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The Supreme Court of Georgia Addresses Who Can Answer Garnishments

In July of last year, we alerted you to an advisory opinion by the State Bar of Georgia that a non-lawyer answering for a garnishee other than himself in a state or superior court (*i.e.*, courts of record) engages in the unlicensed practice of law. See UPL Advisory Opinion No. 2010-1. As expected, a number of businesses and business associations challenged the advisory opinion given the expected costs to have an attorney respond to seemingly routine garnishment matters. On September 12, 2011, the Supreme Court of Georgia, however, approved the advisory opinion in Case No. S11U0028.

We expect this issue will be addressed by the Georgia Assembly at some point. But until then, only a licensed Georgia attorney should answer a garnishment (on behalf of a company) pending in a state or superior court. If the garnishment is pending in magistrate court (*i.e.*, small claims court), only a licensed Georgia attorney, a full-time officer of the company, or an employee designated by the company to represent its interests in magistrate court may answer the garnishment. It does not appear a company's payroll vendor or other non-attorney agent can answer a garnishment on behalf of the company regardless of what court the garnishment is pending.

Since the issuance of the State Bar of Georgia's advisory opinion last year, we have counseled a number of clients on how to best handle the processing of garnishments in Georgia. If your company needs help in complying with the Supreme Court of Georgia's decision or wants assistance in addressing these issues with the Georgia Assembly, please contact [Michael Kohler](#).

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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