

# Table of Contents

## CHAPTER 1. A 4,000-YEAR PERSPECTIVE ON TORT LAW

- § 1:1 Early beginnings
- § 1:2 Greek influences
- § 1:3 Roman law
- § 1:4 Development of common law
- § 1:5 Modern times

## CHAPTER 2. INITIAL INTERVIEW

- § 2:1 Purposes of the initial interview with the prospective plaintiff
- § 2:2 Determining the proper client and other interested parties
- § 2:3 Pre-screening and interview preparation
- § 2:4 Interview location
- § 2:5 What to tell the client to bring
- § 2:6 Interview techniques
- § 2:7 —Set the client at ease
- § 2:8 —Let the client tell the story
- § 2:9 —Incident information
- § 2:10 —Client personal background information
- § 2:11 —Injury information
- § 2:12 —Explore the bigger picture
- § 2:13 Evaluation of jury appeal
- § 2:14 Managing expectations
- § 2:15 Begin preparation of initial discovery responses in advance
- § 2:16 Review medical care options
- § 2:17 Instructions to the new client
- § 2:18 Referral as malpractice prevention
- § 2:19 Non-engagement or withdrawal letter
- § 2:20 Data entry and docket control initiation
- § 2:21 Initial interview with the defense client
- § 2:22 Statutes of limitation considerations
- § 2:23 —Specific limitation and ante litem notice periods
- § 2:24 —Statutes of ultimate repose

§ 2:25 —Statute tolling provisions

### **CHAPTER 3. FEES AND REPRESENTATION AGREEMENTS**

- § 3:1 Contingent fee agreements
- § 3:2 —Caption
- § 3:3 —Identification of parties and subject matter
- § 3:4 —Consent to settlement and written settlement documents
- § 3:5 —Formulas and amounts
- § 3:6 —Alternative fee when representation terminated before completion of case
- § 3:7 Fees recovered from opponent
- § 3:8 Lien provisions
- § 3:9 Reimbursement of advanced expenses
- § 3:10 Interest on expenses advanced
- § 3:11 Professional courtesies controlled by attorney
- § 3:12 Trust accounts—Payment of liens and medical expenses; IOLTA authorization
- § 3:13 File retention
- § 3:14 No representation of value; right to withdraw
- § 3:15 Limited scope of representation
- § 3:16 Withdrawal of client who later makes claim to funds recovered
- § 3:17 No representation of anyone not named
- § 3:18 Bankruptcy petition by client
- § 3:19 Agreement not comprehensive of all matters
- § 3:20 Arbitration of fee disputes; client complaints
- § 3:21 Client communication, contact, and participation obligations
- § 3:22 Association of other counsel
- § 3:23 Signatures
- § 3:24 Attorney fee awards
- § 3:25 —Offer of judgment or settlement
- § 3:26 —Frivolous claim or defense
- § 3:27 —Abusive litigation
- § 3:28 —Post-judgment motion where claim or defense lacks substantial justification, was interposed for delay or harassment, or party expanded the proceedings
- § 3:29 —Bad faith, stubborn litigiousness, unnecessary trouble and expense

TABLE OF CONTENTS

**CHAPTER 4. ETHICS &  
PROFESSIONALISM**

- § 4:1 Guides for hard choices
- § 4:2 Competence, referrals, and specialization
- § 4:3 Scope of representation
- § 4:4 Fees—Ethical considerations
- § 4:5 Client expenses
- § 4:6 Client under disability
- § 4:7 Conflicts and disqualification
- § 4:8 Trust accounts
- § 4:9 Marketing and advertising
- § 4:10 Communications with represented persons
- § 4:11 Communications with employees of current and  
former corporate defendants
- § 4:12 Communications with unrepresented persons
- § 4:13 Multijurisdictional practice
- § 4:14 Insurance defense practice—Tripartite  
relationship
- § 4:15 —Scope of representation
- § 4:16 —Fee arrangements
- § 4:17 —Outside counsel guidelines and billing audits
- § 4:18 —Reservation of rights defense
- § 4:19 —Consideration of insured’s personal or business  
interests
- § 4:20 —Control
- § 4:21 Representing insurers—Subrogation
- § 4:22 Attorney indemnity clauses in settlement  
agreements
- § 4:23 Professionalism
- § 4:24 —Lawyer’s Creed
- § 4:25 —Aspirational Statement on Professionalism
- § 4:26 —Macon Bar Association’s Assurances of  
Professionalism

