

Index

ABSENCE OR LACK

Lack or Absence, this index

ABUSIVE LITIGATION

Tort causes of action, § 5-4

ACCIDENTS

Tort causes of action relating to motor vehicles, §§ 5-30, 5-31

ACT OR ACTS

Nature of tortfeasor's act controls, pre-trial litigation considerations regarding standard of conduct, § 4-19

Similar acts, evidentiary considerations for trial, § 6-4

ADDITUR

Post-trial considerations, § 7-1

ADEQUACY

Sufficiency or Insufficiency, this index

ADJOINING LANDOWNERS

Tort causes of action, deprivation of lateral support, § 5-5

ADMISSIBILITY OF EVIDENCE

Libel actions concerning correction and retraction, current statutory law, § 2-20

ADMISSIONS

Requests for admissions, pre-trial litigation considerations, § 4-35

ADVERTISING

False advertising, current statutory law, § 2-29

AGREEMENTS

Contracts, this index

AID

Failure to render aid, tort causes of action relating to motor vehicles, § 5-30

AMERICAN COMMON LAW

History of punitive damages, § 1-3

ANCIENT FOUNDATIONS

History of punitive damages, § 1-1

ANIMALS

Georgia Farm Animal and Research Facilities Protection Act, current statutory law, § 2-21

Interference with lawful taking of wildlife, current statutory law, § 2-45

Liability for harm caused by animals, tort causes of action, § 5-15

ANSWER

Pre-trial litigation considerations, § 4-32

APPLICABILITY

Causes of action, § 5-1

Date of applicability, current statutory law, § 2-15

APPORTIONMENT TO STATE

Current statutory law, § 2-12

ARGUMENTS

Closing arguments, trial considerations, § 6-17

PUNITIVE DAMAGES

ARREST

False arrest, tort causes of action,
§ 5-11

ASSAULT AND BATTERY

Tort causes of action, § 5-6

ASSIGNOR/ASSIGNEE

Recovery, pre-trial litigation
considerations, §§ 4-2, 4-3

ATTACHMENT

Wrongful attachment, tort causes
of action, § 5-49

ATTORNEY GENERAL

Discriminatory housing practices,
current statutory law, § 2-30

ATTORNEYS

Closing arguments, trial
considerations, § 6-17
Fees, evidentiary considerations
for trial, § 6-15

AUTOMOBILES

Motor Vehicles, this index

AVOIDANCE OF CHARGES FOR TELECOMMUNICATIONS SERVICES

Current statutory law, § 2-22

AWARDS

Current statutory law, §§ 2-10,
2-11, 2-13, 2-14
Insurability of punitive damages
awards, post-trial
considerations, §§ 7-27, 7-28
Post-trial considerations, §§ 7-4 to
7-25, 7-27, 7-28
Setting aside awards, post-trial
considerations, §§ 7-4 to
7-25

BAD FAITH REFUSAL TO SETTLE INSURANCE CLAIM

Tort causes of action, § 5-7

BANKRUPTCY

Post-trial considerations, § 7-29

BATTERY AND ASSAULT

Tort causes of action, § 5-6

BELOW COST SALES ACT

Current statutory law, § 2-23

BIFURCATION OF TRIAL

Generally, §§ 2-9, 6-1

BLACKOUTS

Driving with medical problems
that could cause blackouts,
tort causes of action relating
to motor vehicles, § 5-24

BONDS

Actions on official bonds, current
statutory law, § 2-19

BREACH OF DUTY

Fiduciary obligation, tort causes of
action, § 5-8
Surrounding circumstances
accompanying breach of
duty, evidentiary
considerations for trial,
§ 6-13

BROADCASTS

Liability for defamabcasts, current
statutory law, § 2-47

BROKERS

Prohibited practices by loan
brokers, current statutory
law, § 2-53

BUREAU OF INVESTIGATION

Georgia Bureau of Investigation
Nomenclature Act of 1995,
current statutory law, § 2-35

BUSINESS

Fair Business Practices Act, cur-
rent statutory law, §§ 2-29,
2-34

INDEX

BUSINESS—Cont'd

Interference with business, tort causes of action, § 5-43

CAP ON AWARDS

Current statutory law, § 2-14

CARE

Entire want of care that could raise presumption of conscious indifference to consequences, pre-trial litigation considerations regarding standard of conduct, § 4-26

Liability for managed care entities, current statutory law, § 2-48

Remedies for Residents of Personal Care Homes Act, current statutory law, § 2-58

CARRIERS

Common carrier liability, tort causes of action relating to motor vehicles, § 5-19

CAUSE AND CAUSATION

Driving with medical problems that could cause blackouts, tort causes of action relating to motor vehicles, § 5-24

Liability for harm caused by animals, tort causes of action, § 5-15

Railroad companies as cause of damages, current statutory law, § 2-26

Specific intent to cause harm, pre-trial litigation considerations regarding standard of conduct, § 4-27

CAUSES OF ACTION

Generally, §§ 5-1 to 5-50, 7-17

CHALLENGES

Constitutional issues, §§ 3-1 to 3-11

CHARGE TO JURY

Trial considerations, § 6-20

CHARGES

Telecommunications services, avoidance of charges, § 2-22

CHARITABLE SOLICITATIONS

Current statutory law, § 2-24

CHOICE OF LAW

Pre-trial litigation considerations, § 4-29

CLAIMS

Bad faith refusal to settle insurance claim, tort causes of action, § 5-7

Georgia Tort Claims Act, current statutory law, § 2-41

CLOSING ARGUMENTS

Trial considerations, § 6-17

CO-DEFENDANT'S JUDGMENT NOTWITHSTANDING THE VERDICT

Setting aside awards, post-trial considerations, § 7-25

COLLATERAL SOURCE RULE

Evidentiary considerations for trial, § 6-14

COLLISIONS

Intentional collision, tort causes of action relating to motor vehicles, § 5-31

COMMERCE CLAUSE

Constitutional issues, § 3-9

COMMON CARRIER

Tort causes of action relating to motor vehicles, § 5-19

COMMON LAW

History of punitive damages, §§ 1-2 to 1-4

PUNITIVE DAMAGES

COMPENSATORY DAMAGES

Post-trial considerations, §§ 7-6, 7-9, 7-11, 7-19

COMPLAINT

Pre-trial litigation considerations, § 4-31

CONDITIONS

Driving too fast for conditions, tort causes of action relating to motor vehicles, § 5-22

