



After the Wreck: What Savannah Families Need to Know Before They Talk to the Insurance Company

A Chatham County trial lawyer's guide to evidence, insurance, and case value under Georgia law

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Foreword

Most people who open this book did not choose to be here. Something happened on I-95, on I-16, on Abercorn Street or DeRenne Avenue, or in a Savannah operating room. Now there's a claim number, an adjuster's voicemail, and a stack of paper that arrived faster than anyone was ready for.

I wrote this book because the gap between what a Georgia victim of negligence needs to know and what they know in the first week is large, and the insurer on the other side of the claim isn't the one who is going to close it. It comes from [*Savannah Car & Truck Accident Law*](#), the podcast I record in Savannah, Georgia, where I walk through the questions my own clients ask me most. What to do at the scene. What a police report can and can't prove. Why a truck case isn't a bigger car case. What a Georgia jury is allowed to award when there's no cap, and how a medical mistake becomes a provable claim instead of a bad outcome nobody can explain.

None of the law in these pages is generic. Georgia is a modified comparative fault state, which changes what happens the moment a driver is found even partly at fault. Georgia is one of a small number of states with no statutory ceiling on non-economic damages in a personal injury or wrongful death case. Georgia requires a signed expert affidavit before a medical malpractice case can even be filed, not after. Chatham County sits on I-95 and I-16 next to one of the busiest ports on the East Coast. That means more commercial trucks on the road, and a faster-moving investigation window than an ordinary car wreck.

The chapters ahead answer the questions I hear from Georgia families, in the order they come up: the scene, the police report, the insurer, the deadline, the value of the claim, and what happens when the person who hurt you was supposed to be helping you. While I hope you will read the whole thing, this book is intended chapter by chapter to help you in the specific situation you find yourself in right now.

Introduction

I did not grow up wanting to sue anybody. I grew up in Spartanburg, South Carolina, went to the University of Georgia for undergrad and law school, and spent a decade at a high-stakes trial firm handling complex litigation before I opened Conn Law in Savannah in March 2025. What I learned in those years, trying cases and sitting across kitchen tables from people on the worst day of their lives, is that almost nobody understands how a Georgia personal injury claim works until they're already living inside one.

That's the gap this book is written to close. Not the version of the law you can find in a five-minute search, but the version that decides what happens to your claim. What a Georgia jury is allowed to award. What a preservation letter has to accomplish before evidence disappears. Why a truck case runs on a different clock than a car case, and why a medical malpractice claim in Georgia can't even be filed without an expert willing to sign an affidavit first.

I limit my caseload on purpose. I take catastrophic injury, wrongful death, medical malpractice, products liability, and serious truck collision cases, and I loop in co-counsel on the smaller car wreck matters to focus on the more severe injury cases.

Every chapter answers one real question, grounded in Georgia law and in the cases I've handled out of Savannah and Chatham County. Start wherever your situation puts you.

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CHAPTER ONE

The First Hours After a Savannah Crash

The first hour after a wreck in Chatham County is the hour I watch people get the least right. Not because they're careless. Because nobody plans for it.

I'll say up front that it's easy for me to give advice from a comfortable chair, and that the person standing in the road is in a very different position. You may be in pain, or not know yet what's going on with you medically. You're in fight or flight, and people in fight or flight rarely make the right call. Whether the negligence behind your wreck is an ordinary car accident or something a great deal more serious, that first hour feels the same from the inside.

So this chapter is the short list I'd give you if you called me from the scene: what to do, in what order, and what to be careful about saying while you do it. None of it requires a law degree, and none of it requires you to be perfect either. I'd rather say that now than at the end.

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“We’re still human beings, right? We still want to act like human beings and not let the legal case get in the way of being a decent person. I always recommend checking on the other person, making sure they’re okay, even if they’re the person who caused the wreck to begin with. We still want to be decent human beings.”

— ANDREW CONN, ON WHAT HE TELLS CLIENTS ABOUT
THE SCENE OF A CRASH

The first hour, in the order it happens

Start with yourself, and not in some general sense. Okay means you don't need to be rushed to a hospital this minute. Check on whoever was riding with you, and if nobody needs an ambulance right now, you can move on to the rest of it. If you are willing, it is always nice to check on the others involved in the wreck, even if they were the cause.

Call the police if they haven't been called already. A lot of the time somebody who watched it happen calls before either driver thinks to, but if nobody has, make the call yourself and report what happened.

Then look at the scene and take pictures of everything before anything gets moved: the damage to your car, the damage to the other car, where the vehicles came to rest, the intersection, the road. Photographs cost nothing, and they capture a version of the scene that stops existing about ten minutes later.

When the officer gets there, describe the wreck and what you saw as accurately as you can. I know that's a hard thing to do with adrenaline running. It's still worth doing well, because that report gets written out of whatever the officer was told, and you want your account inside it.

EMS is usually right behind the police and sometimes ahead of them, and they deserve the same complete account. Tell them everything that's going on with you, not just the obvious things. A cut knee announces itself; tightness in the chest, a headache that started at impact, numbness running down an arm, none of those do. A paramedic can only act on what gets said out loud. And what you tell EMS at the roadside becomes the first page of a medical record that matters later, whether or not a lawyer ever gets involved at all. It's okay if you aren't quite feeling all the effects of the wreck, but try to listen to your body and what you're feeling at that time.

Be a decent person, then be careful what you say

Now, checking on the other driver belongs in that same first hour, and that one isn't a legal instruction so much as a human one. A wreck doesn't suspend your obligation to act like a decent person. Clients who have done exactly that, checked on the other driver, made sure everyone at the scene was accounted for, have never once told me they regretted it.

What changes the legal picture is what you say next. The instinct to apologize, or to guess out loud about who did what, is completely understandable. It's also the kind of sentence an insurer will hand back to you a year later. So talk to the other driver like a person. Ask if they're hurt, see whether you can help, and let the questions about fault wait for somebody whose job it is to answer them.

People sometimes assume Georgia protects an apology at the scene. It doesn't. The state does keep expressions of sympathy out of evidence, but only for doctors and other healthcare providers in medical malpractice cases. It does nothing for a driver after a wreck.

My mom is one of the sweetest ladies in the world. If a driver blew a stop sign and hit her while she was doing everything right, she would get out of the car and apologize to him. That's simply her nature. If she reads this, she's still going to do it. I'm not asking anyone to stop being that person. I'm telling you that an apology and an admission are two different things, and that a good lawyer can explain that difference to an adjuster or to a jury if it ever comes up.

Adrenaline will tell you that you're fine

Adrenaline complicates all of this more than people expect going in.

I had a client call me from the scene of her own wreck to ask what she should do next, and she happens to be a close personal friend. When I asked whether she was hurt, she told me she didn't know for sure but that she felt okay, and it had been a pretty bad wreck. She found out the next day that she had broken her wrist. The break was there the whole time and she simply couldn't feel it yet.

That isn't unusual, it's close to the normal response to a hard impact, and it's the reason insurance companies love the sentence people say at the roadside. What they like to do is point at you telling EMS or the police that you're okay. They hold it up as proof that you weren't hurt, or that you aren't entitled to anything.

Telling an officer you feel fine isn't a lie. It's often just wrong, in a way that has nothing to do with your honesty and everything to do with what a frightened body does under a shock like that. So as hard as it is with the adrenaline running, stop for a second and think about what actually hurts. Then say all of it out loud to whoever is standing in front of you.

Get checked out, then get checked out again

I always recommend getting checked out the same day, even when you feel "okay." If you'd rather not take the ambulance, that's fine; drive yourself, or have somebody drive you.

The biggest reason has nothing to do with a claim. It's to make sure you're okay, because you don't know what got jarred loose that you can't feel yet or if there is internal bleeding or brain damage that needs to be evaluated. My client went in feeling fine, they ran an x-ray, and there was the broken wrist: objective, no argument about it, and she never felt it happen.

Now, an emergency department is checking you for broken bones and for anything immediately life threatening. If you don't have either of those, they're going to discharge you, and that isn't them missing something. That's the job, and the job was never a full workup on every-

thing a person might be carrying out of a wreck.

So in the days and weeks that follow, if you're still hurting anywhere, follow up with a general practitioner at minimum. Neck, back, shoulder or knee pain usually means you want an orthopedic surgeon, because they'll do a real evaluation and they often order an MRI. An MRI shows soft tissue detail in a way an x-ray can't, and it catches things an emergency physician was never going to find in that first visit.

Have "brain fog" post wreck? You might have suffered from a traumatic brain injury that could affect you for the rest of your life. While symptoms may present fairly earnestly at first, brain injury symptoms often develop over time. So it is important to get checked out early and often.

At every one of those appointments, tell the medical professionals everything. You might have ten things going on and report only the one that hurt worst that morning, which is how human beings work, and it's also what insurance companies use. They'll argue that you mentioned one thing, so the other nine must not have been happening. Nothing is too small to say out loud. You are your own best patient advocate, and nobody is going to advocate for you the way you can.

The form Georgia expects you to file

Georgia puts a reporting duty on you personally when no officer investigates the wreck. The threshold is five hundred dollars in property damage, which in today's world covers just about every wreck on the road.

If the police respond, they fill out the Uniform Motor Vehicle Accident Report, and nothing more is owed. The SR-13 is the self-reporting form. You have to fill out the SR-13 to self-report the accident when the police either weren't called or couldn't respond. Then you have ten days to file it with the Department of Driver Services. The form is available online.

That gap opened up wide during COVID, when departments simply couldn't get out to every fender bender. It's become less of an issue now, though it still happens on a smaller scale whenever call volume outruns the officers available to answer it.

Skipping the SR-13 requirement is technically a misdemeanor under Georgia law, though I've never seen it prosecuted against someone who was seriously hurt and unable to file in time. There are exceptions built in for people who could not possibly have complied. If you're hit and you spend eleven days in a coma, nobody expects a form to have been filled out from a hospital bed. In that situation there is almost certainly a police report covering it anyway. The obligation picks back up once you're able to act, and a good attorney handles that filing as part of taking over the case.

The more common cost of skipping it isn't criminal, it's practical. Call an insurer six months later about a wreck that was never reported anywhere, and the first thing they ask for is the accident form. When there isn't one, they get to question whether the thing happened at all.

One more piece belongs in that first day. Once you've hired a lawyer, the calls stop being yours to field: the other driver's insurer, sometimes an investigator, occasionally the police following up for more detail. You can tell any of them that you're represented and that they should direct their questions to your lawyer's office. That one sentence hands the paperwork to somebody else at the exact moment you should be focused on getting better. The last thing a person needs while they're healing, or while they're grieving, is a voicemail from a stranger asking them to explain the worst day of their year.

None of these steps require perfection, and I want to say that plainly before I get to the questions I hear most. Someone who said too much at the scene, or waited a day too long to see a doctor, has not necessarily lost a valid claim. No matter what happened and whether you think you made the right or wrong call in the moment, it can usually be fixed, and the right person will walk you through it. What's in this chapter is the ideal, not a checklist where one missed box ends everything.



A quiet Savannah street corner just after a collision, two vehicles pulled to the shoulder with hazard lights on.

Common Questions

Should I talk to the other driver's insurance company before I have legal advice? Georgia doesn't require it, and I'd recommend talking to an attorney first. Your head is still spinning after a wreck, and people say things that aren't accurate simply because they're disoriented, not because they're being deceitful. You can be respectful and still tell an adjuster you're not ready to give a statement. Giving a recorded one before you understand how comparative fault works is a common way an early conversation comes back to hurt a claim.

Do I have to call the police even for a minor-seeming crash? Yes, and the reason isn't the paperwork. The officer's report becomes the first documented account of what happened and roughly how it happened. If injuries surface a day or two later, which they often do, there is already a record that the wreck occurred. That's the same record my [motorcycle](#) and [pedestrian](#) clients lean on just as heavily.

What if I'm not sure whether I was hurt? Then assume you don't know yet, because you probably don't. Adrenaline can mask real pain for hours, so get checked out the same day if there's any way to do it. The first reason is your health, and that would be true even if you never filed a claim at all. The second is that it starts a medical timeline on the day of the wreck, which is far harder for an insurer to wave off later as unrelated.

What is the SR-13 form, and do I need to file it myself? It's Georgia's self-reporting accident form, required once property damage reaches five hundred dollars. If an officer responds, they write the Uniform Motor Vehicle Accident Report and you are done. You file it yourself only when the police weren't called or couldn't come out, and then you have ten days to submit it to the Department of Driver Services. You can complete it online, or your attorney can handle it for you.

Can what I say to the other driver at the scene hurt my case? It can. Georgia keeps expressions of sympathy out of evidence only for doctors and other healthcare providers in medical malpractice cases, not for drivers, so an apology at the scene can be used against you. Keep the conversation at the scene to whether everyone is okay, and save your account of what happened for the officer and for your own attorney.

Chapter Reflection

Almost nothing in this chapter costs you anything. A few photographs. One more sentence to the paramedic. A phone call you make instead of assuming somebody else made it, and ten days on a form in the rare case where no officer comes out.

What all of it buys is a record of your own wreck that somebody else can't quietly rewrite later. An adjuster you've never met, and sometimes twelve strangers in a jury box, will decide what happened out of whatever survived that first hour.

