



# GEORGIA STATE SENATE

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ELIZABETH HOLCOMB  
DIRECTOR

### THE FINAL REPORT OF THE SENATE STUDY COMMITTEE ON REDUCING GEORGIA'S COST OF DOING BUSINESS (SR 433)

#### COMMITTEE MEMBERS

**Senator John Wilkinson – Committee Chair**  
District 50

**Senator Steve Gooch**  
District 51

**Dr. Andrew Reisman**  
Citizen Member

**Senator Bill Cowsert**  
District 46

**Mr. Mark Tilkin**  
Citizen Member

**Senator John F. Kennedy**  
District 18

**Mr. Will Fagan**  
Citizen Member

**Senator Emmanuel Jones**  
District 10

**Ms. Barbara Marschalk**  
Citizen Member

**Senator Ben Watson**  
District 1

**Mr. Gino Brogdon**  
Citizen Member

**Mr. Cade Joiner**  
Citizen Member

**Mr. Gilbert Barrett**  
Citizen Member

**Mr. Will Barnette**  
Citizen Member

**Mr. Ben Gillis**  
Citizen Member

Prepared by the Senate Research Office  
2019

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## COMMITTEE FOCUS, CREATION, AND DUTIES

The Senate Study Committee on Reducing Georgia's Cost of Doing Business was created by Senate Resolution 433 to fully review and study the issue of Georgia's legal climate and its impact on the cost of doing business and performing healthcare services in Georgia.<sup>1</sup>

The Committee was comprised of fifteen members; six Senate members, and nine citizen appointees. Senator John Wilkinson served as the Chair of the Committee and the following members were appointed by the President of the Senate:

- Senator Steve Gooch of the 51<sup>st</sup>
- Senator John F. Kennedy of the 18<sup>th</sup>
- Senator Bill Cowsert of the 46<sup>th</sup>
- Senator Emanuel Jones of the 10<sup>th</sup>
- Senator Ben Watson of the 1<sup>st</sup>
- Mr. Cade Joiner, Georgians First Commission
- Mr. Will Barnette, Home Depot
- Dr. Andrew Reisman, Medical Association of Georgia
- Mr. Mark Tilkin, State Farm
- Mr. Will Fagan, Mag Mutual;
- Ms. Barbara Marschalk, Drew Eckl & Farnham, LLP
- Mr. Gino Brogdon, The Brogdon Firm
- Mr. Gilbert Barrett, White County Farmers Exchange
- Mr. Ben Gillis, Gillis Ag & Timber

The following legislative staff members were assigned to the Study Committee: Ms. Macy McFall of the Senate Research Office; Ms. Elisabeth Fletcher of the Senate Press Office; and Ms. Ryann Miller, Legislative Assistant to Senator Wilkinson.

The Committee held four meetings across the state, and heard testimony from the following individuals: Mr. Tiger Joyce, American Tort Reform Association; Mr. Cary Silverman, US Chamber, Institute for Legal Reform; Mr. Jake Daly, Georgia Defense Lawyers Association; Mr. Bill Custer, Bryan Cave Leighton Paisner LLP; Mr. Al Cartwright, Georgia Farm Bureau Insurance Co.; Mrs. Dee Dee Smith, Georgia Farm Bureau Insurance Co.; Mr. Zach Johnson, Beasley Forest Products; Mr. Lee Mickus, Mr. Taylor Anderson LLP; Mr. Keith Milligan, JTM Corporation DBA Piggly Wiggly; Mr. Tom Coogle, Reynolds Foodliner DBA Piggly Wiggly; Mr. Glen Darbyshire, Bouhan Falligant LLP; Mr. Edward Crowell, President and Chief Executive Officer, Georgia Motor Trucking Association, Inc.; Dr. Rutledge Forney, Immediate Past President, Medical Association of Georgia; Mrs. Stephanie Kindregan, MagMutual Insurance Company; Mr. Jonathan Adelman, Waldon Adelman Castilla Hiestand & Prout; and Mr. Jon Pope, Georgia Trial Lawyers Association.