**CHAPTER 5. INVESTIGATION**

- § 5:1 General considerations
- § 5:2 Ethical and legal considerations in conduct of  
investigation
- § 5:3 Preservation of evidence
- § 5:4 —Photographs
- § 5:5 —Memories of pain
- § 5:6 —911 calls

## TRIAL PREPARATION AND PRACTICE

- § 5:7 —News media photos and video
- § 5:8 —Scene video
- § 5:9 —Other sources of photographs and video
- § 5:10 —Early expert involvement
- § 5:11 —Attend traffic court or other hearing
- § 5:12 —Requests for preservation of evidence
- § 5:13 Temporary restraining order to preserve evidence
- § 5:14 Strategic planning for further investigation
- § 5:15 Private investigators
- § 5:16 Online investigation resources
- § 5:17 Law enforcement sources
- § 5:18 Witness interviews
- § 5:19 The client—Due diligence
- § 5:20 —General background check
- § 5:21 —Criminal history
- § 5:22 —Educational background
- § 5:23 —Work history
- § 5:24 —Medical history
- § 5:25 —Claims history
- § 5:26 —Surveillance
- § 5:27 —Medical examination
- § 5:28 —Facebook and other online social networking information
- § 5:29 Follow-up with the officer
- § 5:30 Follow-up witness interviews
- § 5:31 Documenting the scene
- § 5:32 Investigation of damages
- § 5:33 Background investigation of the defendant(s)
- § 5:34 Obtain insurance information
- § 5:35 Government records
- § 5:36 Witness interview techniques
- § 5:37 Use of experts in investigation
- § 5:38 Informants

## **CHAPTER 6. INSURANCE CONSIDERATIONS AND OVERVIEW OF AUTOMOBILE INSURANCE COVERAGE**

- § 6:1 Relationship between insurance and tort law
- § 6:2 Types of insurance
- § 6:3 Liability insurance—Overview and coverage minimum limits
- § 6:4 —Determining extent of coverage



## TABLE OF CONTENTS

- § 6:5 —Settlement under limited release
- § 6:6 —Rideshare services (Uber, Lyft, etc.)
- § 6:7 First-party insurance—Medical payments coverage
- § 6:8 —Uninsured motorist coverage
- § 6:9 —Property damage coverage
- § 6:10 Third-party penalties for property damages
- § 6:11 Bad faith—Insurers’ duties to insureds
- § 6:12 —First-party
- § 6:13 —Third-party
- § 6:14 Uniform Voidable Transactions Act
- § 6:15 Declaratory judgment actions and the insurer’s reservation of rights
- § 6:16 Direct actions against insurers in cases involving motor carriers

## CHAPTER 7. TORT DAMAGES

- § 7:1 Overview
- § 7:2 Types of damages
- § 7:3 General damages
- § 7:4 Special damages—Medical expenses
- § 7:5 —Lost income and related damages
- § 7:6 —Property claims
- § 7:7 Loss of consortium
- § 7:8 Punitive damages—Requirements and procedures
- § 7:9 —Limitations
- § 7:10 Wrongful death cases
- § 7:11 Attorneys’ fees and expenses of litigation
- § 7:12 Interest—Pre-judgment
- § 7:13 —Post-judgment
- § 7:14 Apportionment of damages

## CHAPTER 8. MEDICAL INFORMATION

- § 8:1 Importance of medical information in personal injury cases
- § 8:2 Federal HIPAA medical privacy regulations
- § 8:3 Electronic medical records under HITECH Act
- § 8:4 Georgia law regarding medical information
- § 8:5 Correlation of HIPAA and Georgia Law
- § 8:6 Medical information obtained from the physician
- § 8:7 Hospital records—Details
- § 8:8 Therapy and other medical records

- § 8:9 Admissibility of medical records
- § 8:10 Mental health records
- § 8:11 Adverse medical examination
- § 8:12 Medical narrative report
- § 8:13 Audit trails

