

A large, thick black L-shaped graphic is positioned on the left and bottom edges of the slide, framing the central text.

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