



Legal Alert: Georgia Garnishment Law Amended

2/9/2012

Executive Summary: Georgia businesses are once again able to answer garnishments through an authorized officer or employee rather than an attorney.

Until last year, a representative of human resources or payroll generally answered garnishment actions on behalf of a business rather than enlisting the help of an attorney. But on September 12, 2011, the Georgia Supreme Court adopted an informal State Bar of Georgia opinion stating that any non-lawyer who answers a garnishment in Georgia is engaged in the unauthorized practice of law.

In response to strong opposition to the opinion, the business community sought support from the Georgia legislature. The Georgia legislature overwhelmingly supported overturning the opinion.

On February 7, 2012, Georgia Governor Nathan Deal signed into law House Bill 683. The legislation clarifies that "the execution and filing of a garnishee answer may be done by an entity's authorized officer or employee and shall not constitute the practice of law." Therefore businesses no longer need to have an attorney execute their answer in a garnishment action. Businesses should note that if a traverse or claim is filed to the answer, an attorney continues to be necessary to represent the business in further garnishment proceedings.

If you have any questions regarding this Alert, please contact the author, Henry Warnock, hwarnock@fordharrison.com, an attorney in our Atlanta office, or the Ford & Harrison attorney with whom you usually work.