## **CHAPTER 9. LIENS AND REIMBURSEMENT CLAIMS**

- § 9:1 General considerations
- § 9:2 Full compensation rule—Insurance law
- § 9:3 —Workers’ compensation law
- § 9:4 Hospital and medical services liens
- § 9:5 Employee Retirement and Insurance Security Act of 1974 (ERISA)
- § 9:6 —Reimbursement and subrogation
- § 9:7 —Defenses to reimbursement or subrogation
- § 9:8 Medicare reimbursement
- § 9:9 —Legislative history
- § 9:10 —Reporting requirements and risks for insurers
- § 9:11 —Liability risk for plaintiffs’ attorneys
- § 9:12 —Tort defenses and apportionment of damages
- § 9:13 —Wrongful death
- § 9:14 —Direct action by Medicare
- § 9:15 —Authorized reductions and waivers
- § 9:16 —Medicare Set Aside Allocation (MSA)
- § 9:17 —Secondary payer claims—Case intake
- § 9:18 — —Notice to Benefits Coordination and Recovery Center (BCRC)
- § 9:19 — —The conditional payment letter
- § 9:20 — —Review of conditional payment letter
- § 9:21 — —Pre-settlement request for compromise
- § 9:22 — —Notification of settlement or judgment
- § 9:23 — —Establishment of structures or trusts
- § 9:24 — —Review of Medicare Secondary Payer Manual and website
- § 9:25 Medicaid
- § 9:26 —Federal laws on Medicaid liens, subrogation and reimbursement
- § 9:27 —Georgia law on Medicaid liens and reimbursement
- § 9:28 —Dealing with a Medicaid lien
- § 9:29 Federal employee health benefits

## TABLE OF CONTENTS

- § 9:30 Federal employee workers' compensation
- § 9:31 Military personnel
- § 9:32 Letters of protection and contractual "liens"

## **CHAPTER 10. CASE MANAGEMENT**

- § 10:1 Importance of organization
- § 10:2 Docket deadlines
- § 10:3 Physical file system
- § 10:4 Trial notebook
- § 10:5 Set up computer file system
- § 10:6 Read the file
- § 10:7 The fruits of organization

## **CHAPTER 11. JURY PSYCHOLOGY**

- § 11:1 Unanimity required
- § 11:2 The role of juries in American culture
- § 11:3 Jury decision processes
- § 11:4 Cognitive frameworks
- § 11:5 Emotions
- § 11:6 Common biases
- § 11:7 Rules, reptiles, and betrayal
- § 11:8 Common sense justice

## **CHAPTER 12. FORUM SELECTION**

- § 12:1 Critical importance of forum selection
- § 12:2 Interaction of subject matter jurisdiction, personal jurisdiction, and venue
- § 12:3 Factors to consider
- § 12:4 Consult local counsel in unfamiliar venues
- § 12:5 Consider all possible options
- § 12:6 Georgia court systems: magistrate court, state court, superior court, or business court?
- § 12:7 Defense considerations

## **CHAPTER 13. SUBJECT MATTER JURISDICTION**

- § 13:1 Basic principles
- § 13:2 Subject matter jurisdiction not waivable
- § 13:3 Subject matter jurisdiction of superior courts
- § 13:4 Subject matter jurisdiction of state courts
- § 13:5 Subject matter jurisdiction of magistrate courts

- § 13:6 Subject matter jurisdiction of probate courts
- § 13:7 Sovereign immunity and subject matter jurisdiction

## **CHAPTER 14. PERSONAL JURISDICTION**

- § 14:1 Definition
- § 14:2 Waiver
- § 14:3 Jurisdiction over persons within the physical boundaries of the state
- § 14:4 Long-arm jurisdiction over non-residents
- § 14:5 —Statutory provisions
- § 14:6 —Non-resident defined
- § 14:7 —Scope of Georgia's long-arm statute
- § 14:8 —Co-conspirators
- § 14:9 —Transacts any business within the state
- § 14:10 —Commits a tortious act or omission within the state
- § 14:11 —Tortious injury caused by an act or omission outside the state
- § 14:12 —Owns, uses, or possesses any real property situated within the state
- § 14:13 —Proceedings for alimony, child support, or division of property
- § 14:14 —Constitutional analysis
- § 14:15 — —Minimum contacts
- § 14:16 — —Fair play and substantial justice
- § 14:17 Nonresident Motorist Act
- § 14:18 —Scope
- § 14:19 —Express or implied control or direction
- § 14:20 —Service of process

## **CHAPTER 15. VENUE**

- § 15:1 Venue basics
- § 15:2 Waiver of venue
- § 15:3 Time for determining venue
- § 15:4 Forum non conveniens
- § 15:5 Single tortfeasor
- § 15:6 Joint tortfeasors
- § 15:7 Business corporations, nonprofit corporations, and limited liability companies
- § 15:8 Partnerships