CONDUCT

Post-tort conduct, evidentiary considerations for trial, § 6-9
Pre-trial litigation considerations, §§ 4-15 to 4-27
Setting aside awards, post-trial considerations, §§ 7-12, 7-16
Standard of conduct
Current statutory law, § 2-6
Pre-trial litigation considerations, §§ 4-15 to 4-27

CONFLICT OF INTEREST

Pre-trial litigation considerations, § 4-28

CONFLICT OF LAW

Pre-trial litigation considerations, § 4-29

CONFRONTATION CLAUSE

Constitutional issues, § 3-10

CONSCIOUS INDIFFERENCE

Entire want of care that could raise presumption of conscious indifference to consequences, pre-trial litigation considerations regarding standard of conduct, § 4-26

CONSPIRACY

Tort causes of action, § 5-9

CONSTITUTIONAL MATTERS

Generally, §§ 3-1 to 3-11, 7-8
Commerce Clause challenges, § 3-9
Confrontation Clause challenges, § 3-10
Double Jeopardy Clause challenges, § 3-7
Due process challenges, §§ 3-1 to 3-3
Eighth Amendment challenges, § 3-4
Equal Protection Clause challenges, § 3-6
Excessive Fines Clause challenges, §§ 3-4, 3-5
Fifth Amendment challenges, §§ 3-1, 3-2, 3-7
First Amendment challenges, § 3-8
Statutory limitations, constitutional challenges to, § 3-11

CONSTRUCTION WORK

Negligent construction, tort causes of action, § 5-38

CONSUMER AFFAIRS OFFICE

Rules, current statutory law, § 2-59

CONTACT

Personal contact unnecessary, pre-trial litigation considerations regarding standard of conduct, § 4-17

CONTINUATION OF FRANCHISE

Motor Vehicle Franchise Continuation and Succession Act, current statutory law, § 2-50

CONTRACTS

Causes of action, §§ 5-3, 5-44
Current statutory law, § 2-25

INDEX

CONTRACTS—Cont'd

- Interference with contract, tort causes of action, § 5-44
- Uncertainty whether awarded for tort or contract, setting aside awards, § 7-18

CONTROL

- Nature of tortfeasor's act controls, pre-trial litigation considerations regarding standard of conduct, § 4-19

CONVERSION AND TROVER

- Tort causes of action, § 5-10

CONVICTIONS

- Evidentiary considerations for trial, § 6-7

CORPORATIONS

- Liability, pre-trial litigation considerations, §§ 4-12 to 4-14

CORRECTION

- Admissibility of evidence in libel actions concerning correction and retraction, current statutory law, § 2-20

CORRUPTION

- Racketeer Influenced and Corrupt Organizations Act, current statutory law, § 2-55

COSTS AND EXPENSES

- Below Cost Sales Act, current statutory law, § 2-23
- Litigation expenses, evidentiary considerations for trial, § 6-15

COUNSEL

- Attorneys, this index

COUNTIES

- Municipal, County, and Volunteer Fire Departments Nomenclature Act, current statutory law, § 2-52

COUNTIES—Cont'd

- Municipal and County Police Departments' Nomenclature Act of 1996, current statutory law, § 2-51

COVERAGE

- Insurability of punitive damages awards, post-trial considerations, §§ 7-27, 7-28

CRIMINAL MATTERS

- Trial considerations, §§ 6-5 to 6-8

CURRENT STATUTORY LAW

- Generally, §§ 2-1 to 2-66

DATE

- Time or Date, this index

DAUGHTER'S SEDUCTION

- Current statutory law, § 2-60

DEALERS

- Drug Dealer Liability Act, current statutory law, § 2-33
- Regulation of tractor and farm equipment dealers, current statutory law, §§ 2-56, 2-57
- Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act, current statutory law, § 2-65

DEATH

- Wrongful death, tort causes of action, § 5-46

DECEDENTS' ESTATES

- Parties, pre-trial litigation considerations, §§ 4-4, 4-11

DECEPTIVE PRACTICES

- Elderly persons, current statutory law, § 2-63
- Uniform Deceptive Trade Practices Act, current statutory law, § 2-29

PUNITIVE DAMAGES

DEFAMATION

Admissibility of evidence in libel actions concerning correction and retraction, current statutory law, § 2-20

Liability for defamacasts, current statutory law, § 2-47

Tort causes of action, § 5-16

DEFAULT

Pre-trial litigation considerations, § 4-33

DEFENSES

Evidentiary considerations for trial, § 6-16

DEFINITIONS

Current statutory law, § 2-2

DEPARTMENT OF PUBLIC SAFETY NOMENCLATURE ACT

Current statutory law, § 2-28

DEPRIVATION OF LATERAL SUPPORT

Adjoining landowner's deprivation of lateral support, tort causes of action, § 5-5

DIRECTED VERDICT

Trial considerations, § 6-18

DISASTER-RELATED VIOLATIONS

Uniform Deceptive Trade Practices Act and Fair Business Practices Act, current statutory law, § 2-29

DISCOVERY

Pre-trial litigation considerations, §§ 4-34, 4-35

DISCRIMINATORY HOUSING PRACTICES

Current statutory law, §§ 2-30, 2-31

DISPARAGEMENT OF PERISHABLE FOOD PRODUCTS

Current statutory law, § 2-32

DISTRIBUTION AND DISTRIBUTORS

Regulation of tractor and farm equipment distributors, current statutory law, §§ 2-56, 2-57

