by a Georgia-licensed attorney in court.[2] One exception to this rule exists if a full-time officer or employee of a company is designated by the company to represent its interests in small claims court (i.e., magistrate court).[3]

In a recent advisory opinion, the State Bar of Georgia concluded that a non-lawyer answering for a garnishee other than himself in a state or superior court engages in the unlicensed practice of law.[4] Based on this advisory opinion, non-lawyers who answer garnishments on behalf of companies in any court other than magistrate court run the risk of engaging in the unauthorized practice of law.

[1] See O.C.G.A. §§§ 15-19-51, 15-19-56.

[2] See Eckles v. Atlanta Tech. Group, 267 Ga. 801, 805 (1997).

[3] See Eckles, 267 Ga. at 805; Uniform Mag. Ct. R. 31.

[4] UPL Advisory Opinion No. 2010-1.

If you have any questions relating to this alert, please feel free to contact [Michael Kohler](#) or any other Miller & Martin attorney.

The opinions expressed in this bulletin are intended for general guidance only. They are not intended as recommendations for specific situations. As always, readers should consult a qualified attorney for specific legal guidance. Should you need assistance from a Miller & Martin attorney, please call 1-800-275-7303.

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