And if you're reading this after the fact, having already said too much or waited too long, that's the sequence my [contact page](#) exists to help with. The next question, once insurance gets involved, is the one Georgia answers with a number: who was at fault, and by how much.

CHAPTER TWO

Georgia's Fault Rules and Why You Don't Pay Unless You Win

Two questions come up before anything else. Whose fault was it, and what is this going to cost me to find out.

Georgia runs on a fault-based system, so the driver who caused the wreck, and that driver's insurer, pays for the damage that follows. That part rarely surprises anyone. What surprises my clients is what happens the moment fault gets split between two drivers, because Georgia does not divide it the way most people assume.

The second question has a shorter answer. Calling me costs you nothing. I've had people in my own community here in Savannah tell me they held off on picking up the phone until somebody else explained that to them, and that's a hesitation I'd like to put to bed early in this book.

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“Everything you go through on a contingency fee basis is free until there's recovery. Even if it takes five years, and we're hiring experts and spending a lot of money on your case, you're never spending a dime unless and until there's recovery.”

— ANDREW CONN, ON HOW A CONTINGENCY FEE CASE WORKS

Why fifty percent means zero

I work under [Georgia's modified comparative negligence rule](#), O.C.G.A. § 51-12-33. Here is what it does to a claim.

A jury can decide both drivers played some part, and your recovery drops by whatever share of the fault lands on you. Say your case is worth a hundred thousand dollars and the jury puts twenty percent of the blame on you, in which case you recover eighty thousand. That much is arithmetic, and I think most people follow it without any trouble.

The part that catches people is the cliff at the end, because at fifty percent you don't recover a reduced amount, you recover nothing. So what I like to say is that in Georgia, fifty percent equals zero. At 49.99 percent you still have a case, and one hundredth of a point later you don't.

Now, that cliff is why an adjuster's first move is so often an attempt to slide some percentage of the blame onto you. Every point they assign to you comes off the number, and enough points end your claim before it ever starts. That isn't a hostile read of their job, either. An adjuster is paid to manage what the company pays out, not to make you whole, and those are two different assignments even when the phone call sounds friendly.

There is one argument I see more than any other. If nobody independent saw the wreck, they will push for an even split, because they know exactly what a fifty-fifty finding does. The other favorite is a gap in your treatment: you didn't mention your shoulder at the February visit, so the shoulder must not have been hurting in February. Neither of those reflects how people behave after a frightening event. Twelve people in a jury box tend to understand that intuitively. An adjuster whose job depends on paying less usually does not.

The coverage nobody explains until the day you need it

Georgia requires drivers to carry at least twenty-five thousand dollars in bodily injury coverage per person and fifty thousand dollars per incident. Not everyone complies with that law. And plenty of the drivers who do comply are carrying exactly the minimum and nothing above it. When the at-fault driver's policy is that thin, the size of their coverage can end up capping what you collect from them, no matter how badly you were hurt.

That gap is what the next piece of your own policy exists to close, and most of my clients have never heard of it until the day they need it. Insurance companies are in no hurry to walk you through it.

Uninsured and underinsured motorist coverage is something you buy on your own automobile policy. It pays when the driver who hits you has no insurance, or not enough of it. Say your claim is reasonably worth a hundred thousand dollars and the at-fault driver carries the twenty-five-thousand-dollar minimum. If you bought seventy-five thousand in uninsured motorist coverage, you collect twenty-five from their carrier and seventy-five from your own.

Here is the part worth acting on this week. Under Georgia law your insurer has to give you uninsured motorist coverage matching your liability limits automatically, unless you sign a specific document waiving it. It's called a selection or rejection form. Carriers will sometimes nudge you toward signing it because it shaves a little off the premium. It does save you a little,

and that little is nothing next to what it costs you the day somebody with no insurance hits you. So go look at your declarations page before anything ever happens to you. If the coverage isn't on there, it is cheap to add, and I recommend it to every single person who asks me.

This same [coverage](#) is what protects you when the other driver never stops at all. I've had cases where someone fled the scene, on multiple occasions actually. Sometimes the police catch up with them, and that is a good thing for your case, because fleeing can open the door to a claim for attorney's fees or punitive damages. Other times nobody ever finds them. You can pull footage from nearby gas stations and businesses and hunt for a plate, and I have found people that way. But sometimes the video isn't there and the police can't close the gap. When there is no driver to identify, there is no policy to pursue, and your own uninsured motorist coverage is the only thing left standing between you and nothing. It's the same coverage doing the same job, whether the other driver had no insurance or no name.

Why an adjuster calls you in the first week

I get calls constantly from people who tell me an adjuster already offered them a couple thousand dollars, sometimes within days of the wreck. "Progressive called and offered twenty-five hundred. What should I do?"

The first thing I say is that we should investigate before anyone answers that question. Almost every single time, that number is far below what the claim is worth, and the company knows it. They're betting that you won't investigate and that you won't hire an attorney. An early offer isn't an opening position so much as a hope that the file closes before anyone looks at it.

Part of what happens next is something clients never see. Insurance companies evaluate a claim against their own internal criteria, and describing seven or eight problems in your own words does not land the same way as those identical facts translated into the categories an adjuster is trained to weigh. I speak their language, so I know what they're looking for in your file and how to put what's happening to you in front of them in a form they have to price. That translation is a large part of why the same facts produce very different outcomes depending on who's presenting them.

I hear a version of the same hesitation constantly in this community, whether the injury came from a [bicycle crash](#) or a [construction site](#). People assume that calling a personal injury attorney costs something, so they wait far longer than they should to find out otherwise.

It doesn't, and I want to be specific about why. I evaluate cases every day, and sometimes I tell somebody it isn't a case for me, or that it may not be a case at all. That's fine, and you lose nothing by asking. And if I do take your case, I front what it costs to build it: the experts, the

trips out to the scene, the reconstruction work. If there's ultimately no recovery, I never ask you to pay any of that back. Those are costs I eat. That is the whole reason there's no downside to finding out where you stand, even when you're not sure your situation is serious enough to bother a lawyer about.

The demand, the lawsuit, and what litigation looks like

Once you've finished the bulk of your treatment, or at least reached a point where the medical picture is clear, the next step is usually a demand to the at-fault driver's insurer. Often that demand is for the policy limits, because so often the limits are only twenty-five thousand dollars to begin with. The company then has thirty to forty-five days to accept it or turn it down.

What makes that window produce a real number instead of a stall has less to do with the letter than with the file behind it. Defense attorneys know which lawyers are prepared to try a case and which ones they can catch flatfooted at the last second and get a discount from. So I prepare every single case as if it's going to trial. I don't let myself believe it will settle. Ducks in a row, the right experts, the right research, the right depositions taken. If it settles after that, wonderful, because working a case up as though it's going to a jury is frankly the best way to settle it.

When a demand gets rejected, filing suit is usually the next real step. Georgia uses notice pleading, so the lawsuit only has to put the other driver on notice of the claims against them, which is a lower bar than people expect. Once you file, the insurance company is contractually obligated to hand that driver a defense attorney. They have to; it's in the contract they signed. So anyone trying to handle a lawsuit alone is walking into a room with a seasoned defense lawyer on the other side and nobody on theirs.

By statute you then get 180 days of discovery after the defendant answers the complaint. That means written questions each side has to answer, requests for documents, and sworn statements from the drivers and the witnesses. A Georgia car wreck case usually runs six months to a year of active litigation, though it can stretch to a year and a half or two, and often that has nothing to do with your lawyer. Sometimes we are simply at the mercy of a judge's calendar, and the court is too overloaded to give us a trial date.

No two cases run the same. Some resolve after a handful of depositions, just the drivers and maybe a treating physician. Others carry dueling accident reconstructionists, several medical experts, and a much longer runway. Either way it can be grueling on the person living it, sitting in a deposition room reliving a wreck a year or two after it happened. I weigh that when you and I are deciding whether a fair number now is worth more to you than a verdict that might be larger and costs you another eighteen months to reach.

Two deadlines that can end a claim on their own

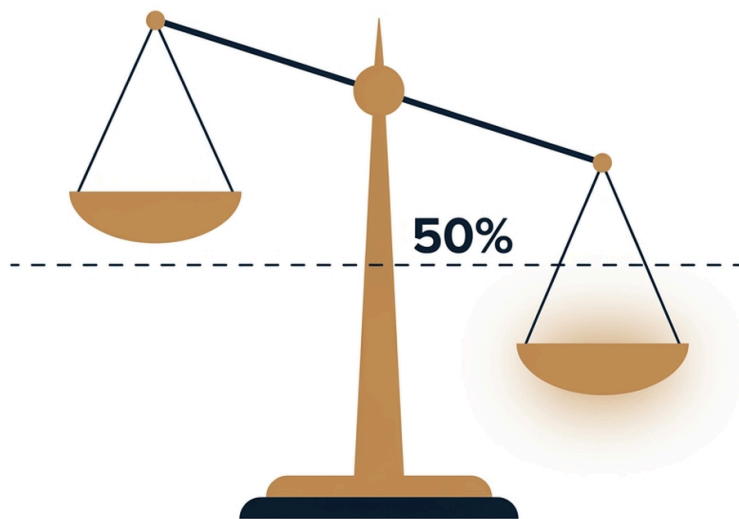
Two deadlines matter more than any fault percentage or [insurance limit](#) in your case, because missing either one ends the claim before those questions ever get asked.

The first is the one most people have heard of. Georgia gives you two years from the date of the wreck to file a lawsuit. South Carolina gives three, and some states give one, so a deadline a friend in another state repeats to you with total confidence may simply not be your deadline.

There are narrow exceptions, and I would never let you build a strategy on one. Georgia law does pause the two years while a traffic citation from the scene sits unresolved, so if the other driver takes three months to pay it, you get two years and three months. It's nuanced, though, and it doesn't always work that way. A recent appellate ruling limited that extension to the person who was actually in the wreck. If that person later dies and the family brings a [wrongful death claim](#), the family does not get those extra months, even with the same citation still sitting in traffic court. Treat two years as the real number and let any exception be a pleasant surprise. You will never get in trouble for filing early.

The second deadline is a cousin of the [statute of limitations](#), and it's the one almost nobody knows about until it has already cost them. Your uninsured motorist coverage is a contract with your own insurer, and that contract usually requires you to report a wreck inside a set window. It could be thirty days, or three months, or six months, or a year. Miss it, and the policy says they don't owe you the coverage you paid for.

I have clients come to me a year and a half in who still have a claim against the other driver, and whose own uninsured motorist coverage may no longer apply, because nobody ever called their carrier. So call yours the same week. Not after treatment ends, not after a demand goes out. Set up the claim, or have an attorney do it for you. It costs nothing and it closes that risk permanently.



A balance scale tipping at the 50 percent line, the threshold at which Georgia's modified comparative negligence rule cuts off recovery entirely.

Common Questions

What does it mean that Georgia is a modified comparative negligence state? It means fault gets divided, and your share comes off your recovery. A jury can reduce an award by the injured person's percentage of fault, but a person found fifty percent or more at fault recovers nothing at all under O.C.G.A. § 51-12-33. So at twenty percent fault a hundred-thousand-dollar case pays eighty thousand. At fifty percent it pays nothing. Fifty percent equals zero.

Why would an insurance company try to argue I was partly at fault? Because every percentage point they hang on you comes straight off what they pay, and enough points end the payout altogether. Watch for the even-split argument when there were no independent witnesses, since they know a fifty-fifty finding pays you nothing. Watch for the gap-in-treatment argument too, where not mentioning an injury at one appointment becomes proof it wasn't happening.

Does hiring an attorney cost money up front? No. A contingency arrangement means the firm is paid a percentage of the recovery, and only if there's a recovery. The consultation is free whether or not I take the case. I also front the costs of building it, the experts and the investigation, and if the case doesn't recover, I don't ask you to pay those back. You pay yourself first, and you pay me out of what comes in.

What is uninsured or underinsured motorist coverage, and do I already have it? It's coverage on your own auto policy that pays when the at-fault driver has no insurance or not enough to cover your claim. Georgia law requires insurers to include it automatically at your liability limits unless you signed a form rejecting it, so it's worth checking your declarations page to see whether you have it and how much. It also covers you when the driver flees and is never identified.

What happens if the insurance company ignores my demand letter? An insurer usually has thirty to forty-five days to respond to a policy-limits demand. If that window passes without a fair response, filing a lawsuit is usually the next step, and Georgia law then requires the insurance company to provide the other driver with a defense lawyer. After that driver answers, both sides get 180 days of discovery by statute.

Chapter Reflection

A fault percentage sounds like a technicality right up until it's the number deciding whether your claim pays anything at all. Fifty percent equals zero, and nobody tells you that while you're standing in the road deciding how much to say.

The cost question deserves the same plain answer. Nothing you do in this process comes out of your pocket, and the only thing that hesitation buys the insurance company is time.

What neither of those questions settles is the one every claim actually turns on: what the record says happened out there. The next chapter starts with the document an adjuster reaches for first.