Wholesale distribution by out-of-state principal, current statutory law, § 2-66

DOUBLE JEOPARDY

Constitutional issues, § 3-7

DOUBLE RECOVERY

Setting aside awards, post-trial considerations, § 7-23

DRAG RACING

Tort causes of action relating to motor vehicles, § 5-20

DRIVING

Tort causes of action relating to motor vehicles, §§ 5-20 to 5-25, 5-28 to 5-31, 5-33 to 5-36

DRUG DEALER LIABILITY ACT

Current statutory law, § 2-33

DUE PROCESS

Constitutional issues, §§ 3-1 to 3-3

DUTY BREACH

Breach of Duty, this index

EGREGIOUS CONDUCT

Insufficient evidence of egregious conduct, setting aside awards, § 7-12

EIGHTH AMENDMENT

Constitutional issues, § 3-4

INDEX

ELDERLY PERSONS

Unfair or deceptive practices
toward elderly persons, current
statutory law, § 2-63

ELECTRONIC SIGNATURE

Unauthorized use of electronic
signature, current statutory
law, § 2-62

EMOTIONAL DISTRESS

Intentional infliction of emotional
distress, tort causes of action,
§ 5-13

EMPLOYERS AND EMPLOYEES

Labor pools, current statutory law,
§ 2-46
Negligent hiring and retention, tort
causes of action, § 5-37

ENGLISH COMMON LAW

History of punitive damages, § 1-2

ENTIRE WANT OF CARE

Presumption of conscious indiffer-
ence to consequences, pre-
trial litigation considerations
regarding standard of
conduct, § 4-26

ENTITIES

Governmental entities, pre-trial
litigation considerations,
§ 4-10
Managed care entities, current
statutory law, § 2-48

ENTITLEMENT TO COMPENSATORY AWARD

Lack of entitlement, setting aside
awards, § 7-11

ENTRUSTMENT

Negligent entrustment, tort causes
of action relating to motor
vehicles, § 5-32

EQUAL PROTECTION CLAUSE

Constitutional issues, § 3-6

EQUIPMENT

Regulation of farm equipment
manufacturers, distributors
and dealers, current statutory
law, §§ 2-56, 2-57

EQUITY

Causes of action, § 5-2

ESTATES OF DECEDENTS

Parties, pre-trial litigation
considerations, §§ 4-4, 4-11

EVIDENCE

Admissibility of evidence in libel
actions concerning correction
and retraction, current statu-
tory law, § 2-20

Discovery, pre-trial litigation
considerations, §§ 4-34, 4-35

Presumption of conscious indiffer-
ence to consequences, pre-
trial litigation considerations
regarding standard of
conduct, § 4-26

Setting aside awards, post-trial
considerations, §§ 7-12, 7-13,
7-15

Standard of proof, current statu-
tory law, § 2-5

Trial considerations, §§ 6-3 to
6-15

Witnesses, Confrontation Clause
challenges, § 3-10

EXCESSIVE OR EXCESSIVENESS

Constitutional issues, Excessive
Fines Clause challenges,
§§ 3-4, 3-5

Setting aside awards for exces-
siveness, post-trial
considerations, §§ 7-5 to 7-8

PUNITIVE DAMAGES

EXPENSES

Costs and Expenses, this index

FACILITIES

Georgia Farm Animal and
Research Facilities Protection
Act, current statutory law,
§ 2-21

Tanning facilities, current statu-
tory law, § 2-61

FAILURE TO MAINTAIN PROPER LOOKOUT

Tort causes of action relating to
motor vehicles, § 5-25

FAILURE TO REMOVE VEHICLE FROM HIGHWAY

Tort causes of action relating to
motor vehicles, § 5-26

FAILURE TO RENDER AID

Tort causes of action relating to
motor vehicles, § 5-30

FAIR BUSINESS PRACTICES ACT

Current statutory law, §§ 2-29,
2-34

FAIR LENDING

Georgia Fair Lending Act, current
statutory law, § 2-36

FALSE ADVERTISING

Current statutory law, § 2-29

FALSE ARREST

Tort causes of action, § 5-11

FALSE IMPRISONMENT

Tort causes of action, § 5-11

FARMS

Georgia Farm Animal and
Research Facilities Protection
Act, current statutory law,
§ 2-21

FARMS—Cont'd

Regulation of tractor and farm
equipment manufacturers,
distributors and dealers, cur-
rent statutory law, §§ 2-56,
2-57

FAULTY MAINTENANCE OF VEHICLE

Tort causes of action relating to
motor vehicles, § 5-27

FEDERAL MATTERS

Constitutional issues, §§ 3-1, 3-2,
3-4, 3-6 to 3-10

FEELINGS

Injuries to feelings, current statu-
tory law, § 2-16

FEES

Attorney's fees, evidentiary
considerations for trial,
§ 6-15

FIDUCIARIES

Breach of fiduciary obligation, tort
causes of action, § 5-8

FIFTH AMENDMENT

Constitutional issues, §§ 3-1, 3-2,
3-7

FINDINGS

Special finding requirement, cur-
rent statutory law, § 2-8

FINES

Excessive Fines Clause chal-
lenges, constitutional issues,
§§ 3-4, 3-5

FIRE DEPARTMENTS

Municipal, County, and Volunteer
Fire Departments Nomencla-
ture Act, current statutory
law, § 2-52

FIRST AMENDMENT

Constitutional issues, § 3-8

INDEX

FLEEING FROM POLICE

Tort causes of action relating to motor vehicles, § 5-28

FOLLOWING TOO CLOSELY

Tort causes of action relating to motor vehicles, § 5-29

FOOD PRODUCTS

Disparagement of perishable food products, current statutory law, § 2-32

FORECLOSURE

Wrongful foreclosure, tort causes of action, § 5-47

FOURTEENTH AMENDMENT

Constitutional issues, §§ 3-1, 3-2

FRANCHISES FOR MOTOR VEHICLES

Current statutory law, §§ 2-39, 2-50

FRAUD

Deceptive Practices, this index
Standard of conduct, pre-trial litigation considerations, § 4-23
Tort causes of action, § 5-12

