



## **Open Letter—All Georgians want sports back in Georgia**

Recently, major media outlets have speculated that college, and possibly high school sports, may not occur due to “liability” concerns over Covid-19 transmission and athletic competition. In Georgia, these concerns are unfounded. Georgia has a deep and rich tradition of athletic achievement and a particularly distinguished football history. The Georgia General Assembly, Governor Kemp, Lieutenant Governor Duncan and Speaker Ralston recognized the importance of sporting events to the overall health of our economy and to the fabric of our culture when passing Senate Bill 359 during the past legislative session. This law, while encouraging safe practices, prevents lawsuits over Covid-19 transmission except in cases where an entity acts with gross negligence, -- a heightened level of protection that most entities are already surpassing by conducting testing and employing sanitation procedures.

Contrary to any statements from out of state lawyers that organized athletic competition will create liability, Georgia has protections in place to prevent such lawsuits. Senate Bill 359 prevents claims related to transmission of Covid-19 in all cases where any level of care exists because only conduct that shows an entire want of care or intentionally causing a transmission creates a cause of action. College and high school athletes, at both public and private schools, would only have a claim against schools, athletic associations, coaches or administrators if that person or entity acted with gross negligence. If that person or entity provided some level of protection related to transmission, even careless protection, then that person or entity is not liable because gross negligence under Georgia law and Senate Bill 359 is the *complete* want of care, meaning the failure to take any steps to prevent transmission.

The Georgia Trial Lawyers Association worked with numerous business groups to draft and refine the language of Senate Bill 359. These groups included the professional sports teams that call Georgia home. Our

members include many former athletes and the parents of current athletes. During this pandemic, all activities include increased risk. As citizens, we must each assess the level of risk that we are willing to accept for both ourselves and for our families. For those athletes and parents who believe the benefits of organized athletic competition outweigh the current risks posed by the pandemic, Senate Bill 359 means that the school, entities and persons who help facilitate those competitions are protected from lawsuits provided they provide the most simple and basic levels of protection. In Georgia, concern over potential “liability” is a not valid reason to deny those willing to accept the risk of organized athletic competition the opportunity to do so.

Sincerely and on behalf of the Georgia Trial Lawyers Association,



Lyle Warshauer, President



Daniel Snipes, Immediate Past President

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*Founded in 1956, the Georgia Trial Lawyers Association (GTLA) is dedicated to strengthening and upholding Georgia's Civil Justice System and protecting Georgia citizens' Constitutional Right to Trial by Jury.*

**Protecting the Constitutional Promise of Justice for all by  
Guaranteeing the Right to Trial by Jury,  
Preserving an Independent Judiciary, and  
Providing Access to the Courts for all Georgians**