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CHAPTER THREE

What the Police Report Can and Cannot Do for Your Claim

Most people never read [a police accident report](#) until they're the one who was in the crash. In Chatham County, that report is filed by the Savannah Police Department or the Georgia State Patrol on Georgia's standard crash form.

Like most things in the law, how much it matters is a case-by-case question. But I can tell you the shape of the answer, and it surprises people both ways. The report is worth more than you think at the beginning of your claim, and a good deal less than you think by the time you're in front of a jury.

So this chapter is about the document itself. What goes in it, what an adjuster does with it, what a courtroom does with it, and what you do when it gets something about your wreck flatly wrong.

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“Certainly at the early portion of the claim, when you’re working with an insurance company, it’s very important, because insurance adjusters often don’t do a thorough investigation. They just rely on whatever’s in that police report. Police reports are often wrong or have inaccurate information, and that’s probably what you’re going to be working off of early on when trying to negotiate a claim before filing a lawsuit.”

— ANDREW CONN, ON HOW MUCH WEIGHT INSURANCE ADJUSTERS PUT ON A POLICE REPORT

Heavy with an adjuster, light with a jury

Early in your claim, before anyone files a lawsuit, that report carries real weight with the adjuster deciding what your case is worth. Your average adjuster doesn't have a lawyer's credentials or a lawyer's background for investigating anything, so they lean on the crash report

heavily. Whatever is written on it is very often what you're negotiating against.

Now, that's also the moment the report is least reliable. The officer wasn't there when it happened. Almost none of them ever are. Most of what lands on that form came out of drivers and witnesses standing in the road minutes afterward, stressed, sometimes hurt, telling it the best they can.

Then you get to trial and the weight flips. Much of what's in the report simply isn't admissible. If an officer didn't witness the wreck, they usually can't give an opinion on who caused it, and that opinion is the part everybody assumes is the important part. What they can testify to is what they personally observed. If they saw tire marks, they can say so, and they can give the measurements they took. If they talked to you or to a witness at the scene, they can tell a jury what was said to them as part of describing their own investigation.

So the same document is heavy in a negotiation and light in a courtroom. Knowing which stage you're standing in tells you how hard to push on it.

One piece of that cuts directly at you. If the officer wrote down that you said you were fine and you weren't hurt, the defense and the insurance company will hold that up to argue you couldn't possibly have been injured. We all know good and well what happens in a wreck. Your adrenaline is flowing and you don't yet know whether you're seriously injured. I have clients all the time who are objectively hurt and whose only thought at the scene was checking on the other driver, because they were trying to be a human being, which is a good thing. At the end of the day, like you hear on television, what you say can be used against you.

Everything a thorough report holds

The form is the GA Form 523. Nobody calls it that. We call it a Georgia motor vehicle crash report.

A thorough one holds a wealth of information: the weather, the road conditions, what each driver said in the confusion right after, the witnesses and their statements, and whether anybody got cited for causing the wreck. There are thirty or fifty separate things that can go on it.

My biggest frustration is opening one of those and finding that out of thirty or fifty fields, a couple got filled in. That tells me the investigation was thin. It doesn't tell me the wreck was minor.

The part officers often do a genuinely good job on is the diagram. Below all the coded fields there's usually a drawing: the two cross streets if it happened at an intersection, the reported direction each vehicle was traveling, and roughly how they came together. That picture has

oriented an entire case for me. It puts the roadway in front of an adjuster, or in front of a jury, before a single expert opens his mouth.

So don't rely on the police to do your investigating for you. Do your own documenting, and do it at the scene.

When the report gets your wreck wrong

The report is wrong more often than you'd expect, and it is usually fixable. You won't have it the instant it happens; give it a couple of days to become available.

When it does, and you spot an error, call the officer. Their information comes with the report. Officers are human beings and they make mistakes, and most of them know it. If it was raining and it was midnight, they understand they may have gotten something turned around. So call and say, look, you put this here, but I think you'll recall it actually happened this way. What I've found is that most of the time they're reasonable about it. They'll tell you, oh yeah, I do remember it that way, I'm sorry, and they'll change it.

Some of what looks like a mistake isn't one. The form logs a lot of details as numerical codes rather than plain words, so a field that reads wrong on the page may be shorthand you can't decode. You might have no idea whether that number means the windshield wipers were on or off, or whether the road was wet or dry. A good attorney will help you read it, because there are subtle details in there you and I might discuss about your wreck that you'd never connect to a two-digit code.

I wish I could tell you there's a formal process for this. There isn't. It's calling, and calling again, until the right person at the department has time to sit back down with their own notes.

A report that blames nobody is not the end of your claim

I had a case last year that happened right on the [Georgia](#) and Alabama border where the responding officer didn't list either driver as at fault. He wrote that he couldn't determine who caused it.

On its own, that finding is close to fatal. The adjuster reads it and says, sorry, we have nothing showing our insured caused this, so we're not paying you anything.

We went and found a witness ourselves, using some forensics, and what she had to say built the whole case. She saw very specifically that the other driver ran a red light and smashed into my clients. Those injuries were serious. One person had a brain injury. There were several

children in the car. There was a pregnant woman who had a baby the next day. It was an awful wreck.

I got her statement and took it to the police department, and the department amended the report to list the other driver as at fault. That amendment would have meant nothing at trial, because the fault determination is inadmissible either way. It meant everything to the claim. The insurance company paid its full policy limits, because it could now see that its own side had screwed up.

The other version of this is the case that stays open. I'm working one right now where a tractor-trailer hit my client on US 80 and fled the scene. We're fully investigating it. We've pulled video from gas stations, a liquor store, other nearby businesses. But the police have access to a lot of information we don't get until a lawsuit is filed, so we call that officer every day, giving him what we've found to help him finish his investigation and identify this driver.

Sometimes he doesn't call back right away. That isn't him ignoring us. They're busy people and they're human beings, and we want to give them some grace. We also want to stay on top of it. That's part of the job while your report is still unfinished business.

The file the other side is building

The insurer's work doesn't stop at reading the report either, and you should know that going in.

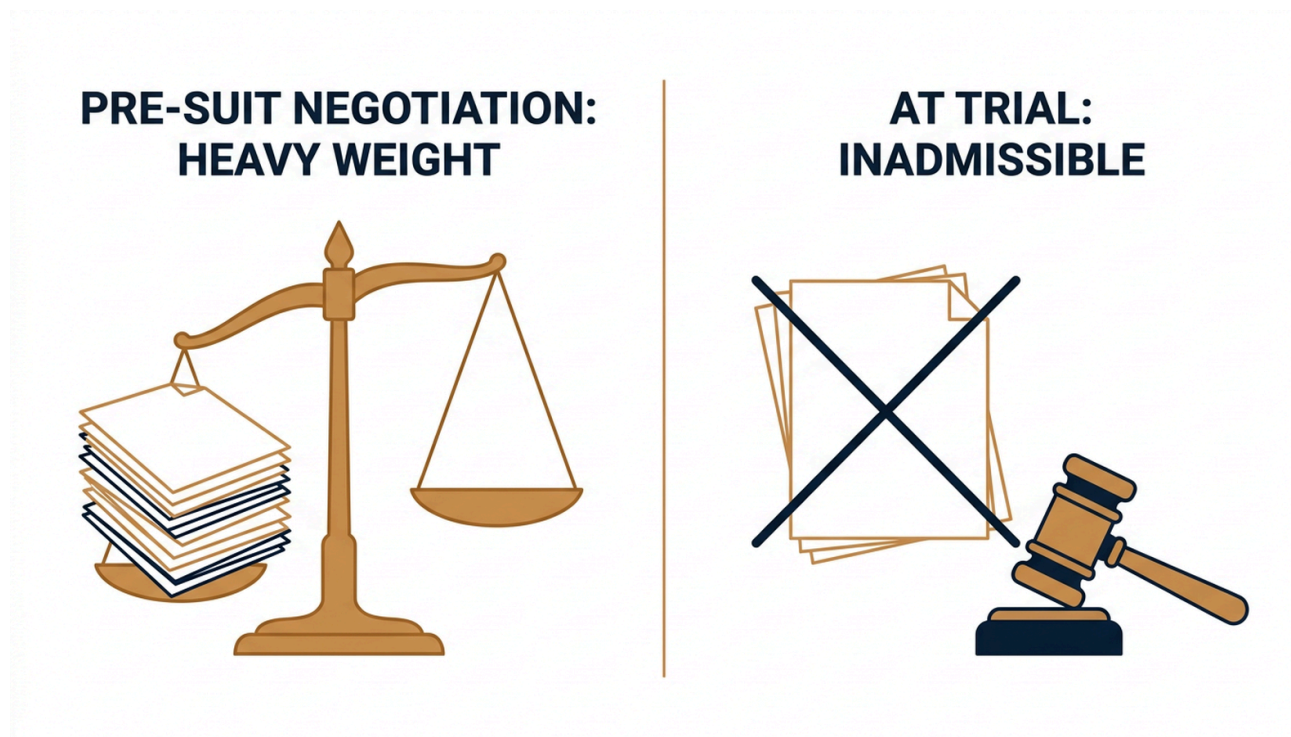
Once your claim is seriously disputed, adjusters and defense lawyers start gathering evidence of their own, and not all of it is collected as openly as an officer's investigation. They will get video surveillance on you. I've had it happen. A client wasn't being entirely honest with me about what his injuries were and what he could do, and he testified under oath that he could do X, Y and Z. Then at mediation, before trial, the defense attorney showed us up to three hours of video of him doing the things he'd said he couldn't.

So be careful. Be honest, and understand that there may be some guy sitting in the woods behind your house with a camera, trying to catch you doing something that contradicts what you've sworn to. That's an extreme example and most of my clients have nothing whatsoever to hide. Honesty from day one is the whole defense against it.

Not every adjuster handling a claim approaches it the same way, and it's worth saying so plainly. Some are seasoned professionals who'll look at a corrected report or a new witness statement and adjust their evaluation accordingly, because they've done this long enough to

recognize when a file has genuinely changed. Others are newer to the job and tend to fall back on whatever the file already says rather than reconsider it, not out of bad faith but because they have less experience recognizing when their own first read was incomplete.

One last thing worth knowing about where all of this lands. The more disputes there are in your case, the more likely you are to end up in front of a jury. If they're only arguing about your shoulder while conceding the neck and the back, that case will probably settle. If they're disputing every injury, the causation, and who caused the wreck in the first place, that's the one that goes to trial. Recognizing which kind of case you're in early tells you a lot about how long this is going to take.



The same evidence weighed two ways: heavy in pre-suit negotiation, inadmissible at trial.

Common Questions

Is the police report the most important piece of evidence in a Savannah car accident case?

It matters most in the early negotiation stage of your claim, before a lawsuit is filed. That's when an adjuster is leaning on it to decide what to pay you. Once litigation starts, much of what's in the report becomes inadmissible, including the officer's opinion on fault, and other evidence carries more weight. It's an important document. It is not the end-all be-all of your case.

Can I get an error in the report fixed? Usually, yes. Call the officer once the report is available, tell them what you believe actually happened, and most of the time they're reasonable about correcting it, especially with a photograph or a witness behind you. There's no formal appeals process, and I wish there were. In practice it means calling, and sometimes calling again, until the right person has time to revisit their own notes.

What form does a Savannah officer use to document a crash? The GA Form 523, Georgia's standard motor vehicle crash report, though nobody refers to it by the number. It carries roughly thirty to fifty fields covering the drivers, the vehicles, the weather and road conditions, any citations issued, and the witnesses at the scene. It usually includes a hand-drawn diagram of the roadway too, which is often the single most useful thing on it.

Can a weak or incomplete police report still support a strong claim? Yes. A report that says fault couldn't be determined, or that leaves out a witness nobody interviewed, is common. I had one on the Alabama line where the officer blamed neither driver, and the witness we tracked down ourselves turned it into a full policy-limits payment. An attorney investigating on your behalf can often build a stronger record than the report ever did.

Does an insurance company only work from the police report, or do they investigate on their own too? Both. Adjusters lean heavily on the report, but once a claim is seriously disputed, insurers and defense lawyers build a file of their own, and that can include surveillance video of you. Be honest about what you can and can't do, and be consistent about it, and that kind of evidence never becomes a problem in your case.

Chapter Reflection

Nationally, more than six million crashes get a police report filed on them every year, and in Chatham County, that report is the first document nearly every insurance adjuster reaches for. The person reading it usually has no legal training and no way to investigate anything independently, so whatever is written there becomes the version of your wreck that gets priced.

That's the whole reason it matters that you can change what's written there, and that you can add to it. A corrected field. A witness nobody interviewed. Video from the gas station on the corner. None of that requires catching anyone in bad faith, because a full investigation was never the officer's job in the first place.

What the report can't do is prove what the wreck did to you. That evidence has a short shelf life, and most of it disappears while you're still standing in the road.

CHAPTER FOUR

04

Building an Evidence File the Insurance Company Cannot Argue With

I wasn't standing on the roadside when the crash happened. No lawyer was, no matter how fast you call one.

That's the whole problem this chapter is about. A lot of what a case gets built from exists only in a snapshot in time: the skid marks, the debris, the way the light was sequencing, the exact words a witness used before their memory softened into something more vague. By the time I open your file, some of it is already gone.