## SUMMARY OF TESTIMONY AND DISCUSSION

### **Meeting 1 – August 29**

The Committee held its first meeting in Atlanta, Georgia at the State Capitol. The initial Study Committee meeting was meant to introduce the members to the state of tort law and reform in Georgia, with a focus on damages in negligence suits and the effect Georgia's current tort system has on businesses across the state. Testimony was provided by the following individuals:

- **Mr. Tiger Joyce**, American Tort Reform Association
- **Mr. Cary Silverman**, US Chamber, Institute for Legal Reform
- **Mr. Jake Daly**, Georgia Defense Lawyers Association
- **Mr. Bill Custer**, Bryan Cave Leighton Paisner LLP

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<sup>1</sup> <http://www.legis.ga.gov/legislation/en-US/Display/20192020/SR/433>.

The vast majority of this meeting's discussion revolved around the structure of Georgia's civil litigation system. The Committee heard testimony on increases in premises liability cases, and how standards of negligence for property owners affect all businesses; the relation between the increased litigation in this type of suit and food deserts; the inability to present evidence of seatbelt use in personal injury cases; and allowing juries to consider actual amount paid for medical expenses rather than sticker price ("phantom damages").

Each presentation brought to light issues the presenters believe negatively affect the business climate in Georgia. Presenters indicated that legal reform is a critically important part of attracting businesses to the state. Presentations addressed the rising trend in high damage awards and focused on how this results in higher insurance premiums, negatively impacting businesses large and small.

### **Meeting 2 – September 26**

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The Committee held its second meeting in Perry, Georgia at the Perry National Fair Grounds. During the second meeting, the Study Committee members continued to focus on how current Georgia law may affect litigation and settlement exposure for Georgia businesses. The Committee discussed the presumed effect increased litigation has on insurance premiums for farmers, truckers and consumers. Testimony was provided by the following individuals:

- **Mr. Al Cartwright**, Georgia Farm Bureau Insurance Co.
- **Mrs. Dee Dee Smith**, Georgia Farm Bureau Insurance Co.
- **Mr. Zach Johnson**, Beasley Forest Products
- **Mr. Lee Mickus**, Taylor Anderson, LLP

Presenters discussed a variety of factors, including, perceived increases in frivolous lawsuits, "exorbitant" settlement exposure, and increased litigation costs. Representatives from Georgia Farm Bureau Insurance described in broad strokes the issues their business has with current Georgia law, which they believe exposes the insurer to damages that can substantially exceed an insured's policy limits. For example in cases where an auto insurer is involved, an auto insurer's failure to respond appropriately (in good faith and timely) to requests from a claimant for the max policy limit amount.<sup>2</sup>

Mr. Zach Johnson, from Beasley Forest Products, illustrated how drastic increases to his company's liability insurance premiums affect his ability to be effective in business. The presentation invited numerous reforms to the tort system, such as, capping plaintiffs' attorney fees, disclosing all entities receiving a portion of the judgment, and requiring attorney fees in all civil cases be paid by a losing plaintiff. The Committee's discussion once again moved to the issue of the "seatbelt statute", which currently bars the admissibility of seatbelt evidence in crash liability suits. Data asserting that the risk of fatal injury is reduced by 45-60% when a seatbelt is utilized, and unbelted occupants rack up medical costs three times higher than belted motorists was also discussed.<sup>3</sup>

### **Meeting 3 – October 21**

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The third meeting of the Study Committee was held in Savannah, Georgia at the Armstrong Center at Georgia Southern University. During the meeting, the Committee heard from presenters who own independent brick and mortar grocery store corporations. Testimony addressed issues that affect the cost of doing business for these corporations, such as, increased insurance premiums and the length of the statute of limitations – allowing plaintiffs to wait years to file suit when evidence is difficult to compile. Presenters also spoke to the difficulty and cost they experience in protecting themselves against slip-and-fall suits, including the cost of discovery, camera systems and proper storage, and "plaintiff-proofing" their stores. Testimony was provided by the following individuals:

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<sup>2</sup> See *McCall v. Allstate Insurance Co.*, 251 Ga. 869, 870 (1984). "An insurance company may be liable for damages to its insured for failing to settle the claim of an injured person where the insurer is guilty of negligence, fraud, or bad faith in failing to compromise the claim."