## TABLE OF CONTENTS

§ 15:9	Unincorporated associations
§ 15:10	Third-party actions, counterclaims, or cross-claims
§ 15:11	Railroads and electric companies
§ 15:12	Motor carriers and their insurers
§ 15:13	Venue as to insurance companies
§ 15:14	Venue under the long-arm statute
§ 15:15	Venue under the Georgia Nonresident Motorist Act
§ 15:16	Sojourners and transients
§ 15:17	State government and governmental authorities
§ 15:18	Change of venue due to inability to seat impartial jury
§ 15:19	Transfer procedure
§ 15:20	Federal venue

## CHAPTER 16. FEDERAL COURT CONSIDERATIONS

§ 16:1	Choice of federal or state forum in general
§ 16:2	Federal jurisdiction, generally
§ 16:3	Venue in federal court
§ 16:4	Pros and cons of state and federal courts
§ 16:5	—Avoid “home cooking”
§ 16:6	—Differences in procedural and evidentiary rules
§ 16:7	—Judicial expertise in federal law issues
§ 16:8	—Electronic court filing
§ 16:9	—Case management dynamics in federal courts
§ 16:10	—Weighing the factors
§ 16:11	Local rules
§ 16:12	Motions to dismiss
§ 16:13	Summary judgment
§ 16:14	Calculation of time
§ 16:15	Deadlines
§ 16:16	Amendments to complaint
§ 16:17	Discovery limitations
§ 16:18	Discovery from non-parties
§ 16:19	Pre-trial orders
§ 16:20	Disclosure of experts
§ 16:21	Admissibility of expert opinions
§ 16:22	Medical narratives
§ 16:23	Proof of medical bills

- § 16:24 Jury selection
- § 16:25 Closing argument
- § 16:26 Rules comparison chart
- § 16:27 Diversity of citizenship
- § 16:28 —Jurisdictional amount
- § 16:29 Removal from state court
- § 16:30 —Diversity jurisdiction
- § 16:31 —Federal question jurisdiction
- § 16:32 —Procedure
- § 16:33 —Motion to remand
- § 16:34 —Post-removal procedure
- § 16:35 —Costs, fees, expenses
- § 16:36 Attorney fees and sanctions

## **CHAPTER 17. GOVERNMENTAL LIABILITY**

- § 17:1 Overview
- § 17:2 Sovereign immunity and qualified/official immunity compared
- § 17:3 Claims against the state—Georgia Tort Claims Act background
- § 17:4 —General basis and limitations of liability
- § 17:5 —Exceptions from liability
- § 17:6 — —Due care in execution of statute, rule, or ordinance
- § 17:7 — —Discretionary functions
- § 17:8 — —Tax collection or detention of goods
- § 17:9 — —Legislative, judicial, or prosecutorial action
- § 17:10 — —Civil disturbance, riot, insurrection, provision of protective services
- § 17:11 — —Intentional torts
- § 17:12 — —Inspection powers or functions
- § 17:13 — —Licensing powers or functions
- § 17:14 — —Roads, bridges, and public works
- § 17:15 — —Finance regulatory activities
- § 17:16 — —National Guard activities
- § 17:17 — —“Y2K” computer issues
- § 17:18 Ante litem notice
- § 17:19 —State of Georgia
- § 17:20 —Counties (presentation requirement)
- § 17:21 —Municipalities
- § 17:22 —Consolidated city and county governments

## TABLE OF CONTENTS

- § 17:23 —Other entities
- § 17:24 Claims against counties
- § 17:25 Claims against municipalities
- § 17:26 Local government liability for automobile collisions and use of motor vehicles
- § 17:27 Claims against school districts and other non-state entities
- § 17:28 Constitutional torts under 42 U.S.C.A. § 1983
- § 17:29 Claims against federal government: Federal Tort Claims Act
- § 17:30 —Scope of waiver of immunity
- § 17:31 —Procedure

## CHAPTER 18. THEORIES AND THEMES

- § 18:1 Rooted in reality
- § 18:2 Investigation, discovery, and focus groups
- § 18:3 Developing legal theories
- § 18:4 Effects of tort reform legislation
- § 18:5 —Apportionment of fault
- § 18:6 —Medical malpractice
- § 18:7 Insurance coverages
- § 18:8 Trial themes
- § 18:9 Draft jury instructions