So the evidence you gather yourself, in the hour you least feel like gathering anything, matters about as much as anything I do afterward. Your lawyer and the experts we hire are only as good as what came out of that snapshot.

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“Once you hire an attorney, they’re going to, hopefully, if they’re a good attorney, do a thorough investigation, but they’re not there at the scene with you. They can’t gather a lot of the evidence that’s only really there in a snapshot in time. If you’re in an accident in Georgia or in Chatham County... absolutely document everything about the scene. Document the damage to any vehicles, document the witnesses.”

— ANDREW CONN, ON WHY SCENE EVIDENCE CANNOT WAIT FOR A LAWYER

What only exists in the first hour

Document everything about the scene. The damage to the vehicles, whatever is lying in the road, and the witnesses.

Witnesses are the part people skip, and the police don't always get them. Believe it or not, officers leave witnesses off the report all the time, even when those people are standing right there with something to say. So get a name and a number yourself, and ask whether it's all right for you or your attorney to call afterward. A week later, that person is harder to find and less willing to be found.

Why that matters comes down to who a jury believes. If you say the other driver ran the light and they say you ran it, the two of you cancel each other out, because both of you have an interest in the answer. Jurors know that. A third party with no dog in the fight, somebody nobody at that intersection had ever met, carries a weight neither driver can. Identify a witness who supports your version and you will almost always win on liability.

I've got a case in litigation right now that's a he-said, she-said, and there were multiple witnesses at the scene. One of them was visiting from out of the country. The responding officers interviewed him, and he told them plainly that the other driver caused the wreck, not my client. But they never took down his information. So we don't have him. We can still rebuild that piece with reconstruction and forensics, and we are. But it would have been a lot cheaper and a lot easier with a name and a phone number written on somebody's hand at the scene.

Record what people are saying if you can. You don't have to be clever about it. Just say, hey, I'm doing this for my own memory. And write down or record your own account of what happened while it's still fresh, because your version at the scene is a version nobody gets to reshape later.

Now, your medical treatment belongs in this same file, and not only for your health. A consistent record of appointments and symptoms is what corroborates you. Insurance adjusters are only going to give you credit for what's documented in the records. Jurors don't work that way, and if you come across as honest, a jury will credit what you tell them from the stand. Even then, it is a great deal easier to say look what I told my family physician the day after, the one I've been seeing for twenty years, and it's the same thing I'm telling you now.

The pictures nobody thinks to take

The obvious photographs are half of it. Take pictures of the property damage, because that helps show forensically how the wreck happened. Take pictures of every visible injury: bruises, cuts, broken bones. That's how you establish what we call damages, the compensation you're going to ask for down the road.

The less obvious pictures are the ones that win arguments.

Photograph the roadway. If there are skid marks, I want those pictures. Shoot from both directions. If it happened at an intersection, take a video of the traffic lights running through their cycle, because signal sequencing turns out to be enormously important when the other driver says he didn't run the red. Lights change differently from intersection to intersection. A video of that sequence is what lets me and my experts reconstruct the scene and work out who actually had the green.

I have a [tractor-trailer](#) case right now where exactly that evidence is going to disprove the other driver. He says he didn't run a red light. The forensic timing of the signals says he very clearly did, and my client is very seriously injured.

Weather works the same way. If you've photographed the roadway in both directions and the cars and the lights, whether it was raining or dry is usually already visible in what you shot. That matters, because a driver who claims the road was dry looks different once you can prove it was wet and that he never gave himself room to stop. That one detail can be the difference between collecting nothing and being fully compensated.

Cameras have no memory to second-guess

[Video evidence](#) comes from more places than people expect: dash cams, business surveillance, doorbell cameras, and the responding officer's body camera.

Speed matters more here than anywhere else in your case. Businesses record over their footage, sometimes on a twenty-four-hour loop, sometimes a seven-day window. If nobody goes and asks quickly, the video that would have settled your case is gone. That's true when you're trying to identify a driver who fled, and it's true when the driver stopped, because a gas station camera that shows the other car running the red is even better than a witness who says so.

Then there are the body cameras, and this is an advantage we simply did not have fifteen or twenty years ago. People say one thing to an officer at the scene without registering that it's all being recorded, and then say something different under oath in a deposition. When those two versions don't match, that's compelling evidence that somebody is hiding something, and it bolsters your claim more than almost anything else in the file.

When a file includes body camera or scene video that's genuinely hard material, I tell the client plainly that it exists, that it belongs to their case and therefore to them. And that I don't think they need to watch it themselves. Most people in that position tell me the same thing: they want to know the evidence exists and that I've reviewed it, without having to relive it on a screen. That choice belongs to the client, never to me.

If it's in your chart, they will find it

Insurance companies and defense attorneys will comb your medical history for anything that lets them argue your injury came from somewhere other than this wreck. They will absolutely do it.

Degenerative disc disease is their favorite. I'm thirty-seven, which is pretty young, and I have degenerative disc disease. Almost everybody over twenty-five does. It's a normal condition of a spine that has been in use, and it proves nothing. The defense raises it anyway, hoping to confuse a jury into believing that a quiet, symptomless condition is what's causing your pain now. What actually matters is that it took a trauma to make it painful, and that's a distinction a jury understands perfectly well once somebody bothers to explain it.

An old injury to a different part of your body gets the same treatment. You hurt your neck in a wreck years ago, you hurt your back in this one, and they will still try to tell a jury the two are the same thing.

Here's how far it goes. If you sneezed one time thirty-five years ago and a doctor wrote down that your back hurt because of it, they will point at that note and say the sneeze is what caused your back injury, not the ten-thousand-pound tractor-trailer that ran into you. I'm not exaggerating that example. Said out loud it sounds absurd, and it is absurd, and a jury with no context can still be talked into taking it seriously unless somebody stands up and unpacks it.

Where experts come in, and what they cost

Sometimes the scene doesn't produce enough on its own, and that's where experts fill the gap between what a photograph shows and what a jury needs to understand.

You can come to trial and say your leg hurts. You cannot say, on your own authority, that the pain comes from a herniated disc this wreck caused. That takes medical causation testimony, usually from the orthopedic surgeon or the neurosurgeon who treated you.

When liability is disputed, an accident reconstructionist goes through an actual scientific process. They measure skid marks, look at the timing and sequencing of the lights, evaluate the witness statements, and study the crash damage, then tell a jury how the collision happened. Sometimes nobody is lying and nobody remembers, because someone had a brain injury or someone didn't survive. The forensic evidence still knows. They can read the force from the damage to the vehicles, and a tree knocked down at the roadside is its own rough

measure of how hard something hit it. The same expert matters in a road defect case, a hydroplaning incident, a pothole that put you off the road, or a tire that blew out. We use accident reconstructionists on almost every case.

And when the defense says the property damage doesn't look that bad, a good biomechanical engineer can explain how that much force moves through a body like yours, and why you hurt the way you do regardless of what the bumper looks like.

Experts get expensive, and most people have no idea how expensive. I've had cases carrying five or six hundred thousand dollars in expenses before trial. Car wreck cases are usually much cheaper, twenty to twenty-five thousand, sometimes less. I cover all of it on the front end, so my clients never risk that money, and it's reimbursed out of the recovery at the end. You don't want an attorney looking for a discount when your case needs the right expert. You also don't want one spending without thinking, because at the end of the day it comes out of your recovery. The goal is the right expert, not the most expensive one.

One more thing about how all that evidence gets used, because gathering it is only half the job. Some lawyers leave out what would have moved a jury. Others bury the jury in every photograph and every record the case ever produced and mistake that for thoroughness. Jurors took time away from their own lives to sit in that box, and they notice. I tell them upfront that I'm going to show them everything that matters and do it quickly, because I appreciate that they have families and lives they want to get back to. Jurors have come up to me after trials and said they felt I was there to advocate for my client and not waste their time, and that the other side was there to waste it. They get mad when you waste their time.



Printed photographs, a witness-contact notecard, and a phone recording video, the evidence a claim is built from.

Common Questions

What should I photograph at the scene if I'm able to? Vehicle damage from multiple angles, the road and surroundings, your visible injuries, and anything relevant to how the crash happened, before anything gets moved or cleaned up. Add the two most commonly missed ones: skid marks photographed from both directions, and a short video of the traffic light running its full cycle if you were at an intersection. That sequencing is what lets an expert reconstruct who had the green.

Why do witnesses matter so much if the police already took a report? Because officers leave witnesses off reports all the time, even when those people are standing right there. And because a witness with no stake in the outcome breaks a tie that you and the other driver can't break between yourselves. Jurors know neither of you is neutral. Get a name and a number at the scene and ask whether your attorney can call.

Does going to my medical appointments help my claim? Yes. Adjusters only give you credit for what's documented in the medical records, so a consistent treatment history is what corroborates the injury you're describing. Jurors are more forgiving than adjusters and will credit honest testimony. Even so, being able to point to what you told your own doctor the day after the wreck makes the whole thing far easier to prove.

Will the insurance company use my past injuries or medical history against me? They'll try. A preexisting condition, even a common one like age-related disc degeneration, doesn't disqualify a new injury your crash caused. What matters is whether the wreck turned your quiet condition into a painful, disabling one. I've seen them reach back thirty-five years to a note about a sore back and argue that, rather than the collision, is the real cause.

What kind of video evidence can help my case beyond my own photos? Dash cams, nearby business surveillance, doorbell cameras, and police body camera footage can all corroborate what happened to you. Body camera footage in particular catches inconsistencies between what someone said at the scene and what they say later under oath. Move fast on the business cameras, though, because a lot of them record over everything within twenty-four hours.

Chapter Reflection

A case gets built from what's in the file, not from what a person remembers under oath a year and a half later. Most of that file is created in the first hour by somebody who is shaken up and would rather be anywhere else.

And if I had to name the single most important factor in one of these cases, it wouldn't be a photograph or an expert report. It would be you. The likability of the plaintiff is the most important factor I know of. That said, a likable plaintiff with all the other evidence running against them still has a tough hill to climb, which is exactly why you develop every other piece of it.

That window closes faster than it sounds, and it closes fastest of all when the vehicle that hit you was a commercial truck. The company on the other side is not waiting on you to start building its file.

05

CHAPTER FIVE

Why the Trucking Company's Lawyer Is Already at the Scene

A [car accident case](#) and a [commercial truck accident case](#) can look identical from the road-side and behave nothing alike once a claim starts moving. The gap opens before either injured person has hired anybody.

I don't tell people to rush in most cases. Some cases allow you to go through a grieving process, or to start healing, before you begin thinking about any of this. I do not say that about tractor-trailer wrecks. If you were in a serious one today, the most important thing you can do is hire an experienced attorney as soon as possible, and the rest of this chapter is why.

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“Even if you're prudent and you call an attorney the day after a wreck, I can almost guarantee you, in any serious tractor-trailer accident, the attorney for the defense has already been out to the scene. There are attorneys who are on retainer with tractor-trailer companies and insurance companies in Savannah who will get a call at 12:30 AM. If there's a tractor-trailer event that's an hour away, they'll send the attorney out there.”

— ANDREW CONN, ON THE HEAD START A TRUCKING COMPANY'S DEFENSE TEAM GETS

Who is already at the scene

Large [trucking](#) companies and their insurers keep attorneys on retainer for exactly this. That lawyer takes a call at half past midnight and drives an hour to stand in the road while the lights are still on.

So before your lawyer has ever heard your name, before anybody knows there's going to be a claim, they are investigating the scene and starting a narrative to reduce or eliminate your claims. They are talking to their witnesses and coaching them on what to say to the police,

and on whether to go get that alcohol and drug test at all. That company also knows which federal regulations its driver and its equipment were supposed to meet, and knows exactly where its own paperwork might come up short if anybody asks to see it.

And they are deciding, early, which documents they would prefer you never see.

You're at a disadvantage on day one, and I'd rather say that plainly than pretend otherwise. What I can tell you is that it's survivable, and that with the right attorney you can not only mitigate it but turn it on its head and make it an advantage in your case. That's a question of how fast somebody moves, not of luck.

The first thirty days

First and foremost is the preservation letter, and it goes out broadly. To the trucking company, to the insurance company, to the driver individually, and to everybody who might have control of any records at all.

Third parties too. If your wreck happened outside a gas station with a camera that caught the whole thing, that business needs a letter. The driver may claim he had the green light, and there may be a camera that shows precisely how it went. Video records over itself in a matter of days or weeks, and without a letter the company can destroy evidence and then say they never realized there was a claim. At least that's what they'll claim.

The letter isn't a polite request. It tells them not to spoliage, which is a lawyer's word for destroying evidence, and if they destroy it anyway, there are consequences once we file suit. That's the whole point of sending it early. It creates the ability to hold them accountable later for records that no longer exist.

Second is talking to every possible witness, fast. If the Georgia State Patrol did a good job, their investigation will list the people who saw the wreck happen or who came up afterward and helped somebody who was hurt. Talk to those witnesses. Talk to the police. Collect the body camera footage and the dash camera footage from the officers, and start piecing it together.

Third, once the letters are out and some of that evidence is in hand, get a good expert involved. Someone who can take the black box data, the camera footage and the witness statements and reconstruct what actually happened, so you understand your own case early and know where to go with it.