<sup>3</sup> Testimony presented on September 26, 2019 by Mr. Lee Mickus of Taylor Anderson, LLP.

- **Mr. Keith Milligan**, JTM Corporation DBA Piggly Wiggly
- **Mr. Tom Coogle**, Reynolds Foodliner DBA Piggly Wiggly
- **Mr. Glen Darbyshire**, Bouhan Falligant LLP

The meeting's early discussion revolved around the rising costs of running brick and mortar stores in Georgia. Grocers are affected by the increase in personal injury cases and Georgia's current premises liability statutes. The Committee also engaged in significant discussion regarding the Georgia Rules of Civil Procedure. Mr. Glen Darbyshire, an attorney in Savannah and aide to Sen. Ben Watson, addressed the Committee and described several changes he believed would tighten up procedural aspects of litigation, and subsequently reduce court costs for litigants and insurance companies. He suggested that conforming the Georgia Rules of Civil Procedure to the Federal Rules of Civil Procedure ("FRCP") would limit the scope and the cost to both parties. Mr. Darbyshire explained that FRCP Rule 26 requires both parties and the judge to have a scheduling conference as soon as possible to set a calendar that the parties live by. According to the FRCP, if a deadline is missed, a party is not allowed a "re-do" in Federal Court, but in Georgia, looser rules result in missed deadlines, or judges who fail to adhere to the requisite deadlines. Further testimony asserted that additional risks and costs are experienced by both parties in these situations. Additionally, he suggested Georgia follow the federal standard, which limits the parties to 10 depositions and 25 interrogatories. He suggested that this standard would set a bar that would lower costs, but would also allow parties to request additional depositions or interrogatories from the judge when dealing with more complicated cases.

#### **Meeting 4 – November 19**

The Committee's fourth meeting was held in Young Harris, Georgia at the Towns County Recreation Center. The discussion largely revolved around issues explored in earlier meetings held by the Study Committee. The Study Committee once again heard testimony in favor of repealing the prohibition against introducing seatbelt evidence, and to allow juries in a civil action to consider evidence that a plaintiff failed to use an available seat belt when assessing comparative fault. Several presenters explained that this change would allow juries to have evidence necessary for deciding and properly apportioning damages. Testimony was provided by the following individuals:

- **Mr. Edward Crowell**, President and Chief Executive Officer, Georgia Motor Trucking Association, Inc.
- **Dr. Rutledge Forney**, Immediate Past President, Medical Association of Georgia
- **Mrs. Stephanie Kindregan**, Director of Government Affairs, MagMutual Insurance Company
- **Mr. Jonathan Adelman**, Waldon Adelman Castilla Hiestand & Prout
- **Mr. Jon Pope**, Hasty Pope LLP; Executive Vice President, Georgia Trial Lawyers Association

The Study Committee was also briefed on the issue of third party litigation investors. According to testimony by several of the presenters, third parties are in essence gambling on the outcomes of trials. The U.S. Chamber Institute for Legal Reform defines third party litigation funding as, "the practice of hedge funds and other financiers investing in lawsuits in exchange for a percentage of any settlement or judgment." The Committee heard from individuals that claim these practices increase the probability that meritless claims will be brought which makes settling lawsuits far more difficult and expensive.

Additionally, the Study Committee heard from Mrs. Stephanie Kindregan, Director of Government Affairs at MagMutual, who described how other states are managing their tort systems. One option raised was trial bifurcation, which North Carolina has adopted, that allows for two separate trials, one to determine the issue of liability, and one to determine damages, although both trials have the same jury and judge.

The Study Committee was also briefed on medical funding companies, which offer lawsuit loans, or loans against a future settlement award. The Study Committee questioned whether medical funding companies are beneficial to plaintiffs, or whether they exacerbate issues similar to those of third party litigation investing – making it more difficult for parties to settle and taking bargaining power away from the litigants themselves.