FUNDS

Georgia Underground Storage Tank (GUST) Trust Fund, current statutory law, § 2-43

GANGS

Georgia Street Gang Terrorism and Prevention Act, current statutory law, § 2-40

GARNISHMENT

Wrongful garnishment, tort causes of action, § 5-48

GEORGIA BUREAU OF INVESTIGATION NOMENCLATURE ACT OF 1995

Current statutory law, § 2-35

GEORGIA FAIR LENDING ACT

Current statutory law, § 2-36

GEORGIA FARM ANIMAL AND RESEARCH FACILITIES PROTECTION ACT

Current statutory law, § 2-21

GEORGIA HAZARDOUS SITE RESPONSE ACT

Current statutory law, § 2-37

GEORGIA INSURERS INSOLVENCY POOL ACT

Current statutory law, § 2-38

GEORGIA MOTOR VEHICLE FRANCHISE PRACTICES ACT

Current statutory law, § 2-39

GEORGIA STREET GANG TERRORISM AND PREVENTION ACT

Current statutory law, § 2-40

GEORGIA TIME-SHARE ACT

Current statutory law, § 2-42

GEORGIA TORT CLAIMS ACT

Current statutory law, § 2-41

GEORGIA UNDERGROUND STORAGE TANK (GUST) TRUST FUND

Current statutory law, § 2-43

GOVERNING MATTERS

Choice of law, pre-trial litigation considerations, § 4-29
Statutory penalty, setting aside awards, § 7-24

GOVERNMENTAL ENTITIES

Liability, pre-trial litigation considerations, § 4-10

GUILTY PLEAS

Evidentiary considerations for trial, § 6-5

PUNITIVE DAMAGES

GUST

Georgia Underground Storage Tank (GUST) Trust Fund, current statutory law, § 2-43

HAPPINESS

Injuries to happiness, current statutory law, § 2-16

HARASSMENT

Sexual harassment, tort causes of action, § 5-42

HARM

Injury or Harm, this index

HAZARDOUS SITE

Georgia Hazardous Site Response Act, current statutory law, § 2-37

HIGHWAYS

Failure to remove vehicle from highway, tort causes of action relating to motor vehicles, § 5-26

HIRING

Negligent hiring, tort causes of action, § 5-37

HISTORY OF PUNITIVE DAMAGES

Generally, §§ 1-1 to 1-4

HIT AND RUN

Tort causes of action relating to motor vehicles, § 5-30

HOUSING AND HOMES

Discriminatory housing practices, current statutory law, §§ 2-30, 2-31

Remedies for Residents of Personal Care Homes Act, current statutory law, § 2-58

ILLEGAL MATTERS

Unlawful Matters, this index

IMPRISONMENT

False imprisonment, tort causes of action, § 5-11

INADEQUACY

Sufficiency or Insufficiency, this index

INCOMPLETE VERDICT

Setting aside awards, post-trial considerations, § 7-21

INCONSISTENT VERDICT

Setting aside awards, post-trial considerations, § 7-20

INDIFFERENCE

Entire want of care that could raise presumption of conscious indifference to consequences, pre-trial litigation considerations regarding standard of conduct, § 4-26

INDUCING UNLAWFUL SUBLEASE OF MOTOR VEHICLE

Current statutory law, § 2-44

INFLICTION OF EMOTIONAL DISTRESS INTENTIONALLY

Tort causes of action, § 5-13

INFLUENCE

Driving under the influence, tort causes of action relating to motor vehicles, § 5-23

Racketeer Influenced and Corrupt Organizations Act, current statutory law, § 2-55

INJURY OR HARM

Liability for harm caused by animals, tort causes of action, § 5-15

Peace, happiness or feelings, current statutory law, § 2-16

INDEX

INJURY OR HARM—Cont'd

Specific intent to cause harm, pre-trial litigation considerations regarding standard of conduct, § 4-27

INSOLVENCY

Georgia Insurers Insolvency Pool Act, current statutory law, § 2-38

INSTALLATION

Negligent installation, tort causes of action, § 5-38

INSTRUCTIONS TO JURY

Trial considerations, § 6-20

INSUFFICIENCY

Sufficiency or Insufficiency, this index

INSURANCE

Actions against insurance companies, current statutory law, § 2-18

Bad faith refusal to settle insurance claim, tort causes of action, § 5-7

Georgia Insurers Insolvency Pool Act, current statutory law, § 2-38

Post-trial considerations, insurability of punitive damages awards, §§ 7-27, 7-28

Prohibited insurance practices, current statutory law, § 2-54

INTENT AND INTENTIONAL MATTERS

Collision, tort causes of action relating to motor vehicles, § 5-31

Infliction of emotional distress intentionally, tort causes of action, § 5-13

Specific intent to cause harm, pre-trial litigation considerations regarding standard of

INTENT AND INTENTIONAL MATTERS—Cont'd

conduct, § 4-27

Uncapped intentional tort awards, current statutory law, § 2-13

INTEREST, PRE-JUDGMENT

Post-trial considerations, § 7-26

INTERESTS

Conflict of interest, pre-trial litigation considerations, § 4-28

Real party in interest, pre-trial litigation considerations, § 4-1

INTERFERENCE

Lawful taking of wildlife, current statutory law, § 2-45

Tort causes of action, §§ 5-43, 5-44

INVASION OF PRIVACY

Tort causes of action, § 5-14

INVESTIGATION

Georgia Bureau of Investigation Nomenclature Act of 1995, current statutory law, § 2-35

