Insights: Alerts

Georgia Passes Tort Reform

April 29, 2025

Written by **Ava Conger, C. Allen Garrett Jr., John Jett, Stephanie N. Bedard**

In one of the most closely watched issues before the Georgia Legislature this year, Georgia law has been amended through two tort reform bills, Senate Bills 68 and 69. These bills will impact various aspects of Georgia's civil litigation framework with a stated goal of streamlining proceedings and addressing concerns about litigation abuse. With limited exceptions, the amendments become effective in both pending and future actions as of April 21, 2025.

Top 10 Legal Takeaways: Then vs. Now

1. Defendants that file a motion to dismiss do not need to also file an answer

Then: Defendants had to file an answer within 30 days of service, even if they also moved to dismiss the claims. Motions to dismiss resulted in an automatic stay of discovery but did not impact the answer deadline.

Now: Defendants that file a timely motion to dismiss within 30 days of service need not also file an answer. The motion to dismiss will trigger the automatic stay of discovery until the motion is resolved or 90 days have passed, after which either party may seek to lift the stay for good cause. If the court denies the motion, defendants must file an answer within 15 days of the court's ruling.

2. Defendants can request trial bifurcation

Then: Juries determined liability and damages together in a single trial. Some tort reform advocates argued that large damage claims could prejudice the defendants by influencing liability findings.

Now: Defendants may request that trials be bifurcated, with the first phase addressing liability and the second phase addressing damages. Courts typically must grant the request unless certain limited exceptions apply.

3. Voluntary dismissals and re-filings can require court approval

Then: Plaintiffs could voluntarily dismiss an action at any time before the first trial witness had been sworn and then get the benefit of Georgia's renewal statute (O.C.G.A. § 9-2-61) by re-filing the action within six months of the dismissal.

Now: Plaintiffs can only voluntarily dismiss an action within 60 days of the defendant's answer. Thereafter, plaintiffs can only dismiss an action by filing a stipulation of dismissal signed by all parties or by order of the court. The amendment also clarifies that if any prior action (state or federal) had been dismissed, then a second voluntary or stipulated dismissal operates as an adjudication on the merits.

4. Parties usually cannot recover the same attorney's fees twice

Then: Parties could sometimes claim overlapping attorney's fees under multiple legal theories or statutes.

Now: Parties usually will be restricted to recovering attorney's fees under a single legal basis unless a statute provides otherwise.

5. Third-party litigation funding requires disclosure

Then: There was no requirement to disclose whether outside funders were involved in litigation.

Now: Senate Bill 69 requires litigants to disclose third-party litigation funding arrangements, including funder identity and role. These disclosures will become mandatory beginning January 1, 2026.

6. Damages arguments must be supported by evidence

Then: In closing arguments, attorneys could propose dollar figures for noneconomic damages like pain and suffering, without having presented supporting evidence for those damages.

Now: Suggested damages must be supported by evidence presented during the trial.

7. Premises liability requires actual knowledge and failure to act

Then: Property owners could be held liable if a criminal act on their premises was deemed “reasonably foreseeable,” often based on prior incidents in the area or general crime trends.

Now: Plaintiffs must prove that the property owner had actual knowledge of a specific risk of criminal activity and failed to act reasonably.

8. Juries will only consider actual amounts paid for medical expenses

Then: Juries could consider the full billed amounts for medical care, regardless of what was actually paid or adjusted through insurance.

Now: Courts may only admit evidence of the actual amounts paid for medical services, including negotiated discounts or insurance adjustments. These new standards apply only to incidents occurring on or after April 21, 2025.

9. Fault must be apportioned to all responsible individuals in negligent security cases

Then: Inconsistent standards applied to assigning fault to non-party criminal actors in negligent security claims.

Now: Juries must now apportion fault amongst all responsible individuals, including non-party criminals. Courts are required to order a new trial if the apportionment is found to be unreasonable or legally inconsistent. These new standards apply only to incidents occurring on or after April 21, 2025.

10. Evidence of seatbelt use can be admitted

Then: Evidence that a plaintiff was not wearing a seatbelt was inadmissible in personal injury trials, even if relevant to the injury severity.

Now: Seatbelt usage is now admissible and can be considered by the jury in apportioning fault and evaluating damages in motor vehicle accident cases.

* * *

In summary, Georgia's tort reform legislation will reshape civil litigation in the state, offering new protections for defendants and imposing stricter evidentiary standards on plaintiffs in some circumstances.

Related People

Ava Conger

t 404.815.6639

aconger@ktslaw.com

C. Allen Garrett Jr.

t 404.815.6141

agarrett@ktslaw.com

John Jett

t 404.815.6020

jjett@ktslaw.com

Stephanie N. Bedard

t 404.815.6039

sbedard@ktslaw.com