

How SB 68 Is Changing Case Value In Georgia

Executive Summary

On April 21, 2025, Governor Brian Kemp signed Senate Bill 68 into law, enacting the most significant overhaul of Georgia's civil litigation system since 2005. For plaintiff personal injury attorneys, the law does not just change procedure. It changes the fundamental economics of every case. Medical damages are now anchored to what was actually paid, not billed. Pain and suffering arguments are restricted until closing. Bifurcated trials separate liability from damages. And voluntary dismissal windows have been cut dramatically. Understanding what SB 68 does to case value is essential for every Georgia PI firm that intends to stay competitive and continue recovering meaningful compensation for injured clients.

Why SB 68 Happened

From 2022 through 2024, the American Tort Reform Foundation ranked Georgia the number one Judicial Hellhole in the United States. Between 2013 and 2022, Georgia courts produced 64 nuclear verdicts totaling \$6 billion in personal injury and wrongful death cases, including a \$1.7 billion punitive damages award from Gwinnett County in 2022 and a \$43 million premises liability verdict in Georgia CVS Pharmacy, LLC v. Carmichael. [1] A \$50 million DeKalb County dental malpractice verdict in October 2024 further underscored the pattern. [2]

Governor Kemp announced his tort reform package on January 30, 2025. The Georgia Senate passed SB 68 on February 21, 2025. After extensive House debate, the full General Assembly passed the final version on March 21, 2025, and the bill was signed into law on April 21, 2025. [3] The Georgia Trial Lawyers Association opposed the bill vigorously. Regardless of one's view of the policy, the law is in effect and reshaping every case filed in Georgia today.

SB 68's provisions take effect on two tracks. Sections governing negligent security and medical damages apply only to causes of action arising on or after April 21, 2025. All other provisions, including bifurcation, voluntary dismissal, noneconomic damages arguments, and attorney's fees, apply retroactively to pending cases. [4]

Key Provisions And Their Impact On Case Value _____

Provision 1: Phantom Damages Eliminated (O.C.G.A. Section 51-12-1.1)

Under Georgia's longstanding collateral source rule, plaintiffs could introduce the full billed amount of medical treatment as special damages, regardless of what insurance actually paid. In cases where a provider billed \$200,000 but an insurer paid \$40,000, the jury saw and valued \$200,000. This inflated the damages baseline and, through the common practice of awarding multiples of specials, drove non-economic damages to extraordinary levels.

The new O.C.G.A. Section 51-12-1.1 expressly abrogates the collateral source rule for medical expenses. Defendants may now introduce evidence of the amounts actually paid by insurance, Medicare, Medicaid, or workers' compensation. Juries consider both billed and paid amounts when determining reasonable value of treatment. [5]

The impact is direct. If a plaintiff's bills total \$250,000 billed but only \$60,000 paid, the damages baseline drops dramatically. Pain and suffering awards, commonly argued as multiples of specials, drop with it. The statute also makes letters of protection discoverable, including the identity of any referral source and the terms of any sale of accounts receivable. [5]

Provision 2: Bifurcated Trials Now a Matter of Right (O.C.G.A. Section 51-12-15)

Either party may now demand, in writing before the pretrial order, that a trial be conducted in two phases. In phase one, the jury determines fault. If the plaintiff is found less than 50 percent at fault, the trial proceeds to phase two for compensatory damages. If the plaintiff is 50 percent or more at fault, the case ends with no damages. [6]

The court may deny bifurcation only when the plaintiff was injured in a sexual offense and would suffer serious distress from testifying twice, or when the amount in controversy is under \$150,000. [6] Defense counsel will routinely demand bifurcation in any case with meaningful damages exposure. The jury assessing fault will not know whether your client lost a limb or suffered a minor sprain. Sympathy is removed from the liability calculus by design.

Provision 3: Noneconomic Damages Arguments Restricted (O.C.G.A. Section 9-10-184)

Counsel may not argue the monetary value of noneconomic damages until after the close of evidence. Any argument must be rationally related to the evidence and may not reference objects or values with no connection to the facts proved. The anchoring tactic, where plaintiff counsel suggested a massive number early in proceedings to anchor jury expectations, is explicitly prohibited. [7]

Plaintiff firms must develop alternative frameworks for presenting noneconomic damages: detailed medical chronologies, life care planning, vocational expert testimony, and compelling client narratives organized before trial.

Provision 4: Voluntary Dismissal Restrictions (O.C.G.A. Section 9-11-41)

Plaintiffs may file a notice of dismissal without court approval only within 60 days after the defendant files an answer. A second dismissal operates as a dismissal with prejudice. [8] Forum shopping through dismissal and refileing is substantially curtailed. Firms must make better filing decisions at the outset, requiring more thorough intake investigation.

Provision 5: Attorney's Fees Capped to Single Recovery (O.C.G.A. Section 9-15-16)

No party may recover attorney's fees under multiple statutory grounds for the same case. A contingency fee agreement may not be used as evidence of the reasonableness of attorney's fees when fees are sought under a statute. [8] This eliminates the leverage that duplicative fee threats, particularly in Holt demand scenarios, previously provided.