The Committee also heard from Mr. Jon Pope, Executive Vice President and Legislative Co-Chair of the Georgia Trial Lawyers Association, whose testimony centered on Georgia's ranking as the "Top State for Business" by Area Development Magazine. Mr. Pope testified that the reality of allowing evidence of seat belt use would be unduly prejudicial to the jury. He included several reasons why he and the Georgia Trial Lawyers Association opposed seatbelt admissibility, specifically, that evidence regarding seat belt usage is not always determined on the scene, and is often investigated well after the collision; and that victims would be forced to hire costly experts to testify to whether or not the lack of use resulted in their specific injury – driving up the cost of litigation. Further, he commented on the fact that an at-fault defendant's driving record and related citations are also excluded along with evidence of seat belt usage.

Lastly, Mr. Pope referenced previous discussions of the Study Committee regarding Georgia's Collateral Source Rule.<sup>4</sup> In previous testimony made to the Committee, presenters recommended limiting plaintiff recovery to the actual amount the plaintiff's health insurance agreed to pay for the injury. Mr. Pope explained that limiting recovery in this manner would not accurately reflect the insurance premiums the insured previously paid.

## COMMITTEE FINDINGS AND RECOMMENDATIONS

Testimony presented to the Study Committee often referenced Georgia case law and provisions of the O.C.G.A. Certain provisions, reviewed by the Committee multiple times, are described in more detail for additional context.

### Georgia's Seat Belt Statute

Under Georgia law, the failure of an occupant to wear a seat belt in any seat of a motor vehicle is not admissible in civil cases.<sup>5</sup> Georgia's "Seat Belt Statute" specifically provides:

"The failure of an occupant of a motor vehicle to wear a seat safety belt in any seat of a motor vehicle which has a seat safety belt or belts shall not be considered evidence of negligence or causation, shall not otherwise be considered by the finder of fact on any question of liability of any person, corporation, or insurer, shall not be any basis for cancellation of coverage or increase in insurance rates, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a motor vehicle."

O.C.G.A. § 40-8-76.1(d). The Committee heard testimony in favor of repealing these provisions in order to allow juries in a civil action to consider evidence that a plaintiff failed to use an available seat belt when assessing comparative fault.<sup>6</sup> Testimony presented to the Committee alleged a change to this statute would allow juries to more accurately decide damage awards.

Additionally, during the 2019 Legislative session *House Bill 171* was introduced, which proposed to change current law and allow "failure to wear a seat belt" to be the basis for an increase in insurance rates. The bill further sought to revise current law to allow the failure to wear a seat belt to be considered in a civil action as evidence admissible on issues of failure to mitigate damages, assumption of risk, negligence, comparative negligence, contributory negligence, apportionment of fault, or causation. The legislation also provided that evidence of one's failure to wear a seatbelt may be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a motor vehicle. *House Bill 171* is currently pending in the Senate Chamber, but will be recommitted to the Senate Public Safety Committee at the beginning of the 2020 Legislative session.

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<sup>4</sup> The collateral source rule generally prohibits a tortfeasor from presenting evidence to the jury that the Plaintiff previously received compensatory payments from other sources. *Andrews v. Ford Motor Co.*, 310 Ga. App. 449 (2011), citing *Hoeflick v. Bradley*, 282 Ga. App. 123 (2006).

<sup>5</sup> See O.C.G.A. § 40-8-76.1

<sup>6</sup> Testimony first presented on August 29, 2019 by Mr. Tiger Joyce of the American Tort Reform Association.

## Damage Awards

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Throughout the meetings of the Study Committee, testimony often referenced the last major change that was made to Georgia's tort system. In 2005, the Georgia General Assembly enacted comprehensive tort reform legislation known as *Senate Bill 3*. Provisions in *Senate Bill 3* set statutory limits on recovery for non-economic damages in medical malpractice actions at \$350,000 per defendant. However, in *Atlanta Oculoplastic Surgery, P.C. v. Nestlehutt*, the Georgia Supreme Court held that statutory limits for noneconomic damages in medical malpractice cases were unconstitutional because they violated the right to jury trial.