And go stand at the scene. These are the cases where you want to see it yourself, get a feel for how it could have happened, and get your head around how things went down. I don't think that part can be done from a file months later.

If you're the one reading this in a hospital room, none of those three steps are yours to do. They belong to whoever you hire. Your only job is to make that call earlier than feels reasonable, because every one of those steps has a clock on it that started the moment the trucks stopped moving.

The black box keeps better notes than anyone

Just about every vehicle on the road carries one now, the small cars and the heavy trucks alike. Older equipment might not, but generally these days they all do.

The amount of data on it surprises people. You get the speed before impact, whether the driver tried to brake, and whether he was wearing a seatbelt. You also get details you'd never think to ask for, down to whether the air conditioning was running and whether the radio was on.

So if a truck driver says he was going fifty-five in a fifty-five zone and the black box says seventy-five, you have a significant piece of evidence. Either he is misremembering that day or he isn't being completely honest about it, and a jury gets to decide which.

Now, the data is generally correct, but interpreting it is another matter. Hydroplaning cases in particular get complicated. It is not as simple as printing it off and announcing what happened. Sometimes you need an expert to tell you what it means when one wheel is spinning and the other one isn't.

Driver logs, and the fatigue question

Driver logs answer a different question, and it's usually the one a jury most wants answered: why did this happen at all?

Sometimes the answer is simply that the driver was tired. He'd been on the road for twenty hours that day. Anybody would be tired under those circumstances.

Trucking used to run on handwritten logs. A sheet of paper and a pencil, and a driver tracking when he was driving and when he wasn't, with plenty of room to fudge it a little. Most fleets now use electronic logs that record the real time: when they're on the road, when they're driving, when they're in the cab.

Hours of service are one of the major pieces of the federal regulations, and there are maximums per day and maximums across seven to ten days. Drivers go over them, because that's how they make money, and going over is a violation. If the logs show that, you have a strong fatigue case and a real argument for punitive damages.

Even a driver who stayed inside the limits can be worth examining. He might have been five minutes under what the regulations allowed and still clearly been exhausted. It was the end of a long day. He should have pulled over and stopped driving, and instead he chose to push on, and it caused a catastrophic injury.

One more thing belongs in the same file as the logs. A truck driver has to undergo drug and alcohol testing after a wreck that kills someone, or after one where someone needs medical treatment and the trucker gets a citation for the accident. My understanding of the regulations is that the alcohol test has to happen within about eight hours and the drug test within thirty-two hours. I have found over my career that most of the time these companies do not comply with that. I think that's probably because they don't want to know the answer. When they skip it, that helps your case, because it lets you show a jury an irresponsible company and an irresponsible driver they have no reason to feel sorry for.

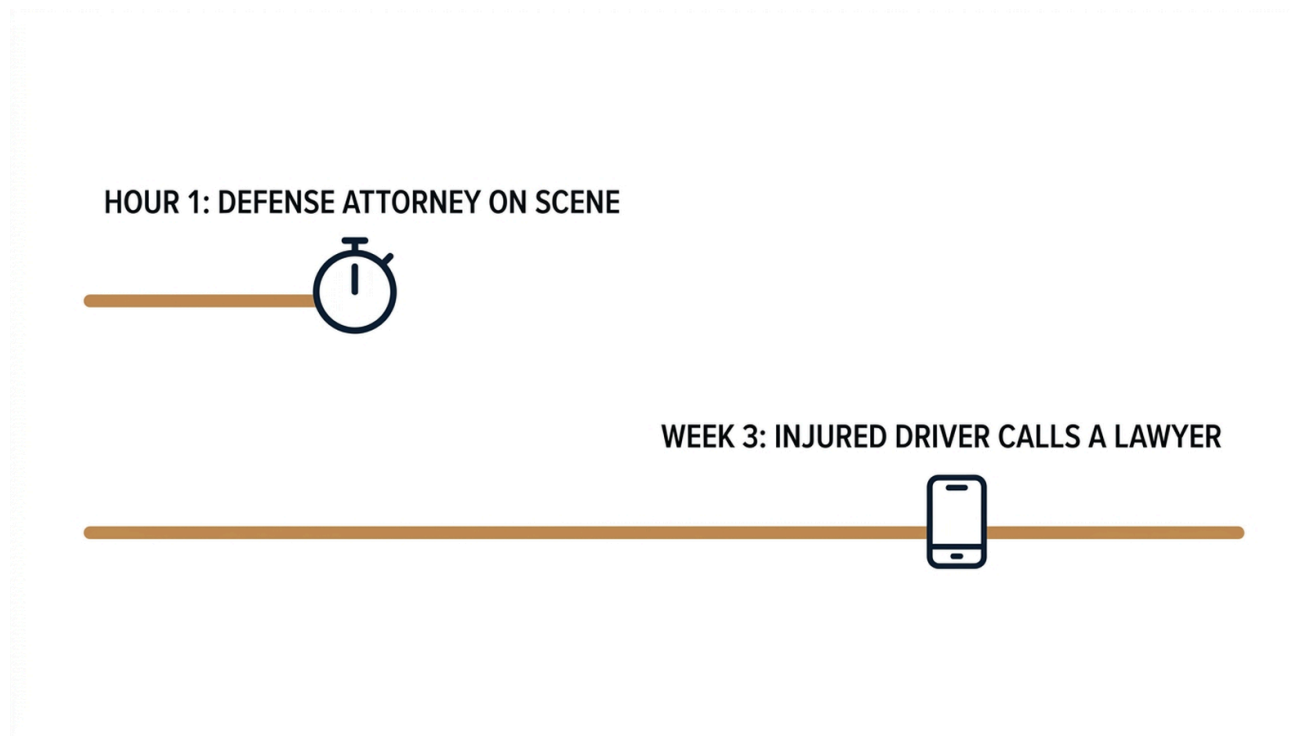
There are smaller signals too, and an experienced attorney knows to go looking for them. Did he have the air conditioning running? Did he just buy a cup of coffee, and can you pull the credit card receipt that proves it? Has he been driving a lot lately? Is something happening in his personal life that's cutting into his sleep? Did he drink the night before, which makes you more fatigued the next day even if you were nowhere near intoxicated at the wheel? All of it goes to the same question: should this man have been behind that wheel in the condition he was in.

The insurer is not automatically a defendant

There's one more reason to move early that has nothing to do with evidence. Georgia's rules about suing a trucking company's insurer directly have narrowed over the years, and I don't build a case around being able to do it. In some circumstances you still can, and when that's available I use it, because it simplifies a case that would otherwise mean chasing a company that's gone quiet. The safer assumption is that the insurer answers for the driver and the company rather than sitting there as its own defendant. That's one more reason the preservation letter has to reach the company and the driver individually, not just the carrier writing the checks.

Defense firms that have represented the same carrier for years can read a plaintiff's lawyer quickly, and what they're reading for is whether that lawyer has built a truck case before or is treating this like an oversized car wreck. Preparing it as though it's going to trial from day one, getting the reconstructionist in early, pulling the black box data before anyone can argue about its condition, does two jobs at once. It gets you ready for a jury. It also convinces a well-resourced defense team that settling for a fair number now costs them less than finding out later that your case was never going to fold.

Speed does not erase the head start. They were investigating while you were being loaded into an ambulance, and no letter undoes that. What it does is move you from purely reactive to competing on the same footing, with the letters out, the witnesses found, and the logs and the black box locked down before anybody has the chance to make them disappear.



Two tracks on very different clocks: a defense attorney on scene within the hour, against an injured driver calling a lawyer three weeks later.

Common Questions

How quickly does a trucking company's insurer usually respond to a serious crash? Often within hours. Companies that operate commercial trucks keep lawyers on retainer specifically to reach a crash scene the same night, and I can almost guarantee that in a serious tractor-

trailer wreck the defense attorney got there before your lawyer ever heard about the case. By the time you're thinking about calling anyone, they've already walked the scene and talked to witnesses.

What is a preservation letter, and why does it matter this much in a truck case? It's a formal demand that the trucking company, its insurer, the driver, and any third party with relevant records not destroy evidence. It has to go out as early as possible, because video records over itself within days and driver logs get discarded routinely. Once that letter has been sent, destroying those records carries consequences in litigation rather than being written off as routine practice.

Does hiring a lawyer quickly change the outcome of a truck accident case? It can, and this is the one type of case where I say that without qualifying it. An attorney who moves fast to preserve evidence can offset the defense's head start and sometimes turn it into an advantage. Wait too long and you lose the records the case depends on, which is not something a good lawyer can rebuild for you later.

What does a truck's black box record, and how reliable is it? It records speed, braking, seat-belt use, and other data points around the moment of impact, down to whether the radio or the air conditioning was on. The raw data is usually accurate, but interpreting what it means, especially in a hydroplaning or mechanical-failure case, often requires an expert rather than a plain reading of the printout.

Chapter Reflection

Your truck case starts on an uneven field. Not because the law favors the trucking company. Because that company has been preparing for this exact day since long before it happened to you, and you had no reason to prepare for it at all.

Everything in this chapter is a way of buying back the days you lost while you were in a hospital bed. None of it requires you to do anything except pick up a phone earlier than feels natural.

What makes the field uneven in the first place is worth understanding on its own terms, because the same regulations that give the other side its head start are the ones that can take it back.

06

CHAPTER SIX

What Makes a Georgia Truck Accident Case Different

People ask me why their friend's case was worth more than theirs when the injuries look about the same. A lot of the time, the answer is that their friend got hit by something heavier.

There are three reasons a tractor-trailer case behaves differently from a car case, and the first one is the obvious one. When you get hit by something that weighs what a heavy truck weighs, you're going to be more hurt. That's physics and that's force, and it's why serious injuries and deaths are so much more likely in these wrecks than they are if a Mazda 3 hits you.

The other two reasons are less obvious, and they're the ones this chapter is about.

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“When I was a young lawyer and I was working for another attorney and I had my first tractor-trailer case, I said, well, how do I learn, how to handle one of these tractor-trailer cases? He said, well, you should learn the federal regulations, 'cause if you know the regulations, you know what standards they are held to. I spent the next week reading every single word of the FMCSR, which is a book that's this tall and this wide and very thick, and learned every single aspect of it.”

— ANDREW CONN, ON LEARNING THE FEDERAL TRUCKING REGULATIONS EARLY IN HIS CAREER

A rulebook ordinary drivers never see

You and I obey the rules of the road, and that's about it. Nobody limits how long we drive. Nobody makes us take a drug test.

A commercial driver lives under [the Federal Motor Carrier Safety Regulations](#), which exist because Congress passed the Federal Motor Carrier Safety Act and handed a federal agency the power to write and enforce them. Hours of service. Mandatory drug and alcohol testing after a fatal wreck, or after an injury wreck where the driver is cited. Medical certification. Pre-trip and post-trip inspections, with a checklist and a form.

They very seldom abide by all of it, and that gives you something an ordinary car case never offers you.

That matters to your case in a specific way. Even where the injuries are identical, a truck case can be worth more than a car case, because the truck case may carry an element of punitive damages that the car case simply doesn't have. The other side didn't just hurt you. They hurt you while ignoring a standard they agreed to meet in exchange for being allowed on the road at all.

Medical certification is one of the more specific pieces of that scheme and it comes up more than people expect. I believe a commercial driver has to be certified every twenty-four months, and some have to do it every twelve, depending on whether they have a condition that warrants closer monitoring or an eyesight issue. Put a driver back out there without a current certification, or ignore something that should have triggered the shorter cycle, and that failure becomes part of your case.

I learned this material the way the quote above describes, because a lawyer I worked for told me that if I knew the regulations, I'd know the standard they're held to. That's still the advantage. In litigation you need somebody who knows what those standards say, can tell when they weren't met, and puts that at the forefront of the case rather than treating it as background.

Everybody who could be on the hook

The driver who hit you is the obvious defendant, and he is rarely the only one you can go after for large sums of money.

The company is next, whether he's an employee or what we call a statutory employee, meaning he's driving on their behalf. In some circumstances you can still hold the insurance carrier directly liable in Georgia, though the law there has moved around over the years.

And then there's the least obvious one. The United States Supreme Court came out with a decision confirming that you can recover against a broker, the company that placed the driver with the trucking company in the first place. Brokers have standards that apply to them too,

and if they don't act prudently, you can hold them responsible for putting a dangerous driver on the road.

Underneath all of that sits an obligation nobody advertises. Trucking companies, brokers, and sometimes even insurance companies are required not to be negligent about who they hire. They're supposed to run background checks and find out whether this particular driver has a pattern of reckless or dangerous driving. Skip that, put a dangerous person on the road under your placard, and that's negligent hiring.

Negligent retention is the version that happens later. You find out after you hired him that he's reckless, and at that point you have an obligation to stop employing him, or at minimum to stop putting him where he can seriously injure or kill somebody. Keep him out there anyway and you own what happens.