JOINT TORTFEASORS

Liability, pre-trial litigation considerations, § 4-9

JUDGMENTS

Notwithstanding the verdict, post-trial considerations, §§ 7-3, 7-25

Pre-judgment interest, post-trial considerations, § 7-26

Summary judgment, pre-trial litigation considerations, § 4-36

JURY

Trial considerations, §§ 6-19 to 6-21

LABOR POOLS

Current statutory law, § 2-46

PUNITIVE DAMAGES

LACK OR ABSENCE

- Compensatory award, setting aside awards, § 7-9
- Entire want of care that could raise presumption of conscious indifference to consequences, pre-trial litigation considerations regarding standard of conduct, § 4-26
- Entitlement to compensatory award, setting aside awards, § 7-11

LATERAL SUPPORT

- Adjoining landowner's deprivation of lateral support, tort causes of action, § 5-5

LAW ENFORCEMENT

- Police, this index

LAWFUL TAKING OF WILDLIFE

- Interference, current statutory law, § 2-45

LAWYERS

- Attorneys, this index

LEASES

- Inducing unlawful sublease of motor vehicle, current statutory law, § 2-44

LEAVING SCENE OF ACCIDENT

- Tort causes of action relating to motor vehicles, § 5-30

LENDING

- Loans or Lending, this index

LEVY

- Wrongful levy, tort causes of action, § 5-49

LIABILITY

- Common carrier liability, tort causes of action relating to motor vehicles, § 5-19

LIABILITY—Cont'd

- Defamacasts, current statutory law, § 2-47
- Drug Dealer Liability Act, current statutory law, § 2-33
- Harm caused by animals, tort causes of action, § 5-15
- Insurance coverage, post-trial considerations, § 7-27
- Managed care entities, current statutory law, § 2-48
- Pre-trial litigation considerations, §§ 4-8 to 4-14
- Products liability, §§ 2-10, 5-40

LIBEL AND SLANDER

- Defamation, this index

LIMITATIONS

- Constitutional challenges to statutory limitations, § 3-11
- Statute of limitations, pre-trial litigation considerations, § 4-30
- Torts, current statutory law, § 2-4

LOANS OR LENDING

- Georgia Fair Lending Act, current statutory law, § 2-36
- Prohibited practices by loan brokers, current statutory law, § 2-53

LOOKOUT

- Failure to maintain proper lookout, tort causes of action relating to motor vehicles, § 5-25

MAINTAINING PROPER LOOKOUT

- Failure to maintain proper lookout, tort causes of action relating to motor vehicles, § 5-25

MAINTENANCE OR REPAIRS

- Repairs or Maintenance, this index

INDEX

MALICE

Standard of conduct, pre-trial litigation considerations, §§ 4-18, 4-22

MALICIOUS PROSECUTION

Tort causes of action, § 5-17

MALPRACTICE

Professional malpractice, tort causes of action, § 5-41

MANAGED CARE ENTITIES

Liability for managed care entities, current statutory law, § 2-48

MANDATORY BIFURCATION

Current statutory law, § 2-9

MANUFACTURERS

Regulation of tractor and farm equipment manufacturers, current statutory law, §§ 2-56, 2-57

MEDICAL PROBLEMS

Driving with medical problems that could cause blackouts, tort causes of action relating to motor vehicles, § 5-24

MENTAL SUFFERING OF PLAINTIFF

Evidentiary considerations for trial, § 6-12

MISAPPROPRIATION OF TRADE SECRETS

Current statutory law, § 2-49

MISCONDUCT

Willful misconduct, pre-trial litigation considerations regarding standard of conduct, § 4-21

MITIGATION OF DAMAGES

Evidentiary considerations for trial, § 6-16

MOTOR VEHICLES

Franchise Continuation and Succession Act, current statutory law, § 2-50

Georgia Motor Vehicle Franchise Practices Act, current statutory law, § 2-39

Inducing unlawful sublease of motor vehicle, current statutory law, § 2-44

Tort causes of action, §§ 5-18 to 5-36

Uninsured motorist coverage, insurability of punitive damages awards, § 7-28

Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act, current statutory law, § 2-65

MUNICIPAL, COUNTY, AND VOLUNTEER FIRE DEPARTMENTS NOMENCLATURE ACT

Current statutory law, § 2-52

MUNICIPAL AND COUNTY POLICE DEPARTMENTS' NOMENCLATURE ACT OF 1996

Current statutory law, § 2-51

MUNICIPAL CORPORATIONS

Liability, pre-trial litigation considerations, § 4-13

NATURE OF TORTFEASOR'S ACT CONTROLS

Standard of conduct, pre-trial litigation considerations, § 4-19

NEGLIGENCE

Standard of conduct, pre-trial litigation considerations, § 4-16

Tort causes of action, §§ 5-32, 5-37, 5-38

PUNITIVE DAMAGES

NO VESTED RIGHTS

Recovery, pre-trial litigation considerations, §§ 4-5, 4-6

NOLO CONTENDERE PLEAS

Evidentiary considerations for trial, § 6-6

NOMENCLATURE ACTS

Department of Public Safety
Nomenclature Act, current statutory law, § 2-28
Georgia Bureau of Investigation
Nomenclature Act of 1995, current statutory law, § 2-35
Municipal, County, and Volunteer
Fire Departments Nomenclature Act, current statutory law, § 2-52
Municipal and County Police
Departments' Nomenclature Act of 1996, current statutory law, § 2-51

NOMINAL DAMAGES'

SUFFICIENCY

Setting aside awards, post-trial considerations, § 7-10

NOTWITHSTANDING THE VERDICT JUDGMENT

Post-trial considerations, §§ 7-3, 7-25

NUISANCE

Tort causes of action, § 5-39

OFFICE OF CONSUMER AFFAIRS

Rules, current statutory law, § 2-59

OFFICIAL BONDS

Actions on official bonds, current statutory law, § 2-19

OMISSIONS

Similar omissions, evidentiary considerations for trial, § 6-4

ONE AWARD PROVISION

Current statutory law, § 2-11

OPPRESSION

Standard of conduct, pre-trial litigation considerations, § 4-25

ORDERS

Pre-trial order, § 4-37

ORGANIZATIONS

Racketeer Influenced and Corrupt
Organizations Act, current statutory law, § 2-55