How Supio Helps Firms Adapt To SB 68 _____

The through-line connecting all five SB 68 provisions is preparation. Every change rewards firms that enter a case with a more thorough factual record, a detailed medical analysis, and a clean accounting of economic damages.

Brandon Smith of Childers, Schlueter and Smith in Atlanta has used Supio through some of the most document-intensive litigation in the country. In Camp Lejeune cases, his team used Supio's AI Assistant to ask natural language questions about exposure patterns, treatment progression, and causation evidence, receiving instant answers with direct citations to source documents. *"The system finds things in medical records we didn't even know to look for,"* Smith explains. *"At this point, my team would kill me if I tried to take Supio away from them."* [9]

Under SB 68's bifurcated structure, that capability is especially valuable in phase one. Every fact establishing the defendant's fault must be documented, organized, and ready before the jury ever hears about damages. Supio builds the factual foundation automatically as records arrive. For the damages phase, Supio's AI Ledger tracks the billed-versus-paid distinction central to O.C.G.A. Section 51-12-1.1, reconciling lien balances and insurance reimbursement rates in a single interactive ledger.

Todd Travis of Travis Legal Offices describes the outcome directly: "*Supio turned a \$700,000 offer into a \$3 million settlement.*" [10] The mechanism was straightforward: Supio identified injury connections and treatment gaps in the medical records that manual review had missed. Under the SB 68 framework, that level of thoroughness is the standard, not the exception.

Strategic Recommendations For Georgia PI Attorneys _____

Rebuild your damages model. Every case filed after April 21, 2025 must be valued using paid amounts, not billed amounts. Anchor your case economics in future medical projections and evidence-based non-economic narratives.

Invest in earlier factual development. Bifurcation means you need a trial-ready liability case before you reach damages. Build the factual record at intake, not on the eve of trial.

Develop noneconomic damages narratives from the evidence. Anchoring is gone. Replace it with thorough medical chronologies, functional impact assessments, and expert testimony that give juries a factual basis for understanding what your client has lost.

Be deliberate about where and when you file. The voluntary dismissal window is 60 days. Make filing decisions with enough information to commit to them.

Track letters of protection carefully. Defense counsel will request discovery on every LOP. Know your providers' arrangements and be prepared to address them proactively.

Conclusion

SB 68 does not eliminate the ability to recover meaningful compensation for injured Georgians. It requires that compensation be built on a stronger evidentiary foundation. The phantom damages shortcut is closed. Bifurcation means winning liability before discussing suffering. Anchoring is prohibited.

What remains is the work great plaintiff attorneys have always done: building cases from facts, connecting injury to conduct, and presenting the full human and economic cost of what a defendant's negligence caused. Supio makes that work faster, more complete, and more accurate than human effort alone can achieve.

To learn more or schedule a demonstration, visit www.supio.com.

[1] American Tort Reform Foundation, Judicial Hellholes 2023-2024, Georgia. <https://www.judicialhellholes.org/hellhole/2023-2024/georgia/> [2] American Tort Reform Foundation, Judicial Hellholes 2024-2025, Georgia. <https://www.judicialhellholes.org/hellhole/2024-2025/georgia/> [3] Product Law Perspective, Tort Reform in Georgia Headed to the Governor's Desk (March 2025). <https://www.productlawperspective.com/2025/03/tort-reform-in-georgia-headed-to-the-governors-desk/> [4] Shook, Hardy and Bacon, Georgia Tort Reform Laws Bring Significant Changes. <https://www.shb.com/intelligence/client-alerts/public-policy/silverman-gieser-georgia-tort-reforms> [5] DLA Piper, Georgia Enacts Sweeping Tort Reform and Litigation Funding Laws (May 2025). <https://www.dlapiper.com/en/insights/publications/2025/05/georgia-enacts-sweeping-tort-reform> [6] Kennedys Law, Georgia Enacts Sweeping Tort Reform: Key Takeaways from SB 68 (April 2025). <https://www.kennedyslaw.com/en/thought-leadership/article/2025/georgia-enacts-sweeping-tortreform-key-takeaways-from-sb-68/> [7] Alston and Bird, What to Expect from Georgia's New Tort Reform Law (April 2025). <https://www.alston.com/en/insights/publications/2025/04/georgia-new-tort-reform-law> [8] Miles Mediation, Significant Changes Under Georgia's New Tort Reform Legislation (June 2025). <https://milesmediation.com/blog/significant-changes-under-georgias-new-tort-reform-legislation/> [9] Supio Customer Story: Childers, Schlueter and Smith. <https://www.supio.com/customers/childers-schlueter-smith> [10] Supio Customer Story: Travis Legal Offices. <https://www.supio.com/customers/travis-law-offices> Georgia SB 68 Full Text: <https://legiscan.com/GA/bill/SB68/2025> O.C.G.A. Section 51-12-1.1 (Medical Damages): <https://legis.ga.gov> O.C.G.A. Section 51-12-15 (Bifurcated Trials): <https://legis.ga.gov> O.C.G.A. Section 9-10-184 (Noneconomic Damages): <https://legis.ga.gov> O.C.G.A. Section 9-11-41 (Voluntary Dismissal): <https://legis.ga.gov>