The Committee continually engaged in discussion on damage awards and how to balance the scales. There is no federal tort reform law that caps damage awards – based on the Commerce Clause such laws have been left to the states. The Committee reviewed current law and heard testimony on different ways to cap certain damage awards, including those for punitive damages. In Georgia, punitive damages are used to deter, punish, or penalize the repetition of reprehensible conduct by the defendant.<sup>7</sup> In certain circumstances, punitive damages are awarded in addition to actual damages. Synonymous with “vindictive damages”, punitive damages cannot be imposed without a finding of some form of culpable conduct. Negligence, even gross negligence, is inadequate to support a claim for a punitive damage award.<sup>8</sup>

Georgia only caps punitive damages in certain cases. Subject to three exceptions, punitive damage awards are limited to \$250,000.<sup>9</sup> In a tort action in which the cause of action arises from products liability, in cases of intentional harm, or in cases where the defendant acted under the influence of alcohol or drugs, there is no cap to the amount of punitive damages that may be awarded. In an award for punitive damages in tort actions, it must be proven by clear and convincing evidence that the defendant's actions showed willful misconduct, malice, fraud, wantonness, oppression, or an entire indifference to consequences.<sup>10</sup>

## Premises Liability Standard

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The Committee spent several meetings discussing the rise in premises liability cases in Georgia. O.C.G.A. § 51-3-1 provides that “where an owner or occupier of land, by express or implied invitation, induces or leads others to come upon his premises for any lawful purpose, he is liable in damages to such persons for injuries caused by his failure to exercise ordinary care in keeping the premises and approaches safe.”

In *Vaughn v. Pleasant*, the Georgia Supreme court held that plaintiffs are barred, by the affirmative defense of assumption of the risk, from recovering in a negligence claim if it is established that they chose a course of action, without coercion of circumstances, with full knowledge of its dangers.<sup>11</sup> In Georgia, a defendant asserting an assumption of the risk defense must establish that the plaintiff: (1) had actual knowledge of the danger; (2) understood and appreciated the risks associated with such danger; and (3) voluntarily exposed themselves to those risks.<sup>12</sup>

The Committee heard from several presenters who described cases where a property owner's duty extended to protecting those on their property against risk of injury from third-party criminal activity. If adequate security measures would have prevented a criminal act, a property or business owner can be found negligent and held liable for injuries that resulted from the criminal act.<sup>13</sup> For example, the Georgia Supreme Court held in *Sturbridge Partners, Ltd. v. Walker*, the issue presented is not the foreseeability of the specific crime, but whether the property owner had actual knowledge of the prior crimes and, because of that knowledge, should have reasonably anticipated the risk of personal harm which might occur.<sup>14</sup>

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<sup>7</sup> See O.C.G.A. §51-12-5.1(c).

<sup>8</sup> See *Morales v. Webb*, 200 Ga. App. 788 (1991).

<sup>9</sup> See O.C.G.A. §51-12-5.1(c).

<sup>10</sup> *Id.*

<sup>11</sup> *Vaughn v. Pleasant*, 266 Ga. 862 (1996).

<sup>12</sup> *Id.*, citing *Turner v. Sumter Self Storage Co.*, 215 Ga.App. 92, 94 (1994).

<sup>13</sup> See *Sturbridge Partners, Ltd. v. Walker*, 267 Ga. 785 (1997).

<sup>14</sup> *Id.*

### **Third Party Litigation Investors**

The Study Committee also heard testimony on the practices of litigation investors. In 2018, the Georgia Supreme Court ruled that money advanced by a litigation finance company was not a “loan” under the Industrial Loan Act or the Payday Lending Act, and therefore was not subject to usury laws.<sup>15</sup>

The court observed, “Personal-injury plaintiffs . . . fit neatly within the population that usury laws historically have been enacted to protect. But it is not the place of this Court to extend existing usury laws beyond their plain terms. The Industrial Loan Act and the Payday Lending Act do not apply to the transactions at issue in this case (as those transactions are framed by the pleadings). If the General Assembly wishes to revisit the scope of those laws and extend them to cover transactions of these sorts, it certainly may do so.”

