



This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

You've Been Served: What to Do When Your Nonprofit Receives Legal Papers

Take a deep breath. It is not uncommon for nonprofits to receive legal papers. Perhaps it's a subpoena or a summons. Maybe it's a request for information from a government agency, like the IRS or the Department of Labor. No matter what form it comes in, you have been notified of a legal obligation that you have to fulfill. You've been served. Ignoring it won't make it go away and could have severe consequences.

Examples of the Types of Legal Documents You May Receive

A **subpoena** is a command to appear and give testimony at a deposition or trial or an order to produce documents. Consult with legal counsel about how to respond.

A **summons** is a command to respond to a complaint in which the plaintiff seeks monetary damages, equitable relief, or both. You're being sued. You will not have much time to respond and failure to respond in a timely fashion can be devastating. Don't try to avoid service, and don't contact the plaintiff or the plaintiff's attorney.

A **garnishment** is a court order typically requiring your organization to pay money it holds on behalf of another (such as wages owed to an employee) to a court or creditor. You may be served with a garnishment even if you have nothing to do with the debt. For example, if one of your employees owes money to a creditor, you may be required to garnish the employee's wages to pay the debt. **If you do not comply with, or respond to, the garnishment your organization could become financially responsible for the employee's debt.** Learn more about garnishments by watching our webcast at <https://pbpatl.org/webcast-how-to-respond-to-garnishments/>.

A **demand letter** is a formal written request, usually from a lawyer, business or individual, asking your nonprofit to take some kind of action or bring a legal claim.

Next Steps When You Receive Legal Documents

If your organization has been formally served with legal papers, you should take these steps:

- Review carefully and note the type of document: subpoena, summons, writ, demand letter or other legal letter.
- Verify the authenticity of the legal document
 - Look for signs it might be real:

Dated 2/12/2026

www.pbpatl.org

© 2013, 2026 Pro Bono Partnership of Atlanta

- It has a court name, address, case number, or official seal.
 - It lists who it's from (a court, government agency, or law firm) and includes contact information.
 - It was delivered by mail, sheriff, or process server, not a random email.
- Watch for red flags of a scam:
 - Requests for money, gift cards, or immediate payment.
 - Threats of arrest or shutdown if you don't respond right away.
 - Bad spelling, blurry logos, or missing contact details.
 - Sent from a personal email (like Gmail or Yahoo).
- Immediately note the date, time, and method by which the papers were received. This information can be vital.
- Identify any deadlines for responses, appearances, or next steps and put them on your calendar.
- Ensure that you are keeping all notes in a safe place with the original documents.
- Remember to keep confidentiality.
- Identify and notify appropriate stakeholders.
- Determine whether insurance carriers should be notified.
- Do not delete or otherwise alter any of your documents, data, or records.
- Do not admit guilt or liability. Be careful about what you say or write in response to a legal document, as it could be used against you later. It's best to have an attorney handle communications.
- **Consult with an Attorney.** An attorney can:
 - **Assess the Legal Merit:** Determine if the claim has all the necessary legal elements and if the demanding party has a strong case.
 - **Object:** Assess whether there are any or valid objections, such as confidentiality of the information requested, or help to limit the scope of requested documents.
 - **Get You More Time:** May be able to arrange to get more time for you to respond.
 - **Review Evidence:** Help you understand the strength of the evidence presented and identify any weaknesses in the demand.
 - **Identify Defenses:** Advise you on any potential legal defenses you might have.
 - **Negotiate:** Represent you in negotiations to reach a settlement.
 - **Advise on Next Steps:** Explain your options, whether it's to pay, negotiate, or prepare for litigation.

Even if you aren't formally served, there are other notices that your nonprofit should not ignore. For instance, you might be notified that a government agency, such as the IRS or the Department

of Labor, is requesting information from your organization. Or a government agency may send an agent to your premises to meet you and examine your operations. This could be an indication that your organization is under government scrutiny. Immediately notify your legal counsel for advice on how to respond. You usually do not have to start providing information to the agent immediately. You can contact your attorney first.

In closing, don't bury your head in the sand when you receive a legal notice. Being served isn't a guarantee that something negative will happen to your organization. *Ignoring* service is.

If you are a PBPA client, contact your PBPA attorney with any questions. If you are not a client, consider consulting an attorney who can provide guidance tailored to your organization's specific needs.