A habitual drunk driver is the cleanest example. If the company's own records show a history of it and they kept him on the road, a jury doesn't need much help working out why the company is responsible and not just the man behind the wheel. That pattern is also one of the most direct routes to punitive damages, because it shows a company that wasn't careless in one moment but consciously indifferent to a risk it already knew about. A habitually intoxicated driver kept on the road is also precisely the fact pattern where the two-hundred-fifty-thousand-dollar punitive damages cap disappears fully under Georgia law, covered in more detail later in this book.

I try to ask, in every case, whether the wreck traces back only to a driver's split-second decision or whether something upstream made that decision more likely to end in tragedy. A defective tire. Maybe nobody maintained the road. Maybe nobody ever ran a background check. Don't just look at the low-hanging fruit. Look at the totality of the circumstances, because a truck case rewards that habit more than almost anything else I handle.

What goes wrong before the truck ever leaves the lot

The regulations don't only govern what a driver does while he's driving. They govern what happens while somebody is packing the container.

Overloading is the one you can picture. Too heavy and it changes how quickly you can stop. A driver might be following at what would be a safe distance at a normal weight, and then somebody brakes in front of him, and the truck simply cannot stop in that space. Packing it unevenly is the other one, and that's what flips a trailer or sends it fishtailing without the driver doing a single thing wrong at the wheel.

So who loaded it becomes a real question, and sometimes a [products liability](#) question. Sometimes the driver packs his own trailer. Sometimes the container arrives pre-packed, which means whoever packed it can be held liable for what it did to you.

Maintenance works the same way. A driver is supposed to run a pre-trip and a post-trip inspection every single time, with a whole checklist: tire tread depth, whether the tires have enough air, mechanical defects, lights working at night. Stop for gas and he's supposed to do another one before getting back on the road. Rarely do they actually do it. There's a form they're supposed to fill out, and when they don't, things get missed. You can drive prudently at a safe speed and a safe distance and still cause a wreck because you never checked your brakes or your tread depth, and you can be held liable for exactly that.

Then there's the shop. Maybe it's a Freightliner dealership, maybe it's a mom-and-pop place doing the maintenance. If they negligently maintain the vehicle or miss a defect, they're liable too. I've had one where they forgot to put the lug nuts on a wheel, and that wheel came off and went through a poor woman's front door. The driver did nothing wrong in that case. The company that put the tire on is who we brought the case against.

Where these wrecks happen, and where you end up

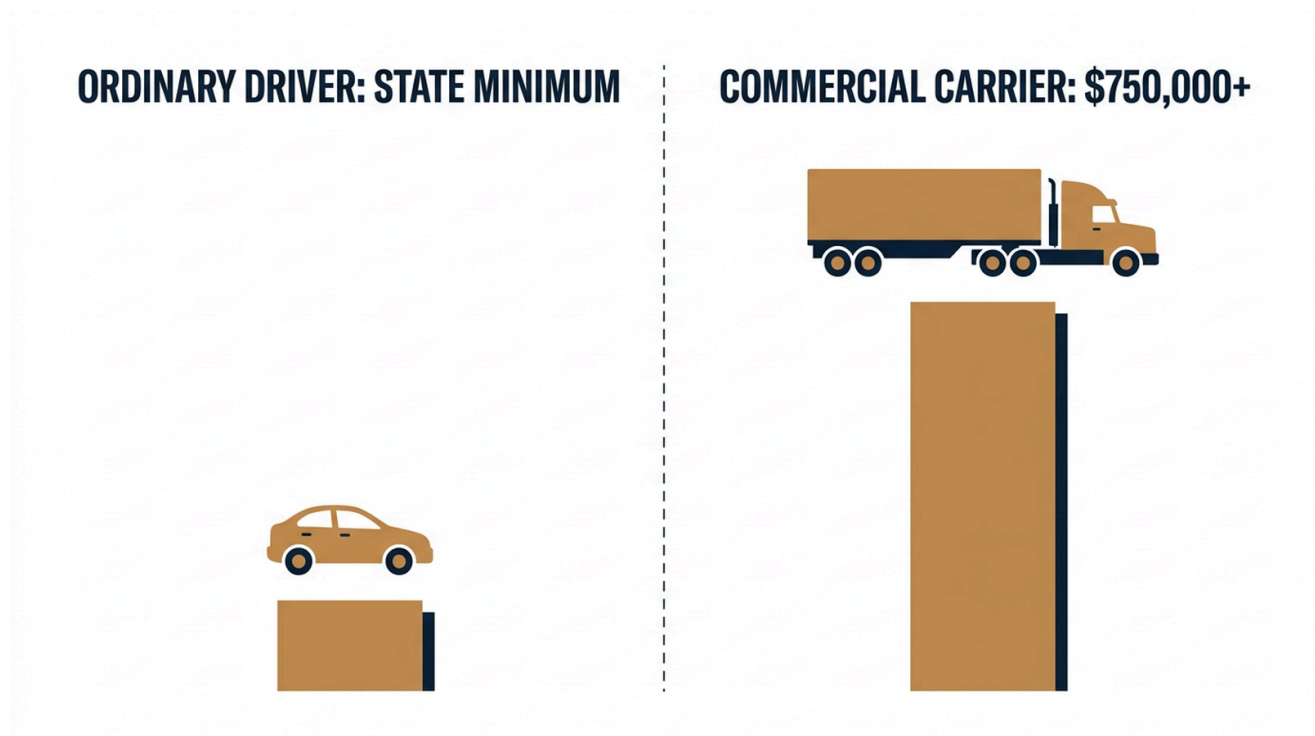
Insurance requirements track the same difference in scale. A typical Georgia driver carries a state minimum liability policy. Commercial trucking companies don't. They're usually required to keep at least \$750,000 in coverage, and in some circumstances as much as \$5 million, because the potential for catastrophic harm is so much greater. Plenty of these companies carry more than the floor voluntarily, because they're large operations that understand their own exposure.

So if Client A comes in having been hit by a mom in a Honda and Client B comes in having been hit by a loaded tractor-trailer, I can tell you almost before I know the details that Client B will have more insurance available. That's one of the clearest reasons two people with comparable injuries walk away with very different numbers.

Coastal Georgia adds its own layer, which is why my [trucking practice](#) treats I-16 and I-95 differently from an ordinary two-car claim. I-16 runs from Savannah toward Macon, and I'd call it one of the most dangerous roads in America and certainly the most dangerous in Georgia. The reason is the Port of Savannah, which we're very proud of, and which is one of the busiest container ports on the East Coast. All those containers have to get from point A to point B, which means a great deal of heavy truck traffic on the road you drive to work. That volume of commercial trucking on I-16 and I-95 shapes both how often these crashes happen here and how I have to move on the investigation.

Where you get treated matters too, because the injuries here are so often severe, and you don't get to choose in the moment. Memorial Hospital in Savannah is, I believe, a trauma one center, and it can handle the significant majority of the catastrophic cases we see. The worst ones sometimes get life-flighted to Atlanta or over to Jacksonville, where there are bigger hospitals. Fires happen in these wrecks, and a bad burn case often means the Augusta Burn Center instead, because that level of specialized care goes past what a regional trauma center provides. Medical bills in those cases run into the tens and hundreds of thousands of dollars, and in the worst collisions, into the millions.

All of that is why a truck case carries more experts than a car case. You can have five, six, seven of them. An accident reconstructionist. A safety expert from inside the industry, or a former driver who can tell a jury how these standards work in practice. A life care planner and an economist to price what the rest of your life now costs. And your own treating physicians on top of that. Georgia's evidence code, under O.C.G.A. § 24-7-702, gives the court a gate-keeping role over which experts are qualified and reliable enough to testify at all, which cuts both ways: it can exclude an unqualified expert the defense tries to put forward just as easily as it can exclude one of mine, which is exactly why choosing the right experts, not just any experts, is such a central part of building one of these cases.



A comparison of available coverage: an ordinary driver at the state minimum, against a commercial carrier required to carry \$750,000 or more.

Common Questions

Why is a truck accident case usually worth more than a comparable car accident case?

Three things stack up. You're likely to be more seriously hurt, because of what a heavy truck weighs. There's far more insurance behind it, since commercial carriers usually have to hold at least \$750,000 against an ordinary driver's state minimum. And a violation of the federal safety regulations can put punitive damages in play, which a car case almost never carries.

Who besides the driver can be held responsible after a Georgia truck accident? More people than you would guess. The trucking company is the obvious one, and so is whoever loaded or maintained the vehicle. The broker who placed that driver with that company can be liable too. If a pattern of dangerous driving existed and somebody ignored it, you may reach the employer for negligent hiring or negligent retention, and in some circumstances you can reach the insurance carrier directly.

What role does the Port of Savannah play in these cases? It puts significant commercial truck volume on I-16 and I-95 through Chatham County, which shapes both the frequency of serious truck crashes here and how quickly you and your lawyer have to move to secure evidence. The port is one of the busiest container ports on the East Coast, and every container leaving it travels by truck.

Can a maintenance company be held liable instead of the truck driver? Yes. If a mechanic or service company fails to properly keep the vehicle, such as improperly securing a wheel, you can base a claim against the maintenance provider even when the driver did nothing wrong. I've handled exactly that: the lug nuts were never put on, the wheel came off, and it went through the front door of a woman's house.

Chapter Reflection

A truck case runs under a different rulebook, a different insurance floor, and a different clock than a car case. Treat it like an ordinary wreck and real value gets left on the table, most of it in places you'd never think to look.

What I learned reading that thick book as a young lawyer still holds up. Learn the standard somebody is held to and you have your questions ready for the day they didn't meet it.

Knowing where to look is one half of the job. What all of it eventually gets converted into, a number a jury writes down, is a separate question, and it's the one everybody wants answered first.

07

CHAPTER SEVEN

What an Injury Claim Is Worth in Georgia

Every client eventually asks me the same question. “What is my case worth?” Whether the harm was a [pedestrian crash](#) or something that ends in a [wrongful death action](#), this is ultimately the main question.

It is the most important question, and it is not an easy one, so I want to be careful about how I answer it. Here’s the part I have to say first, and I say it to clients all the time. The question we get to decide isn’t what a life is worth, or what your pain is worth. It’s what your case is worth, which is a different and much narrower question, and a number of things go into that equation that have nothing to do with how badly you were hurt.

This chapter walks through those things. Two categories of damages, a third that shows up rarely, and the handful of factors that move the number without ever touching your injury.

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“Medical expenses, I get it, they ain’t cheap, and we don’t want to pay them. But when somebody thinks about their harm and what was lost, they’re not thinking about the medical bills. They’re thinking about what they’ve missed out, the grandkid they can’t pick up or the loved one they’ll no longer see. That’s really where the true, quote unquote, ‘value’ of a case to me really is.”

— ANDREW CONN, ON WHAT DRIVES THE VALUE OF A CLAIM

The tangible things, and the ones that matter more

Economic damages are the tangible side. Medical bills you’ve already incurred. Wages you lost while you were out of work. What a life care planner says your future medical care is going to cost.

The past is the easy part. There's a bill sitting there, and the defense may put up an expert to fight about it, but if you incurred a hundred dollars in medical bills, you have a hundred dollars in past medicals. The future takes more work. If a doctor has recommended a surgery you haven't had yet and can tell a jury it's going to cost a hundred thousand dollars, Georgia lets a jury award that now, in one verdict, instead of making you come back and sue again if it happens.

Non-economic damages are the less tangible side, and frankly they're harder to put a number on. What is pain worth? Put a number on suffering. Tell me the value of somebody's life who doesn't come home.

Georgia places no statutory cap on those. The standard a jury applies is the enlightened conscience of an impartial jury, which is a fancy way of saying twelve people listen to the evidence and decide. In Georgia they have to agree unanimously.

Now, the thing I want you to hear in all of this is that the medical bills are not where the value of your case lives. At Conn Law we typically don't anchor a case to the bill total at all. I get it, medical expenses aren't cheap and nobody wants to pay them. But that's not what a person is thinking about when they think about what they lost.

Who a jury hears from

A jury doesn't reach that number off a chart, whether it's an ordinary car wreck or a wrongful death case. They hear from people who knew the person.

In a death case, that means people who knew them. In an injury case, people who still know them, and who can tell a jury what this person was like before and what this person is like now. That contrast is the evidence. It isn't a figure a lawyer suggests from a podium, because what a lawyer says isn't evidence at all.

And what they describe is usually small and specific. The grandkid you can't pick up anymore. The person who isn't at the table. That's where the real value of a case sits, and it's a genuinely hard thing for twelve strangers to price. It's hard for us as lawyers to quantify too, and I'd rather admit that than pretend there's a formula.

Pricing a future you haven't lived yet

Lost earning capacity gets confused with lost wages, and they're different things. Lost wages ask what you would already have made by now, while lost earning capacity asks a much longer question.

Say you're making fifty thousand dollars a year at thirty. You don't have to accept that as your number for the rest of your life. It stands to reason you'd probably make more at forty, and more again at fifty. If you were on a trajectory toward promotions, better benefits, a bigger role, that trajectory has value and Georgia lets you recover it. An economist is the expert who turns that into a figure a jury can actually evaluate instead of a guess.

A life care planner does the same job for your medical future, and the detail surprises people. They don't hand a jury a lump sum. They work with the doctors treating you now and the ones you'll see later, and they go item by item. How long does a wheelchair last, and when do you need the next one? If you have a spinal cord stimulator implanted, what does replacing the battery cost every five or ten years? If you're paralyzed, what does it cost to retrofit your house with bars and ramps? All of it priced out for the rest of your life.

