Hodgins & Kiber Addresses Impact of Georgia Tort Reform on Personal Injury Claims

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ATLANTA, GA - March 16, 2026 -
Hodgins & Kiber, LLC, an Atlanta personal injury law firm, is providing guidance to Georgia residents on how recent tort reform legislation affects their ability to recover damages after accidents. The firm is addressing the sweeping changes introduced by Georgia Senate Bill 68, signed into law by Governor Brian Kemp on April 21, 2025, which fundamentally alters how personal injury cases proceed through the state's court system.

The legislation represents the most significant tort reform in Georgia's recent history, with most provisions applying retroactively to pending cases. Attorney ATL David Hodgins personal injury lawyer in Atlanta explains that the new law introduces restrictions on noneconomic damages, permits bifurcated trials, allows seat belt evidence in motor vehicle cases, and limits medical expense recovery to amounts actually paid rather than billed amounts.

"Senate Bill 68 has shifted the balance in personal injury litigation significantly toward defendants and

insurance carriers," stated David Hodgins, Personal Injury Attorney at Hodgins & Kiber, LLC. "The retroactive provisions mean that cases already in progress face new procedural hurdles and valuation challenges. Georgia residents attempting to navigate these claims without experienced counsel now face substantially greater disadvantages in recovering fair compensation for their injuries."

The law's phantom damages provision, effective for claims arising after April 21, 2025, restricts plaintiffs to recovering only medical expenses actually paid or expected to be paid. This change eliminates recovery for the difference between billed and paid amounts, potentially reducing compensation by thousands of dollars in typical injury cases. Additionally, new restrictions on how attorneys may present noneconomic damages arguments to juries apply retroactively to all pending cases.

Perhaps most significantly for motor vehicle accident victims, the legislation now permits evidence of seat belt non-use to establish negligence, comparative fault, or reduce damages in cases filed after April 21, 2025. This provision creates new vulnerabilities for accident victims who may see their compensation reduced even when another driver caused the collision.

The bifurcation provision allows either party to demand a two-phase trial process, with liability determined separately from damages. This change, which applies retroactively, can alter jury dynamics and potentially disadvantage plaintiffs who rely on the emotional impact of their injuries to establish the severity of defendant negligence.

David Hodgins personal injury lawyer in Atlanta brings extensive trial experience to clients navigating this transformed legal landscape. His background includes membership on the Alabama Law Review and Campbell Moot Court Board during his legal education at the University of Alabama School of Law, where he attended on a full merit-based scholarship.

The firm emphasizes that understanding these legislative changes is critical for anyone pursuing or considering a personal injury claim in Georgia. The retroactive nature of many provisions means that strategic adjustments are necessary even for cases filed before the law's enactment.

Hodgins & Kiber, LLC is an Atlanta personal injury law firm representing clients injured in car accidents, truck accidents, motorcycle accidents, pedestrian accidents, rideshare collisions, and other injury-related incidents throughout Georgia. Founded by David Hodgins and Troy Kiber, the firm provides aggressive personal injury representation to Atlanta-area clients on a contingency fee basis, with no fees owed unless compensation is recovered.

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Hodgins & Kiber, LLC

Atlanta personal injury attorneys David Hodgins and Troy Kiber fight for accident victims across metro Atlanta. We handle car, truck, and motorcycle accidents with integrity and aggression?maximizing your recovery while you focus on healing.

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