## CHAPTER 19. FILING SUIT

- § 19:1 Preparing the client for litigation
- § 19:2 Draft the complaint
- § 19:3 —Special attachment requirements in professional malpractice and Georgia Tort Claims Act cases
- § 19:4 Draft initial discovery requests
- § 19:5 File and serve
- § 19:6 Review the answer
- § 19:7 Redaction of personal information in civil filings
- § 19:8 Electronic filing
- § 19:9 Refiling and renewal after dismissal
- § 19:10 Counterclaims, cross-claims, and third-party complaints

## CHAPTER 20. DISCOVERY OVERVIEW

- § 20:1 General considerations of discovery
- § 20:2 Timing and sequence of discovery

- § 20:3 Period for compulsory discovery
- § 20:4 Scope of discovery
- § 20:5 Methods of discovery, generally
- § 20:6 Stipulated protective orders

## **CHAPTER 21. DISCOVERY PAPER WORKS: INTERROGATORIES, REQUESTS TO PRODUCE, AND REQUESTS TO ADMIT**

- § 21:1 Generally
- § 21:2 Written interrogatories
- § 21:3 Request for production to a party
- § 21:4 Request for production to a non-party
- § 21:5 Response to request for production
- § 21:6 Electronic discovery
- § 21:7 Entry and inspections of land
- § 21:8 Requests for admission
- § 21:9 Asserting privileges in discovery
- § 21:10 Discovery of other similar incidents

## **CHAPTER 22. DEPOSITIONS**

- § 22:1 Generally
- § 22:2 Pre-complaint depositions
- § 22:3 Procedure for taking depositions after suit is  
filed
- § 22:4 Stenographic recording of depositions
- § 22:5 Video recording of depositions
- § 22:6 Deposition questions and objections
- § 22:7 Length of deposition
- § 22:8 Objections
- § 22:9 Deposition of a records custodian
- § 22:10 Deposition of organizations
- § 22:11 Depositions of high-ranking corporate and  
organizational members; “apex” doctrine
- § 22:12 Deposition on written questions
- § 22:13 Signature and errata sheets
- § 22:14 Introduction of depositions into evidence
- § 22:15 Depositions pending appeal

## **CHAPTER 23. PHYSICAL AND MENTAL EXAMINATIONS**

- § 23:1 General considerations



## TABLE OF CONTENTS

- § 23:2 Requirements for compulsory adverse examinations
- § 23:3 Selection of examiner
- § 23:4 Monitoring and recording of examination
- § 23:5 Cross-examination of the examiner
- § 23:6 Copy of examiner's report and return of records
- § 23:7 *Daubert* challenges to testimony of examining physician
- § 23:8 Use of adverse examinations by the plaintiff
- § 23:9 Defense tactics regarding adverse examinations

## CHAPTER 24. PRIVILEGES

- § 24:1 Generally
- § 24:2 Attorney work product privilege
- § 24:3 Attorney-client privilege
- § 24:4 —Exceptions
- § 24:5 —Attorney's ethical duty of confidentiality
- § 24:6 —Corporate clients
- § 24:7 Accountant-client privilege
- § 24:8 Medical information—Right to privacy; disclosure
- § 24:9 — —Mental health and drug treatment information
- § 24:10 — —AIDS patients
- § 24:11 Peer and medical review of doctors privileges
- § 24:12 Trade secrets
- § 24:13 Privilege against self-incrimination

## CHAPTER 25. DISCOVERY MOTIONS

- § 25:1 Motions for protective orders
- § 25:2 Motions to compel discovery
- § 25:3 Motions for sanctions

## CHAPTER 26. EXPERTS

- § 26:1 The battle of experts
- § 26:2 Background
- § 26:3 —“General acceptance” test: *Frye v. United States*
- § 26:4 —Federal Rule of Evidence 702
- § 26:5 —*Harper v. State*: Georgia's original “gatekeeper” rule, 1977–2005
- § 26:6 Development of the *Daubert* standards

