

A thick black L-shaped frame surrounds the text. The top-left corner is a horizontal bar extending to the right, and the bottom-right corner is a vertical bar extending upwards. The text is centered within the open space of the frame.

# THE UNAUTHORIZED PRACTICE OF LAW:

The Law and Non-Attorneys

# When is the Unauthorized Practice of Law an issue?

Paralegals and  
other non-  
attorney staff at  
law firms

Attorneys  
handling out-of-  
state issues

Non-attorneys  
giving legal  
advice

The public  
handling other  
people's or a  
corporation's  
court cases

What is the unauthorized practice of law?

Why does it matter?

Who decides?

What is the practice of law?

When is it unauthorized?

# Why does it matter?

Lawyers want  
to keep their  
jobs.

Protect the  
public from  
fraud and  
bad legal  
advice.

Who decides?

# The Government

State Rules of Professional Responsibility

State criminal statute

ABA Model Rules, Rule 5.5

Individual regulations for administrative proceedings

# What is the practice of law?

Official Code of Georgia § 15-19-50

The practice of law in this state is defined as:

- (1) Representing litigants in court and preparing pleadings and other papers incident to any action or special proceedings in any court or other judicial body;
- (2) Conveyancing;
- (3) The preparation of legal instruments of all kinds whereby a legal right is secured;
- (4) The rendering of opinions as to the validity or invalidity of titles to real or personal property;
- (5) The giving of any legal advice; and
- (6) Any action taken for others in any matter connected with the law.

# When is it unauthorized?

Saying you are a lawyer when you are not

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Establishing a fee agreement

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Signing pleadings or retainers

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Appearing in court for someone else

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Providing legal advice

# Legal Advice v. Legal Information

**Legal information** is general information about laws or legal processes that is not particularized to a specific situation.

**Legal advice** is particularized to an individual's situation – how the laws apply to them and what legal steps they should take.

# Is it the unauthorized practice of law?

A lawyer is suspended from practicing law for violations of the bar rules. They continue to operate their law firm, meeting with clients, and taking new cases.

# Is it the unauthorized practice of law?

A mortgage broker goes to court with landlords they finance to help walk them through the eviction process.

# Is it the unauthorized practice of law?

An employee of a workers' rights organization tells a worker that there are state and federal laws that require employers to provide medical leave and the worker should contact a local employment attorney.

# Is it the unauthorized practice of law?

The sole owner of a corporation files an answer in a lawsuit and signs it in his own name.

# Is it the unauthorized practice of law?

A paralegal who works at a legal aid firm represents a tenant in a Section 8 voucher termination hearing.

# What should non-lawyers do?

Clearly identify that you are not an attorney

Provide information not legal advice

Consult with an attorney before passing on legal advice