### **FINAL RECOMMENDATIONS**

After substantial discussion and review the Committee finds a need to safeguard the integrity and balance of Georgia’s Civil Litigation System. Thus, the Committee recommends the following:

1. **Punitive Damages Cap** – Institute a \$250,000 cap on punitive damages for products liability claims in order to level the playing field, and extend the benefits of the punitive damages cap to all industries, including job-creating product manufacturers.
2. **Seatbelt Admissibility** – Allow the failure to wear a seatbelt to be considered in civil actions, as evidence admissible on issues of failure to mitigate damages, assumption of risk, negligence, comparative negligence, contributory negligence, apportionment of fault, or causation.
3. **Phantom Damages (Truth in Damages)** – Legislation should be introduced which clearly sets forth that the injured party is only entitled to the actual amount necessary to satisfy their medical providers for their treatment.
4. **Premises Liability Reform** – Legislation should be introduced to set a reasonable standard of liability when an unrelated third party commits an act against a person on the landowner’s property. The standard should require some overt act on the part of the landowner that directly causes the harm.
5. **Pre-Dismissal Rule** – Georgia law currently allows the plaintiff to dismiss a lawsuit in a case at any time before the first witness is sworn in at trial. Recommend adopting Federal Rule of Civil Procedure 41, which does not allow dismissal, unless with prejudice, once an answer is filed.
6. **Proportionality in Discovery** – Place reasonable limitations on document discovery based on projected cost of discovery, the total amount of the lawsuit and the needs of the case.
7. **Jury Anchoring** – Prohibit the ability of a plaintiff’s attorney from referencing a specific sum when arguing damages for pain and suffering.
8. **Default Judgment Reform** – Amend Georgia law to allow judges, at their discretion, to open a default judgment after the court term has expired.
9. **Written Jury Instructions** – Require judges to reduce jury instructions to writing.
10. **Regulation of Loan Companies in Litigation** – Introduce legislation that would protect plaintiffs by capping interest rates in litigation funding, for expenses on a case, medical treatment, or a direct loan to a plaintiff.
11. **Mandatory Scheduling Orders** – Require mandatory scheduling orders to be set in a timely manner.

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<sup>15</sup> See *Ruth v. Cherokee Funding, LLC*, 304 Ga. 574 (2018).



12. **Business Judgment Rule** – Include Georgia non-profits, foundations, and cooperative officers and directors in the requirements and protections of the Business Judgment Rule, and establish that gross negligence is the standard applicable to these organization officials.
13. **Direct Actions in Trucking Suits** – Prohibit direct actions against a tortfeasor's insurance company in trucking incidents.
14. **Reducing Costs for Georgia's Trucking Industry** – Urge Congress to change federal regulatory law and allow commercial timber trucks to utilize the Federal Interstate Highway System with an indivisible load of no more than 80,000-pounds. Improve Georgia's enforcement of weight limits and increase the current 5 percent gross weight variance to a 10 percent variance for trucks traveling within the state.
15. **Statute of Repose** – Legislation should be introduced to correct Georgia's Statute of Repose to specifically define the notice standard for product liability cases and expressly enforce the 10 year statute of limitations.
16. **Offer/Acceptance of Settlement Demands** – Set up committee comprised of plaintiffs and defense lawyers to reach agreement on time limited demands. Procedures reviewed by the committee could include: 1) ensuring that the material terms listed in the law are the only material terms that can be included in the settlement; 2) applying the law to all personal injury settlements; 3) allowing for communication, both verbal and in writing, to discuss terms without it being considered a counter offer; and 3) tying the timeframe to satisfy the settlement to the date of the settlement demand.
17. **Asbestos Trust Transparency** – Introduce legislation to require asbestos plaintiffs' lawyers to obtain prompt compensation from asbestos trusts and allow trust-related exposures and compensation to be considered by a jury in asbestos-related personal injury cases.
18. **Trial Bifurcation** – Amend current law to allow, upon the motion of one party, separate trials for the determination of liability and the determination of damages, if any.
19. **Contingency Fee Caps** – Recommend the legislature review contingency fee caps during the 2020 Legislative session, and set up a committee of both plaintiff and defense attorneys in order to derive collective wisdom to maximize returns for plaintiffs, while maintaining fair compensation for plaintiffs' attorneys.

Respectfully Submitted,

**THE FINAL REPORT OF THE SENATE STUDY COMMITTEE ON  
REDUCING GEORGIA'S COST OF DOING BUSINESS (SR 433)**

A handwritten signature in cursive script, reading "John Wilkinson", is written over a horizontal line.

