



Rules For Garnishments In Georgia Changed Again

Insights

2.08.12

As you know, last year the Georgia Supreme Court issued a new rule prohibiting non-lawyers, such as payroll clerks or human resources professionals, from signing garnishment pleadings that are filed in court. Doing so was, in the Court's view, the unlicensed practice of law.

As a result of the response from businesses, that ruling has now been overturned by the Georgia Legislature. Late yesterday Gov. Deal signed legislation permitting "authorized officer or employee" of an entity to sign and file a garnishment answer.

During this time many of our clients found that it was easier or more convenient to have a Fisher Phillips attorney handle some or all of their garnishments. Many of our clients tell us that they have experienced fewer cases of default or other adverse consequences as a result of our system for tracking and handling garnishment matters. Although it is no longer mandatory to use a licensed Georgia attorney to sign pleadings or otherwise handle garnishments, we remain available to handle garnishments for those clients who find that they prefer our system.

And, of course, any time there is legislation, there is the possibility of unforeseen consequences stemming from a new law. Even under the proposed law, not all aspects of Georgia garnishments can be handled by a non-lawyer. Default judgments and traverses still require a lawyer's involvement.

We'll continue to keep you informed of any new developments in this and other areas. If you have any questions or would like to discuss this development contact any attorney in the Atlanta office of Fisher Phillips at (404) 231-1400.

This Legal Alert presents an overview of a specific new state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.