## TRIAL PREPARATION AND PRACTICE

- § 26:7 Philosophical critiques of *Daubert*
- § 26:8 Amendments to Federal Rules of Evidence 702 and 703 in 2000
- § 26:9 *Daubert* decisions in the Eleventh Circuit since 2000
- § 26:10 *Daubert* in federal courts in Georgia
- § 26:11 Georgia's adoption of *Daubert*
- § 26:12 *Daubert* decisions in Georgia's state appellate courts
- § 26:13 Approach to handling expert testimony under *Daubert*
- § 26:14 Medical narrative reports
- § 26:15 Particular applications of *Daubert* in personal injury cases—Treating physicians
- § 26:16 —Accident reconstruction experts
- § 26:17 —Economists
- § 26:18 Factors to consider in choosing an expert
- § 26:19 How to find an appropriate expert
- § 26:20 Disclosure of expert witnesses
- § 26:21 Materials provided to experts
- § 26:22 Preparing the expert witness for deposition
- § 26:23 Preparing the expert witness for trial

## CHAPTER 27. MOTIONS

- § 27:1 Strategy, tactics, and procedure
- § 27:2 Motions to dismiss
- § 27:3 Motion for judgment on the pleadings
- § 27:4 Motion for more definite statement
- § 27:5 Motion to strike
- § 27:6 Motion to add omitted counterclaim or crossclaim
- § 27:7 Motion for scheduling order
- § 27:8 Motion for pretrial conference and pretrial order
- § 27:9 Motion to amend pleadings after entry of pretrial order
- § 27:10 Motion for joinder of persons required for just adjudication
- § 27:11 Motion to drop or add parties
- § 27:12 Motion to substitute party
- § 27:13 Motion to consolidate
- § 27:14 Motions for default judgment, to open default, or to vacate default judgment
- § 27:15 Motion for summary judgment

## TABLE OF CONTENTS

§ 27:16 Motions in limine

## CHAPTER 28. ALTERNATIVE DISPUTE RESOLUTION

- § 28:1 History and policy of alternative dispute resolution
- § 28:2 Structure of mediation
- § 28:3 Conditions for mediation
- § 28:4 Advocacy in mediation
- § 28:5 Types of arbitration
- § 28:6 Advocacy in mandatory non-binding arbitration
- § 28:7 Advocacy in voluntary binding arbitration

## CHAPTER 29. TRIAL PLANNING

- § 29:1 Start early
- § 29:2 Plan trial with appeal in mind
- § 29:3 Select photos and radiology films for blowups
- § 29:4 Visit the courtroom early
- § 29:5 Medical illustrations
- § 29:6 Prepare timelines
- § 29:7 Prepare maps and aerial photos
- § 29:8 Prepare a supplemental jury questionnaire
- § 29:9 Plan voir dire and opening statement long before trial
- § 29:10 Prepare jury charts to match the courtroom
- § 29:11 Prepare for *Batson* challenges
- § 29:12 Prepare exhibit list and mark exhibits in advance
- § 29:13 Take client and perhaps key witnesses to courtroom
- § 29:14 Instruct clients and witnesses on realities of courthouses
- § 29:15 Plan the timing of the trial
- § 29:16 Serve subpoenas on all witnesses, and file subpoenas with the clerk
- § 29:17 Prepare single issue trial memoranda
- § 29:18 Plan both direct and cross examinations of all witnesses
- § 29:19 Plan closing argument
- § 29:20 Prepare verdict and judgment forms in advance
- § 29:21 Prepare or review jury charges
- § 29:22 Trial preparation checklist

## **CHAPTER 30. APPELLATE PROCEDURE, POST-TRIAL MOTIONS, AND PRESERVATION OF ERROR**

- § 30:1 Overview
- § 30:2 Statutes and rules governing appeals
- § 30:3 Determining the proper procedure: direct vs. discretionary appeals and final vs. interlocutory orders
- § 30:4 Direct appeal of a final judgment; form and time of notice of appeal
- § 30:5 Appeal of interlocutory orders
- § 30:6 Discretionary appeals
- § 30:7 Petitions for certiorari to Georgia Supreme Court
- § 30:8 Briefing schedule and oral argument
- § 30:9 Amicus briefs
- § 30:10 Motions for reconsideration
- § 30:11 Brief formatting, content, and length limitations
- § 30:12 Appeals fees and electronic filing
- § 30:13 Federal appeals and the United States Supreme Court
- § 30:14 Preservation of error: general considerations
- § 30:15 Preservation of error in pre-trial proceedings
- § 30:16 Preservation of error at trial—Motions in limine
- § 30:17 —Voir dire
- § 30:18 —Opening statement and closing argument
- § 30:19 —Evidence and testimony
- § 30:20 —Directed verdict; judgment notwithstanding the verdict
- § 30:21 —Jury charges
- § 30:22 —Verdict form
- § 30:23 Post-trial motions and considerations
- § 30:24 The Appellate Jurisdiction Reform Act of 2016
- § 30:25 Georgia Court of Appeals decisions: precedential effect; “physical precedent only”
- § 30:26 Supersedeas
- § 30:27 Georgia appeal checklist