**Senator John Wilkinson – Committee Chairman  
District 50**

## APPENDIX A

### Costs and Compensation of the U.S. Tort System Report 2018

*Data: Costs and Compensation Paid in the Tort System in 2016 (\$ Millions)*

State	General/ Professional	Medical Malpractice	Automobile	Total	Tort costs as % of state GDP	Tort costs per household (\$)
	[1]	[2]	[3]	[4]	[5]	[6]
AL	2,894	157	2,071	5,122	2.5%	2,785
AK	390	39	342	771	1.5%	3,106
AZ	3,733	309	3,081	7,122	2.3%	2,827
AR	1,915	86	1,264	3,265	2.7%	2,857
CA	36,452	1,723	17,791	55,966	2.1%	4,324
CO	4,448	353	2,871	7,672	2.4%	3,638
CT	3,794	265	2,150	6,209	2.4%	4,574
DE	1,141	61	687	1,890	2.7%	5,383
DC	1,382	155	222	1,760	1.4%	6,257
FL	17,403	1,228	15,014	33,645	3.6%	4,442
GA	7,173	506	5,705	13,384	2.5%	3,631
HI	1,014	81	534	1,629	1.9%	3,573
ID	865	32	622	1,519	2.2%	2,486
IL	11,500	1,257	5,269	18,026	2.3%	3,738
IN	3,841	198	2,805	6,844	1.9%	2,623
IA	2,113	104	1,099	3,316	1.8%	2,657
KS	1,528	101	1,114	2,744	1.8%	2,471
KY	2,055	213	2,211	4,479	2.3%	2,608
LA	3,260	253	3,396	6,909	2.9%	4,015
ME	608	59	496	1,163	2.0%	2,187
MD	4,006	730	3,295	8,032	2.1%	3,360
MA	5,824	627	3,528	9,980	2.0%	3,869
MI	5,168	456	6,222	11,846	2.4%	3,050
MN	3,489	294	2,391	6,173	1.8%	2,873
MS	1,469	140	1,312	2,921	2.7%	2,676
MO	4,514	331	2,507	7,352	2.5%	3,099
MT	792	60	477	1,329	2.9%	3,195
NE	1,211	84	808	2,103	1.8%	2,813
NV	2,571	154	1,783	4,507	3.0%	4,272
NH	777	97	531	1,405	1.8%	2,698
NJ	10,176	977	6,581	17,734	3.1%	5,551
NM	1,146	138	990	2,273	2.4%	2,998
NY	30,476	2,305	10,948	43,730	2.9%	6,066
NC	4,894	318	3,688	8,900	1.7%	2,282
ND	466	26	315	806	1.5%	2,557
OH	6,118	679	4,369	11,166	1.8%	2,414
OK	2,291	169	1,786	4,246	2.3%	2,890
OR	2,589	161	2,129	4,879	2.1%	3,105
PA	11,394	1,044	5,936	18,374	2.5%	3,721
RI	920	69	671	1,660	2.9%	4,066
SC	2,510	175	2,576	5,261	2.5%	2,802
SD	431	37	323	791	1.6%	2,369
TN	4,344	244	2,615	7,204	2.2%	2,818
TX	18,586	1,341	13,776	33,704	2.1%	3,535
UT	1,848	125	1,313	3,285	2.1%	3,483
VT	519	29	232	780	2.5%	3,061
VA	4,497	426	3,516	8,439	1.7%	2,704
WA	4,422	382	3,697	8,501	1.8%	3,071
WV	1,034	149	836	2,019	2.8%	2,796
WI	3,496	105	2,133	5,734	1.8%	2,464
WY	323	29	246	598	1.6%	2,675
<b>National</b>	<b>249,813</b>	<b>19,078</b>	<b>160,076</b>	<b>428,966</b>	<b>2.3%</b>	<b>3,329</b>

**Sources and Notes:** [1]: Includes general/professional and homeowners' liability. [2]: Sourced from SERFF physician and hospital rate filings. [3]: Includes personal and commercial automobile liability. [4] = [1] + [2] + [3]. [5]: 2016 state household estimates from the U.S. Census.

Source: [U.S. Chamber institute for Legal Reform, 2019.](#)

## APPENDIX B

### Georgia at a Glance



Source: [U.S. Chamber institute for Legal Reform, 2019.](#)