You need that done properly, because you get one shot at this. One shot at a settlement, one shot at a trial. If your condition changes afterward in a way nobody accounted for, there is no second recovery. That's why I want the whole medical picture before I ever encourage a client to settle. You might take what looks like a favorable number today, and then need three more surgeries you never priced, and end up in the negative. That is not where we want to be.

Punitive damages, and where the ceiling goes away

Punitive damages run on a different track from the other two categories, and they're rare.

They're available under O.C.G.A. § 51-12-5.1 when a defendant acted with conscious indifference to the consequences of their conduct, and usually capped at \$250,000 unless the defendant was driving under the influence, in which case that cap doesn't apply. Where a wreck proves fatal, O.C.G.A. § 51-4-2 sets out who has standing to bring a wrongful death claim: ordinarily a surviving spouse, then children, then parents, in that order. If there's no spouse, any one of several children can bring it, or they can all be named plaintiffs together. With no spouse and no children it goes to parents, and if there are no parents, it goes to the estate.

Conscious indifference is a real bar. It means somebody took an action they didn't necessarily know would injure you, but knew carried a high likelihood of it. You usually prove it with patterns and practices: a history of speeding, or a company that knew it had a habitual drunk driver and put him out there anyway.

When the cap does come off, because of a DUI or specific intent to cause harm, there is no ceiling at all. Georgia juries have returned punitive awards in the tens of millions of dollars. That category isn't there to make you whole. It's there to punish conduct and to make sure it doesn't happen to the next person.

Where a case is filed decides who hears it

Venue is one of the least visible factors in what your case is worth and one of the most consequential, and my [lawyer profile](#) shows exactly which courts I try cases in.

File in Chatham County State Court or Superior Court and your jury comes exclusively from Chatham County. The size of that jury depends on which one you are in. Superior Court seats twelve. State Court seats six unless a party asks in writing, before the trial term, for twelve, which is available once the damages claimed pass fifty thousand dollars. In a catastrophic injury or a wrongful death case that demand is one of the first things I make, so the cases in this book are twelve-juror cases either way. File in federal court and it's drawn from a much broader pool, several surrounding counties, Bryan and Effingham and Liberty among them, which means a good deal less certainty about what your jury is going to look like. In my experience Chatham County jurors are intelligent, they can follow the facts, and they have a lot of empathy. In another venue you might find people who are simply tougher about awarding a large sum.

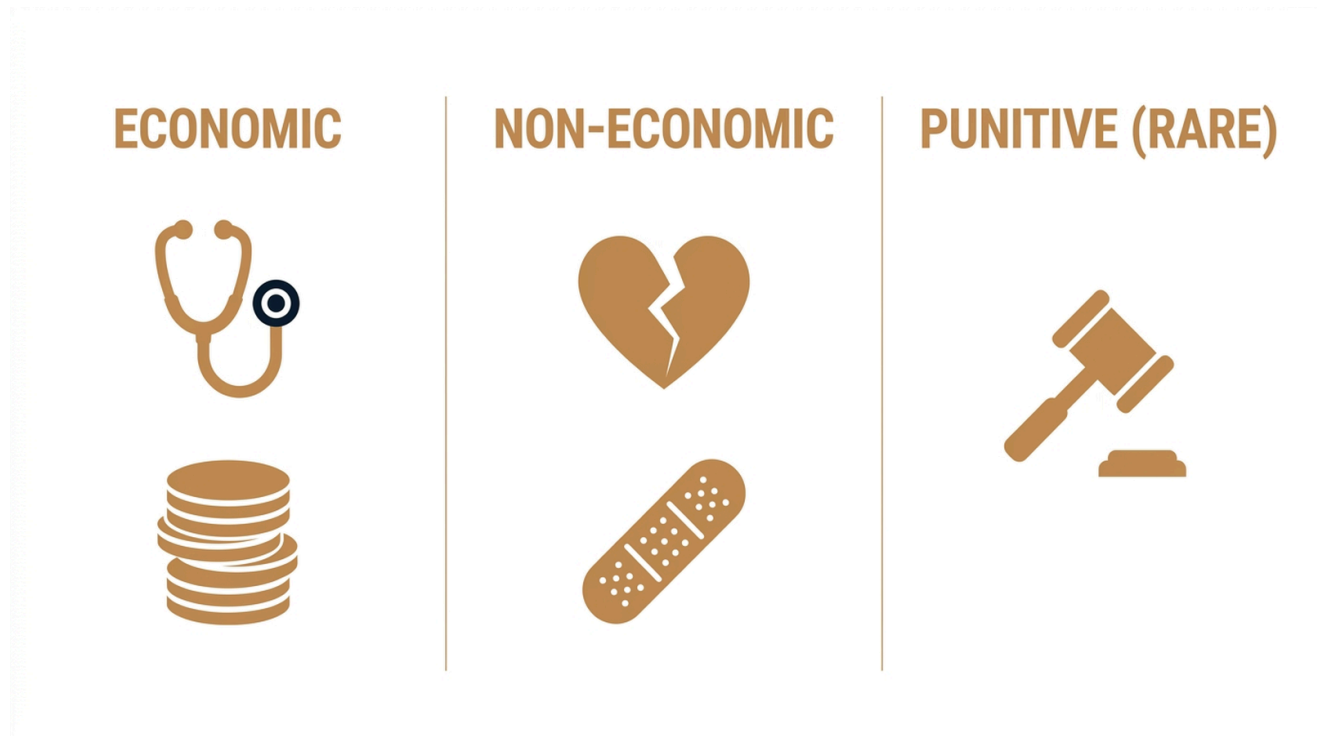
There's a timing piece too. Superior Court these days tends to move toward trial a little faster than State Court. That isn't a knock on our state court judges, and we know they're backlogged and we're not blaming them for it. Sometimes we also have a view about which judge is likely to hear the case. None of that has anything to do with how badly you were hurt, and all of it can move what your case is worth, which is why I treat the filing decision as strategy rather than paperwork.

And from the first meeting I tell people there's no such thing as a slam dunk. You can always lose a case. You have to factor in the risk, because a Georgia verdict has to be unanimous, and one juror out of twelve going the other way changes everything.

That risk runs both directions, though. I've had a case where the insurance company's opening position was to pay nothing at all rather than negotiate. They made it very easy for my clients to go to trial, and that jury came back at sixteen million dollars. An insurer refusing to make a serious offer isn't protecting itself. It's handing the number to a jury, and juries are not always as conservative as an adjuster assumes.

One last thing that surprises people. Jurors don't automatically turn on the person who caused the harm. This comes up constantly in malpractice, where by and large jurors do not want to punish a doctor for the sake of punishing somebody, and they can feel real sympathy for a defendant while still believing that defendant made a serious mistake. That sympathy is a real thing and you have to build a case with it in mind.

Deciding whether to settle can feel like agreeing your loss was worth less than it truly was, and I understand why. If it were up to me, most of these cases would be worth more than twelve strangers are going to say. What most clients come around to is that you don't get to be the plaintiff and the juror at the same time. Settling isn't a concession about what your loss was worth. It's a decision about risk, made with the full picture, and it's yours to make, not mine.



The three categories of damages in a Georgia injury claim: economic, non-economic, and punitive, which is rare.

Common Questions

What is the difference between economic and non-economic damages in Georgia?

Economic damages cover the tangible costs: medical bills, lost wages, and the future medical care a life care planner prices out. Non-economic damages cover what has no invoice, meaning pain, suffering, and in a death case the value of the life itself. Georgia places no statutory cap on that second category, which is left to what a jury decides is fair.

Are punitive damages available in every Georgia injury case? No. They require proof the defendant acted with conscious indifference to the consequences, under O.C.G.A. § 51-12-5.1, and are usually capped at \$250,000 unless the case involves driving under the influence, in which case Georgia juries have awarded far more. You typically prove that state of mind through patterns and practices rather than a single moment.

Who can bring a wrongful death claim in Georgia? Under O.C.G.A. § 51-4-2, a surviving spouse has priority, followed by the deceased's children, then parents, depending on the family's circumstances. If there is no spouse, any one of several children can bring the claim or they can all be named as plaintiffs. With no spouse and no children it passes to parents, and if there are no parents, it goes to the estate.

Does it matter which court a case is filed in? Yes, more than most people expect. Chatham County State and Superior Courts draw juries exclusively from Chatham County, while federal court pulls from a wider pool spanning several surrounding counties, which leaves far less certainty about who ends up in the box. The two state courts also move at different speeds, with Superior Court generally reaching trial sooner.

What is lost earning capacity, and how is it different from lost wages? Lost wages cover income you have already missed. Lost earning capacity covers the higher income you could reasonably have expected over a career. Someone making fifty thousand at thirty would ordinarily make more at forty and more again at fifty, and Georgia lets you recover that trajectory. An economist is usually the expert who turns it into a number.

Chapter Reflection

A settlement number is not the sum of your medical bills. It's the economic loss, plus the human loss, plus in a rare case an accounting for conduct that endangered other people. Each of those gets proven a different way.

And every one of them gets filtered through things you never chose. Which county you're in. Which judge draws the case. Whether twelve people you've never met can agree.

Proving any of it looks different again when the person who caused the harm wasn't a stranger in traffic but a doctor or a nurse who was supposed to be helping you.

08

CHAPTER EIGHT

When a Medical Mistake Becomes a Malpractice Case

The most important question in this area of law is also the hardest one to answer. Did what happened to you actually amount to medical malpractice?

Sometimes I can answer that fairly quickly. Sometimes it takes extensive expert review before anybody knows. And the simplest way I know to explain it is this: sometimes bad things just happen, and it isn't because a doctor or a nurse did anything wrong.

That's the conversation I dread having, and I have it often. A family's grief is real and their instinct that something went wrong is frequently correct, and I still have to tell them plainly that a bad outcome and a provable case are two different things. Anyone who won't say that out loud isn't doing you any favors.

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“Sometimes bad things just happen, and it’s not because a doctor or a nurse or a medical professional did something wrong. To sustain a medical malpractice case, they have to breach the standard of care here in Georgia and in most states for that matter. And what that means is that they don’t act the way that doctors and nurses should under those circumstances. Another thing is you have to not only prove that somebody did something negligent or breached the standard of care, but further that what they did wrong actually was the cause of what happened to you.”

— ANDREW CONN, ON WHAT TURNS A BAD OUTCOME INTO A MALPRACTICE CASE

Two proofs, not one

Standard of care is a fancy way of saying a doctor or a nurse was negligent. In a car wreck, negligence means you ran a stop sign or you were driving too fast. In medicine, it means somebody did something that generally should not be done in that medical situation.

Then comes the second proof, and it's usually the harder one. You have to show that the thing they did wrong is what caused what happened to you. That often takes two separate experts: one who says this doctor made a mistake, and another who says that mistake is what led to the catastrophic injury or the death.

Causation can be hard to pinpoint in medical cases. We think we know a lot, and they still call it the practice of medicine, because there are a lot of unknowns and a lot of moving parts in a body. It isn't a mechanical process where you download data from a vehicle and see what broke. We have to work from physical evidence and interpret what it means.

Here's how thin that line can get. I had a case where a man contracted cancer and his doctors took a year longer than they should have to diagnose it. I worked that case up. Several different doctors agreed the treating physicians fell below the standard of care, meaning the cancer should have been caught sooner. The last expert I hired was an oncologist to answer whether the delay is what killed him. And he told me no. That cancer, at the stage it was when they missed it, was going to kill him anyway. They messed up for a year, and it wasn't going to change the outcome.

I've had stroke cases that went the other way. A delay in diagnosing a stroke where, if they'd caught it early, this person would probably have walked out of the hospital. Instead they're severely and permanently cognitively impaired.

Take the identical mistake twice. Two missed strokes, same error, same kind of physician. In one, the clot breaks up on its own and the patient walks out fine despite the miss. In the other, the blood supply stays cut off long enough to do permanent damage. The doctor was equally wrong both times. Only one of them is a case, because only one has an expert willing to say the delay is what changed the outcome.

There's a practical layer under that too. These cases are extremely expensive to litigate, with multiple experts and years of work. When somebody had a bad day and recovered completely, it probably isn't a case, even where the malpractice is provable. That's not a statement about whether the doctor did something wrong. It's a statement about whether a lawsuit makes sense for your family.

The affidavit Georgia makes you file first

Now, Georgia puts a gate in front of every malpractice filing that doesn't exist in an ordinary car wreck case.

Under O.C.G.A. § 9-11-9.1, I have to file a signed affidavit from a qualified expert in the same specialty, asserting the claim has merit, before the lawsuit can even proceed. That statute rolls off my tongue at this point, because I live with it.

Same specialty means what it says. If you're suing a surgeon, you cannot get an ER doctor to sign it. You have to find a surgeon who performs the same type of procedure the surgeon who screwed up was performing, and get that person to sign off before you can file anything at all.