## **CHAPTER 31. PREMISES LIABILITY**

- § 31:1 Overview
- § 31:2 Who are owners or occupiers?
- § 31:3 Liability of contractor for improvements to real property and the acceptance doctrine

## TABLE OF CONTENTS

§ 31:4	Claimant status
§ 31:5	—Invitees
§ 31:6	—Licensees
§ 31:7	—Trespassers
§ 31:8	Liability arising from hazardous conditions
§ 31:9	—Owner or occupier's knowledge
§ 31:10	—Plaintiff's knowledge
§ 31:11	Dram shop liability
§ 31:12	Negligent security; criminal acts of third parties
§ 31:13	Negligent security—Apportionment issues
§ 31:14	Immunities and contractual limitations

## CHAPTER 32. MEDICAL MALPRACTICE

§ 32:1	Introduction; scope of chapter
§ 32:2	Substantive law overview of medical malpractice cases; standards of care
§ 32:3	Defenses and time limits
§ 32:4	Expert requirements—Affidavit
§ 32:5	—Qualifications of expert
§ 32:6	Motions and trial issues
§ 32:7	<i>Bradley Center</i> actions; liability of medical providers for harm to third parties

## CHAPTER 33. FORMS

§ 33:1	Case intake
§ 33:2	Client information sheet—Injury
§ 33:3	—Wrongful death
§ 33:4	Thank you letter to referring attorney
§ 33:5	Letter declining representation—Over two years since incident
§ 33:6	—Advising of statute of limitations
§ 33:7	—Medical malpractice; no referral
§ 33:8	—With referral
§ 33:9	Initial appointment confirmation
§ 33:10	Client injury limitations inventory
§ 33:11	Social media dos and don'ts
§ 33:12	Wage loss verification
§ 33:13	Contingent fee contract
§ 33:14	HIPAA authorization—Plaintiff's attorney
§ 33:15	—Opposing attorney or insurer
§ 33:16	Insurance information request
§ 33:17	—Covered vehicle

## TRIAL PREPARATION AND PRACTICE

- § 33:18 Request for copy of tax return (IRS Form 4506)
- § 33:19 Request for Social Security earnings information (SSA Form 7050)
- § 33:20 Veterans Administration request to release medical records (VA Form 10-5345)
- § 33:21 Certification of medical records
- § 33:22 Chart for elements of claim
- § 33:23 Open records request
- § 33:24 Accident report release form (DPS Form 536)
- § 33:25 Case filing information form
- § 33:26 Case disposition form
- § 33:27 Trucking case—Time-limited demand for policy limits
- § 33:28 —Evidence preservation and insurance disclosure
- § 33:29 —Freedom of Information Act request to Federal Motor Carrier Safety Administration
- § 33:30 —Complaint: resident truck driver
- § 33:31 —Motion for scheduling conference
- § 33:32 —First discovery to truck driver
- § 33:33 —First discovery to trucking company
- § 33:34 —Petition for temporary restraining order to preserve truck and electronic data
- § 33:35 —Temporary restraining order to preserve truck and electronic data
- § 33:36 —O.C.G.A. § 9-11-30(b)(6) notice to take videotaped deposition of representatives of trucking company
- § 33:37 Notice for doctor's deposition
- § 33:38 Notice of intent to introduce medical narrative
- § 33:39 Joint prosecution agreement
- § 33:40 Notice of appeal
- § 33:41 Motion for extension of time to prepare transcript
- § 33:42 Motion for supersedeas bond (with order)
- § 33:43 Notice of waiver of right to file response brief in U.S Supreme Court

## APPENDICES

- Appendix A. Comparison Tables of Georgia Evidence Codes
- Appendix B. The Georgia Civil Practice Act

TABLE OF CONTENTS

**Table of Laws and Rules**

**Table of Cases**

**Index**