

Testimony on: UPL and Forestry Consultants

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Testimony Before the
**Georgia Bar Standing
Committee on the
Unlicensed Practice of
Law**

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Consumers for a Responsive Legal System (“Responsive Law”) thanks the Committee for the opportunity to present its comments on whether certain activity by forestry consultants constitutes the unlicensed practice of law (“UPL”). Responsive Law is a national nonprofit organization working to make the civil legal system more affordable, accessible, and accountable to the people.

The Committee’s resolution of whether forestry consultants may prepare contracts for their clients may impact consumers statewide as they attempt to navigate the legal system. Responsive Law agrees with the arguments made in the written statement of the Georgia Forestry Association in support of its position. Timber contracts are simple forms that, although they secure legal rights, do not need a lawyer’s expertise to complete. Furthermore, O.C.G.A Section 15-19-52 explicitly allows this sort of assistance, providing “nor shall any person, firm, or corporation be prohibited from drawing any legal instrument for another person, firm or corporation, provided it is done without fee and solely at the solicitation and the request and under the direction of the person, firm or corporation desiring to execute the instrument.”

Our concern here extends beyond that of foresters to the larger community of Georgians using the legal system. Most people facing everyday legal problems cannot afford a lawyer’s assistance, no matter how desperate their need. The average Georgian makes \$36,104¹. This is well above the income cutoff of \$13,963 for an individual to qualify for free legal aid.² However, someone making

¹ US Dept. of Commerce, Bureau of Economic Analysis, retrieved from <http://www.bea.gov/regional/bearfacts/action.cfm?geoType=3&fips=13000&areatype=13000>

² Federal Register Volume 77, Number 21 (February 1, 2012)

this amount would have to work for a whole week just to afford two hours of a lawyer's time.³

Preventing Georgians from seeking the help of family, friends, colleagues, or other professionals in completing fill-in-the-blank legal forms would be a miscarriage of justice, preventing many people from using the only help available to them. To claim that people facing legal problems should just use a lawyer rather than seeking help elsewhere is reminiscent of Anatole France's observation that the law "forbids the rich and the poor alike from sleeping under bridges." Most people encountering the legal system face a choice between using non-lawyer help or having no help at all, not a choice between using a lawyer or not using one.

UPL restrictions, if they are to have any meaning beyond mere protectionism for the bar, must be applied toward the goal of consumer protection. It is difficult to see the harm to any party from allowing them to use fill-in-the-blank forms, or from using unpaid assistance in completing them. **We therefore urge the Committee to affirm the language in O.C.G.A Section 15-19-52 and declare that receiving and providing unpaid assistance with the completion of legal forms is not the unlicensed practice of law.**

³ Based on take-home pay of \$15/hr and a lawyer billing at \$300/hr