OUT-OF-STATE PRINCIPAL

Wholesale distribution by out-of-state principal, current statutory law, § 2-66

OWNERS

Adjoining landowner's deprivation of lateral support, tort causes of action, § 5-5

PARTIES

Co-defendant's judgment notwithstanding the verdict, setting aside awards, § 7-25
Pre-trial litigation considerations, §§ 4-1 to 4-14

PARTS FOR MOTOR VEHICLES

Used Motor Vehicle Dealers' and
Used Motor Vehicle Parts
Dealers' Registration Act, current statutory law, § 2-65

PASSION

Undue passion, setting aside award for excessiveness, § 7-7

PEACE

Injuries to peace, current statutory law, § 2-16

INDEX

PENALTIES

- Excessive Fines Clause challenges, constitutional issues, §§ 3-4, 3-5
- Governing statutory penalty, setting aside awards, § 7-24

PERISHABLE FOOD PRODUCTS

- Disparagement of perishable food products, current statutory law, § 2-32

PERSONAL CARE HOMES

- Remedies for Residents of Personal Care Homes Act, current statutory law, § 2-58

PERSONAL CONTACT UNNECESSARY

- Standard of conduct, pre-trial litigation considerations, § 4-17

PERSONAL PROPERTY

- Conversion and trover, tort causes of action, § 5-10
- Current statutory law, § 2-27

PLEAS

- Evidentiary considerations for trial, §§ 6-5, 6-6

POLICE

- Fleeing from police, tort causes of action relating to motor vehicles, § 5-28
- Municipal and County Police Departments' Nomenclature Act of 1996, current statutory law, § 2-51

POOLS

- Georgia Insurers Insolvency Pool Act, current statutory law, § 2-38
- Labor pools, current statutory law, § 2-46

POST-TORT MATTERS

- Conduct, evidentiary considerations for trial, § 6-9
- State of mind of defendant, pre-trial litigation considerations, § 4-20

POST-TRIAL CONSIDERATIONS

- Generally, §§ 7-1 to 7-30

PRACTICES

- Deceptive Practices, this index
- Discriminatory housing practices, current statutory law, §§ 2-30, 2-31
- Fair Business Practices Act, current statutory law, §§ 2-29, 2-34
- Georgia Motor Vehicle Franchise Practices Act, current statutory law, § 2-39
- Prohibited Practices, this index
- Unfair practices toward elderly persons, current statutory law, § 2-63

PRAAYER FOR RELIEF

- Specific prayer requirement, current statutory law, § 2-7

PRE-JUDGMENT INTEREST

- Post-trial considerations, § 7-26

PREJUDICE

- Undue prejudice, setting aside award for excessiveness, § 7-7

PRESUMPTIONS

- Entire want of care that could raise presumption of conscious indifference to consequences, pre-trial litigation considerations regarding standard of conduct, § 4-26

PRE-TRIAL MATTERS

- Generally, §§ 4-1 to 4-37

PUNITIVE DAMAGES

PRE-TRIAL MATTERS—Cont'd

- Admissions, requests for, § 4-35
- Answer, § 4-32
- Choice of law, § 4-29
- Complaint, § 4-31
- Conflict of interest, § 4-28
- Default, § 4-33
- Discovery, §§ 4-34, 4-35
- Orders, § 4-37
- Standard of conduct, §§ 4-15 to 4-27
- Statute of limitations, § 4-30
- Summary judgment, § 4-36
- Who may be liable, §§ 4-8 to 4-14
- Who may recover, §§ 4-1 to 4-7

PREVENTION

- Georgia Street Gang Terrorism and Prevention Act, current statutory law, § 2-40

PRINCIPAL

- Wholesale distribution by out-of-state principal, current statutory law, § 2-66

PRIVACY INVASION

- Tort causes of action, § 5-14

PRIVATE CIVIL ACTIONS

- Discriminatory housing practices, current statutory law, § 2-31

PRIVATE CORPORATIONS

- Liability, pre-trial litigation considerations, § 4-12

PROCEDURAL DUE PROCESS

- Constitutional issues, § 3-2

PRODUCTS

- Disparagement of perishable food products, current statutory law, § 2-32
- Liability, §§ 2-10, 5-40

PROFESSIONAL

MALPRACTICE

- Tort causes of action, § 5-41

PROHIBITED PRACTICES

- Insurance, current statutory law, § 2-54
- Loan brokers, current statutory law, § 2-53

PROOF

- Evidence, this index

PROPER LOOKOUT

- Failure to maintain proper lookout, tort causes of action relating to motor vehicles, § 5-25

PROPERTY

- Adjoining landowner's deprivation of lateral support, tort causes of action, § 5-5
- Personal Property, this index

PROTECTION

- Equal Protection Clause challenges, constitutional issues, § 3-6
- Georgia Farm Animal and Research Facilities Protection Act, current statutory law, § 2-21

PROVINCE OF JURY

- Trial considerations, § 6-19

PUBLIC SAFETY

- Department of Public Safety Nomenclature Act, current statutory law, § 2-28

PUBLIC SERVICE CORPORATIONS

- Liability, pre-trial litigation considerations, § 4-14

PUNISHMENT

- Evidentiary considerations for trial, § 6-8

INDEX

PURPOSE

- Current statutory law, § 2-3
- Unlawful purpose of award, setting aside awards, § 7-22

RACING

- Drag racing, tort causes of action relating to motor vehicles, § 5-20

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT

- Current statutory law, § 2-55

RAILROAD COMPANIES

- Cause of damages, current statutory law, § 2-26

RATIO OF PUNITIVE TO COMPENSATORY

- Excessiveness, setting aside awards, § 7-6

REAL PARTY IN INTEREST

- Recovery, pre-trial litigation considerations, § 4-1

REAL PROPERTY

- Adjoining landowner's deprivation of lateral support, tort causes of action, § 5-5

