



SUPREME COURT OF GEORGIA

Case No. S11U0028

Atlanta September 12, 2011

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed.

IN RE: UPL ADVISORY OPINION NO. 2010-1

This Court granted review of UPL Advisory Opinion No. 2010-1, issued by the Standing Committee on the Unlicensed Practice of Law on June 4, 2010. With this order, we hereby approve UPL Advisory Opinion No. 2010-1 pursuant to State Bar Rule 14-9.1 (g) (4).

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Suz C. Fulton, Chief Deputy Clerk

NAHMIAS, Justice, concurring.

I agree with the Court that, under existing law, we must approve UPL Advisory Opinion No. 2010-1, which concludes that a nonlawyer, such as a clerical employee of a corporation, who answers for a garnishee other than himself in a legal proceeding pending with a Georgia court of record is engaged in the unlicensed practice of law. I think it is important to note, however, the suggestion made by the State Bar of Georgia in its reply brief that a new court rule, similar to Uniform Superior Court Rule 15.1, be adopted to allow nonlawyer employees and agents of corporations and other entities to file garnishment answers, in order to alleviate the negative effects this UPL opinion may have on businesses dealing with routine garnishment proceedings. I am not sure a rule change would be sufficient; a statute similar to OCGA § 18-4-61, which underlies Rule 15.1, may be required. But the State Bar and the businesses and business associations that submitted briefs raising these concerns should understand that today's decision leaves them free to seek such a remedy from the Judicial Council or the General Assembly.