



# Garnishments

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To maximize the impact of pro bono engagement by connecting a network of attorneys with nonprofits in need of free business legal services.

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- In order to be a client of Pro Bono Partnership of Atlanta, an organization must:
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  - ✓ Be located in or serve the greater Atlanta area.
  - ✓ Serve low-income or disadvantaged individuals.
  - ✓ Be unable to afford legal services.
- *Visit us on the web at [www.pbpatl.org](http://www.pbpatl.org)*
- We host free monthly webinars on legal topics for nonprofits
  - ✓ To view upcoming webinars or workshops, visit the [Workshops Page](#) on our website
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## Legal Information:

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## Context for Garnishment

- You have employees
- You owe your employees wages
- Sometimes your employees have debts that have been the subject of litigation between your employee and your employee's creditor
- After that litigation the creditor may elect to collect the debt your employee owes by having a Court order you to withhold some portion of your employee's wages and pay them directly to the Court

## What is Garnishment?

- Garnishment is a lawsuit filed against your non-profit by your employee's creditors to collect a debt your employee owes the creditor
- Your employee is not a party of the garnishment lawsuit unless they choose to contest the debt in the garnishment lawsuit

## How will I find out about the garnishment action?

- Sheriff must physically deliver garnishment papers
- Who does the Sheriff serve?
- Corporate representative, registered agent, or authorized employee at your main office
- What does Sheriff serve?
- Affidavit and Summons of garnishment with instructions included
- Call a lawyer ASAP



## What to do if served with garnishment?

- Call a lawyer and let your employee know
- Time is critical – do not wait to call lawyer
- Begin withholding wages (call your lawyer)
- File a response
- Pay withheld amount to Court with response
- No liability for paying withheld wages to Court



## What happens if I don't respond?

- Your non-profit can be forced to pay your employee's **ENTIRE DEBT** personally/corporately
- Call a lawyer **ASAP**
- Time is critical

## Is there anything I can do to avoid consequences of failing to respond?

- Yes
- There is a process to limit your liability if you fail to file a response in time
- You don't want to find out about this process
- Uncertainty in the result
- Potential for large liabilities if you don't win

## Miscellaneous

- Garnishments are filed in Georgia State Courts (State, Superior, or Magistrate) and the process varies greatly from County to County
- Generally, the bigger the County the more prepared the Court will be to handle a garnishment action
- Some Courts will let an employee file an answer on behalf of corporation, some won't
- The Court Clerk's employees run the show and it's their decisions that largely control

## Garnishment Takeaways

- Call a lawyer ASAP
- Time is critical
- Failing to respond can yield liability for your non-profit



## **For More Information:**

If you would like more information about the services of Pro Bono Partnership of Atlanta, contact us at:

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