RECKLESS DRIVING

- Tort causes of action relating to motor vehicles, § 5-33

RECOVERY

- Double recovery, setting aside awards, § 7-23
- Pre-trial litigation considerations, §§ 4-1 to 4-7

RED LIGHTS

- Running red light, tort causes of action relating to motor vehicles, § 5-34

REFUSAL TO SETTLE

- Bad faith refusal to settle insurance claim, tort causes of action, § 5-7

REGISTRATION

- Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act, current statutory law, § 2-65

REGULATION

- Tractor and farm equipment manufacturers, distributors and dealers, current statutory law, §§ 2-56, 2-57

RELIANCE

- Conduct relied upon unrelated to tort, setting aside awards, § 7-16

REMITTITUR

- Post-trial considerations, § 7-1

REMOVAL OF VEHICLE

- Failure to remove vehicle from highway, tort causes of action relating to motor vehicles, § 5-26

RENDER AID

- Failure to render aid, tort causes of action relating to motor vehicles, § 5-30

REPAIRS OR MAINTENANCE

- Faulty maintenance of vehicle, tort causes of action relating to motor vehicles, § 5-27
- Negligent repair, tort causes of action, § 5-38

REPOSSESSION

- Wrongful repossession, tort causes of action, § 5-50

REQUESTS FOR ADMISSIONS

- Pre-trial litigation considerations, § 4-35

PUNITIVE DAMAGES

RESEARCH FACILITIES

Georgia Farm Animal and
Research Facilities Protection
Act, current statutory law,
§ 2-21

RESIDENTS

Remedies for Residents of
Personal Care Homes Act,
current statutory law, § 2-58

RESPONSE

Georgia Hazardous Site Response
Act, current statutory law,
§ 2-37

RESTRICTIONS

Limitations, this index

RETENTION

Negligent retention, tort causes of
action, § 5-37

RETRACTION

Admissibility of evidence in libel
actions concerning correction
and retraction, current statu-
tory law, § 2-20

RETROACTIVITY

Recovery, pre-trial litigation
considerations, § 4-7

RIGHTS

Vested rights, pre-trial litigation
considerations, §§ 4-5, 4-6

ROADS

Tort causes of action relating to
motor vehicles, §§ 5-21, 5-35

RULES OF OFFICE OF CONSUMER AFFAIRS

Current statutory law, § 2-59

RUNNING RED LIGHT

Tort causes of action relating to
motor vehicles, § 5-34

RUNNING VEHICLE OFF THE ROAD

Tort causes of action relating to
motor vehicles, § 5-35

SAFETY

Department of Public Safety
Nomenclature Act, current
statutory law, § 2-28

SALES

Below Cost Sales Act, current
statutory law, § 2-23
Wholesale distribution by out-of-
state principal, current statu-
tory law, § 2-66

SANCTIONS

Penalties, this index

SCENE OF ACCIDENT

Leaving scene of accident, tort
causes of action relating to
motor vehicles, § 5-30

SECRETS

Misappropriation of trade secrets,
current statutory law, § 2-49

SEDUCTION OF DAUGHTER

Current statutory law, § 2-60

SERVICES

Avoidance of charges for telecom-
munications services, current
statutory law, § 2-22
Public service corporations'
liability, pre-trial litigation
considerations, § 4-14

SETTING ASIDE AWARDS

Post-trial considerations, §§ 7-4 to
7-25

SETTLEMENT

Bad faith refusal to settle insur-
ance claim, tort causes of
action, § 5-7

INDEX

SEXUAL HARASSMENT

Tort causes of action, § 5-42

SIGNATURES

Unauthorized use of electronic signature, current statutory law, § 2-62

SIMILAR ACTS OR OMISSIONS

Evidentiary considerations for trial, § 6-4

SITE

Georgia Hazardous Site Response Act, current statutory law, § 2-37

SIXTH AMENDMENT

Confrontation Clause challenges, constitutional issues, § 3-10

SLANDER AND LIBEL

Defamation, this index

SOLICITATIONS

Charitable solicitations, current statutory law, § 2-24

SPECIAL FINDING REQUIREMENT

Current statutory law, § 2-8

SPECIFIC INTENT TO CAUSE HARM

Standard of conduct, pre-trial litigation considerations, § 4-27

SPECIFIC MALICE

Standard of conduct, pre-trial litigation considerations, § 4-18

SPECIFIC PRAYER REQUIREMENT

Current statutory law, § 2-7

SPEED OR SPEEDING

Tort causes of action relating to motor vehicles, §§ 5-22, 5-36

STANDARDS

Conduct, this index

STANDARDS—Cont'd

Proof, current statutory law, § 2-5

STATE

Apportionment to state, current statutory law, § 2-12

Common law, history of punitive damages, § 1-4

Constitutional issues, §§ 3-3, 3-5, 3-6, 3-11

Current statutory law, §§ 2-1 to 2-66

STATE OF MIND

Post-tort state of mind of defendant, pre-trial litigation considerations regarding standard of conduct, § 4-20

STATUTE OF LIMITATIONS

Pre-trial litigation considerations, § 4-30

STATUTES

Constitutional challenges to statutory limitations, § 3-11

Current statutory law, §§ 2-1 to 2-66

Governing statutory penalty, setting aside awards, § 7-24

History of punitive damages, § 1-4

STORAGE TANKS

Georgia Underground Storage Tank (GUST) Trust Fund, current statutory law, § 2-43

STREET GANGS

Georgia Street Gang Terrorism and Prevention Act, current statutory law, § 2-40

SUBLEASES

Inducing unlawful sublease of motor vehicle, current statutory law, § 2-44

SUBSEQUENT REMEDIAL MEASURES

Evidentiary considerations for trial, § 6-10

PUNITIVE DAMAGES

SUBSTANTIVE DUE PROCESS
Constitutional issues, § 3-1

SUCCESSION OF FRANCHISE
Motor Vehicle Franchise Continuation and Succession Act, current statutory law, § 2-50

SUFFERING
Mental suffering of plaintiff, evidentiary considerations for trial, § 6-12

SUFFICIENCY OR INSUFFICIENCY
Evidence of egregious conduct, setting aside awards, § 7-12
Negligence, pre-trial litigation considerations regarding standard of conduct, § 4-16
Nominal damages, setting aside awards, § 7-10

SUMMARY JUDGMENT
Pre-trial litigation considerations, § 4-36

SURROUNDING CIRCUMSTANCES ACCOMPANYING BREACH OF DUTY
Evidentiary considerations for trial, § 6-13

TAKING OF WILDLIFE
Interference with lawful taking of wildlife, current statutory law, § 2-45

TANKS
Georgia Underground Storage Tank (GUST) Trust Fund, current statutory law, § 2-43

TANNING FACILITIES
Current statutory law, § 2-61

TAX ISSUES
Post-trial considerations, § 7-30

TELECOMMUNICATIONS SERVICES
Avoidance of charges for telecommunications services, current statutory law, § 2-22

TERRORISM
Georgia Street Gang Terrorism and Prevention Act, current statutory law, § 2-40

TIME OR DATE
Applicability date, current statutory law, § 2-15
Statute of limitations, pre-trial litigation considerations, § 4-30

TIME-SHARES
Georgia Time-Share Act, current statutory law, § 2-42

TORTS
Causes of action, §§ 5-4 to 5-50
Current statutory law, §§ 2-4, 2-13, 2-41
Negligence, this index
Post-Tort Matters, this index
Pre-trial litigation considerations, §§ 4-9, 4-15 to 4-27
Setting aside awards, post-trial considerations, §§ 7-15 to 7-18
Standard of conduct, pre-trial litigation considerations, §§ 4-15 to 4-27

TRACTORS
Regulation of tractor manufacturers, distributors and dealers, current statutory law, § 2-57

TRADE
Misappropriation of trade secrets, current statutory law, § 2-49
Uniform Deceptive Trade Practices Act, current statutory law, § 2-29

INDEX

TRESPASS

Tort causes of action, § 5-45

TRIAL

Bifurcation of trial, §§ 2-9, 6-1

Considerations, §§ 6-1 to 6-21

Post-trial considerations, §§ 7-1 to 7-30

Pre-trial Matters, this index

TRIFURCATION

Trial considerations, § 6-2

TROVER AND CONVERSION

Tort causes of action, § 5-10

TRUST FUNDS

Georgia Underground Storage
Tank (GUST) Trust Fund,
current statutory law, § 2-43

UNAUTHORIZED USE OF ELECTRONIC SIGNATURE

Current statutory law, § 2-62

UNCAPPED AWARDS

Current statutory law, §§ 2-10,
2-13

UNCERTAINTY REGARDING AWARD

Setting aside awards, post-trial
considerations, §§ 7-18, 7-19

UNDERGROUND STORAGE TANKS

Georgia Underground Storage
Tank (GUST) Trust Fund,
current statutory law, § 2-43

UNDERLYING MATTERS

Setting aside awards, post-trial
considerations, §§ 7-13 to
7-15

UNDUE PASSION OR PREJUDICE

Excessiveness, setting aside
awards, § 7-7

UNFAIR PRACTICES TOWARD ELDERLY PERSONS

Current statutory law, § 2-63

UNIFORM COMMERCIAL CODE

Current statutory law, § 2-64

UNIFORM DECEPTIVE TRADE PRACTICES ACT

Current statutory law, § 2-29

UNINSURED MOTORIST COVERAGE

Insurability of punitive damages
awards, post-trial
considerations, § 7-28

USE OF ELECTRONIC SIGNATURE

Unauthorized use, current statu-
tory law, § 2-62

USED MOTOR VEHICLE DEALERS' AND USED MOTOR VEHICLE PARTS DEALERS' REGISTRATION ACT

Current statutory law, § 2-65

VEHICLES

Motor Vehicles, this index

VERDICTS

Incomplete verdict, § 7-21

Inconsistent verdict, § 7-20

Judgment notwithstanding the
verdict, post-trial
considerations, §§ 7-3, 7-25

Setting aside awards, post-trial
considerations, §§ 7-20, 7-21,
7-25

Trial considerations, §§ 6-18, 6-21

VESTED RIGHTS

Recovery, pre-trial litigation
considerations, §§ 4-5, 4-6

PUNITIVE DAMAGES

VICARIOUS LIABILITY

Pre-trial litigation considerations,
§ 4-8

VIOLATIONS

Uniform Deceptive Trade Prac-
tices Act and Fair Business
Practices Act, current statu-
tory law, § 2-29

**VOLUNTEER FIRE
DEPARTMENTS**

Municipal, County, and Volunteer
Fire Departments Nomencla-
ture Act, current statutory
law, § 2-52

WANTONNESS

Standard of conduct, pre-trial liti-
gation considerations, § 4-24

WEALTH OF DEFENDANT

Evidentiary considerations for
trial, § 6-11

**WHOLESALE DISTRIBUTION
BY OUT-OF-STATE
PRINCIPAL**

Current statutory law, § 2-66

WILDLIFE

Interference with lawful taking of
wildlife, current statutory
law, § 2-45

WILLFUL MISCONDUCT

Standard of conduct, pre-trial liti-
gation considerations, § 4-21

WITNESSES

Confrontation Clause challenges,
constitutional issues, § 3-10

WRITE-OFF

Post-trial considerations, § 7-2

**WRONG SIDE OF ROAD
DRIVING**

Tort causes of action relating to
motor vehicles, § 5-21