You don't need that in a car wreck case, and you usually don't need it in a product liability case either. Medicine gets the extra hurdle, and there's a good reason for it. A layperson can't look at a surgical outcome the way they can look at a stop sign and know instinctively that something went wrong. That isn't knowledge anybody picks up from ordinary life experience.

So sometimes we have a difficult conversation with a family, which is that there's no expert who agrees the doctor screwed up, and without one we don't have the ability to bring the lawsuit at all.

On timing, the answer is almost always two years, the same as a car wreck. There are exceptions and I would never rely on them, because they're tenuous and they demand proof you may not be able to produce. Two years is the rule of thumb, and missing it extinguishes your case forever.

The errors that are easier to see

Some categories are more straightforward than others, and it helps to know the difference before you call anybody.

A never event is exactly what it sounds like: something that should never happen in a surgery. A sponge left inside you afterward is a never event, and that can lead to infection and sepsis. You come in for an amputation of your left leg and you wake up and your right leg is gone. That's a never event. If a surgeon nicked something, that isn't one, and that's a much harder call.

An ordinary surgical complication is harder because surgery carries real known risks. You get to the hospital and they hand you a long list of things you don't understand and have you sign on the dotted line. That a complication was a known risk doesn't automatically mean there's

no case. If a doctor does something during the procedure that they shouldn't have, and that's what led to the known thing happening, you can still have a claim. Proving it is difficult and it depends entirely on the surgery, because a back surgery, a kidney removal and a knee surgery are three completely different cases.

Medication and anesthesia errors are their own category, and they often come down to something startlingly small. In a hospital you're not in control. You're not the one taking the pill; it's going into your arm intravenously. Give somebody the wrong medicine, or add a zero so that ten cc's becomes a hundred, and that is absolutely a viable claim. A clerical error can produce a terrible outcome and sometimes a death.

Informed consent cases are, if I'm being honest, among the most difficult ones I handle (and thus I usually choose not to). They come down to a he said, she said about a conversation nobody wrote down. That's exactly why they push those consent documents at you, so there's something in writing. When there isn't, a jury has to decide whether they believe the doctor told you about that risk. If you're credible and you present well, and a jury likes you and trusts you, your odds go up considerably. That's a thin thing to hang a case on, and I'd tell you so up front.

Children, and the clock that runs differently

Unborn and newly born children are among the most vulnerable people in our society, and these cases sit apart from everything else in this chapter.

The birth of each of my three kids was the happiest day of my life, three times over. They were healthy from day one and they still are. To imagine that day becoming the worst day of your life instead, if a child dies during delivery, I can't fully imagine as a parent, and I've had clients who have lived it. Sometimes it's cerebral palsy, or a permanent brain injury, and it can happen very easily in a delivery room. There are protocols in place that, if they're followed, should prevent most of it.

There's a reason these cases carry the value they do, and I'll say it plainly. We value our most vulnerable higher than we value adults. If the same injury happens to me that happens to a one-year-old, that child's case is worth more, because a jury can empathize more with a one-year-old who had no ability to defend themselves.

Georgia also gives these families more time. Instead of the ordinary two years, the statute is tolled for five years from the injury, and then you have two years from that point. So a birth injury claim can be brought as long as seven years after the delivery.

The expert decides, and sometimes you ask twice

Medical malpractice is a significant part of my practice, which means I can often unpack a set of facts before an expert ever sees them. If a family describes a stroke case, I can usually work out from the records and the conversation whether it's a case. I do my own research first, using the same websites and resources the doctors use to look these things up. Only then do I bring in an expert.

Finding the right one is its own skill. Sometimes it's word of mouth, because lawyers talk. I once hired an expert who had been on the defense side against me, because I thought he did such a dang good job that he made my case difficult, and I wanted him on my side the next time. There are marketing companies that place experts, and I try to stay away from those by and large. However I find someone, they get thoroughly vetted, because how they come across to a jury matters as much as what's on their resume. At trial you want an educator, someone who can explain to twelve people why this happened and why this doctor or nurse is the reason it happened.

Experts disagree with each other, and that's normal. Usually when my expert says no, that's where the analysis stops, because we know we can't file. There was one case where I pushed back, hired a second expert, and he disagreed with the first. Being willing to ask twice, and being honest with a family about what the expert actually said rather than what everybody hoped he'd say, is part of doing this work responsibly.

I'll close this chapter with the thing I most want you to take from it. I believe most doctors and nurses went into medicine wanting to help people. But you are dealing with an industry full of large corporations slashing staff, and nobody in that building will advocate for you the way you can. If something is worrying you, your body knows. You have intuition. Don't trust anyone to be on top of it for you. Keep them on their toes and tell them every single thing that's going on, so that you never need somebody like me. That's my honest hope for you.



The two elements that have to be proven in sequence: a breach of the standard of care, then causation.

Common Questions

What is the standard of care in a Georgia medical malpractice case? It's a fancy way of saying a doctor or a nurse was negligent. In a car wreck, negligence is running a stop sign. In medicine, it means a provider did something that generally should not be done in those circumstances. A qualified expert in the same specialty has to review your care and conclude that your provider fell below it before a case can go anywhere.

Why is causation sometimes harder to prove than the mistake itself? Because proving a doctor did something wrong isn't the same as proving that error caused your injury or death. I've had a cancer case where the delay was real, and the oncologist told me the disease was going to kill him regardless. I've had stroke cases where the delay changed everything. The difference between a viable case and a dead one is sometimes razor thin.

How long does a family have to file a malpractice claim in Georgia? Usually two years from the date of the injury, the same as a car wreck. Birth injury cases get significantly more time: the statute is tolled for five years from the injury, and you then have two more years from that point, allowing a claim to be filed as long as seven years after the delivery. Don't rely on other exceptions.

What is a never event, and why is it easier to prove than an ordinary complication? A never event is something that shouldn't happen under any circumstances, like a surgical sponge left inside a patient or an amputation performed on the wrong leg. Because there's no legitimate medical explanation for it, these are often more straightforward to prove than a disputed complication, where the risk was disclosed and the argument is about whether anybody actually erred.

Chapter Reflection

A malpractice case rests on two separate proofs, not one. Your certainty that something went wrong is where that inquiry starts, and it is never where it ends.

The expert's answer, not your instinct and not mine, is what Georgia requires before you can even file. That gate is frustrating when you are the family on the wrong side of it, and it is also what keeps the system from turning on doctors who did nothing wrong.

What a jury can award once those two proofs are made is a different question entirely, and Georgia answers it without a ceiling.

09

CHAPTER NINE

Why Georgia Puts No Price Ceiling on a Life

I explain this history to every [malpractice client](#) I take on, because twenty-year-old politics still shapes what your case can be worth today.

There are a lot of reasons Georgia is the way it is. The main one is that Georgians, and the officials we elect, decided we don't want to put a cap on somebody's life. We don't want to put a cap on somebody's pain and suffering. And we trust the jury system.

So this chapter is about who gets to decide what your loss was worth. It isn't you, and it isn't me, and since 2010 it hasn't been the legislature either. It's twelve people who will never meet you before the day they're asked.

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“We trust the jury system. It's in the Constitution: the right to trial by jury. And in Georgia, we've decided as a community that someone's life is valuable, the value of someone's pain and suffering is also valuable, and you shouldn't cap something that's only going to benefit insurance companies and large corporations.”

— ANDREW CONN, ON WHY GEORGIA HAS NO CAP ON NON-ECONOMIC DAMAGES

The number the legislature picked

They tried this once. Back in 2005, the Georgia legislature passed a law capping non-economic damages in medical malpractice cases at \$350,000, no matter how severe the harm or how old the person it happened to.

In 2010, the Georgia Supreme Court struck that cap down as unconstitutional in *Atlanta Oculoplastic Surgery, P.C. v. Nestlehutt*. Our Supreme Court did the right thing. They held that you cannot take that decision away from a jury with an ordinary statute, because the right to

trial by jury is guaranteed by the Georgia Constitution, and taking it from twelve Georgians would violate our constitutional right. You'd need a constitutional amendment, which requires a two-thirds vote.

I don't always agree with our appellate courts, and I'm sure that doesn't surprise them. But we have a very good appellate court system here that I think is genuinely trying to get it right, and on this one they definitely got it right.

So what governs your case instead is the enlightened conscience of an impartial jury. Twelve people hear the evidence, they have to agree unanimously, and they decide what the loss was worth. That's a hard thing to ask of twelve strangers, and it's a hard thing for us as lawyers to quantify too. It is still better than a number a committee funded by insurance companies picked in advance, years before your injury, without knowing your name or anything about what you lost.

A number with a child attached to it

I can tell you exactly what that cap would mean, because I'm carrying the case right now.

An eight-month-old boy. His mother took him to an emergency room and to a doctor's office four days in a row, telling them something was wrong with her child. Nobody took her seriously. That little boy passed away because of the negligence of several people who saw him.

If that 2005 law were still on the books, the folks who voted for it would be saying that this child's life was worth \$350,000. Quite frankly, I think that's disgusting, particularly given how much we say we value the jury system. Twelve strangers heard the evidence. They're the ones who should be answering the question.

That family isn't reading about an abstraction, and neither are you if you picked this book up because of something that happened to someone in your house. A cap doesn't feel like policy when the number has your child's name attached to it.

What Senate Bill 68 changed, and what it left alone

Georgia passed tort reform in 2025, Senate Bill 68. Insurance lobbyists got it through, and it was geared mostly toward auto collision cases. There was nothing in the bill specific to medical malpractice.

There are pieces of it that reach malpractice claims anyway. One is bifurcation, which is now required at times. In a bifurcated trial you try the did-the-doctor-do-something-wrong phase first, and only if you win that do you move to the how-much-is-it-worth phase with the same jury. The idea, at least in theory, is to keep a jury from being moved by a tragic damages story before deciding whether anybody was negligent. It's a real change and it changes how a case gets tried.

It does not touch the ceiling on what you can recover, because there isn't one. Nothing in Senate Bill 68 restored a cap on non-economic damages. Nothing in it disturbed what the Supreme Court held in *Nestlehurst*. In my own practice, has it made a significant difference to how I build a malpractice case? Probably not. It has wide-ranging implications for other kinds of cases.

The collateral source change, and who it punishes

The other piece is the collateral source rule, and it deserves more attention than its name gets.

Here's how it used to work. Say you've been paying health insurance premiums for twenty or thirty years and you never used them for a wreck. Then somebody smashes into you and you're looking at \$150,000 or \$200,000 in medical bills. Your health insurer pays a fraction of that, maybe a hundred thousand on a two-hundred-thousand-dollar bill, because that's what being insured buys you.

Before Senate Bill 68, you could show a jury the two-hundred-thousand-dollar bill, and the defense was not allowed to stand up and say your insurance company covered it. You got the benefit of having been responsible for twenty or thirty years.

Due to Senate Bill 68, the rules changed. Now the defense gets to tell the jury that even though the bill says \$200,000, the insurer only paid \$100,000, and their goal is to have a jury decide your case isn't worth as much as it used to be. So if you've done the responsible thing and paid premiums for decades, you get a reduction shown to the jury. If you never carried insurance at all, you show them the full undiscounted number.

Read that twice, because it's backwards. The insurance lobby took Georgians' rights away, and the people it lands hardest on are the ones who did exactly what they were told to do and responsibly complied.

It's one more reason I don't anchor your case to a medical bill total. A strategy built on the size of a bill is more exposed to that argument than it used to be, and your bill was never where the value of your case lived anyway.

Why the fight isn't finished

I've served on the [Georgia Trial Lawyers Association](#) executive committee for something like ten or eleven years now, which is most of my practice. Part of why is that the fight over this didn't end the day Nestlehutt came down.

Insurers and the industries funding their lobbying didn't stop wanting a cap. They lost one particular fight. Senate Bill 68 is what happens when they win a different one, and you are the person who pays for that at trial.

Some of that work happens through the Civil Justice PAC, the political arm of the same trial lawyers' association, which exists specifically to support candidates who won't vote to reopen this question. I'd rather say that plainly than pretend a book about Georgia law can sit above the politics that write Georgia law. The no-cap rule in this chapter does not defend itself.

And there's a quieter reason it has held up this long. Jurors already extend real sympathy to a doctor or a nurse sitting at the defense table, even when they believe a mistake happened. By and large they do not want to punish a physician. That reluctance is a genuine check on run-away verdicts, and it operates long before anybody says a number out loud. Putting a statutory cap on top of a jury that's already inclined toward restraint doesn't prevent an injustice. It only guarantees that the rare case where twelve people heard everything, gave the provider every benefit of the doubt, and still concluded the harm was severe and inexcusable, gets handled exactly like a case a fraction as bad.



A scale with an open top rather than a fixed ceiling, illustrating that Georgia caps no damages in an ordinary negligence case.

Common Questions

Does Georgia cap pain and suffering damages in a malpractice or wrongful death case?

No. The Georgia Supreme Court struck down the legislature's cap as unconstitutional, and non-economic damages have no statutory ceiling here. The standard that replaced it is the enlightened conscience of an impartial jury, which means twelve people hear the evidence, have to reach a unanimous decision, and set the figure themselves based on what they were shown at trial.

What did Senate Bill 68 change in 2025? It introduced a bifurcated trial structure for some malpractice cases, meaning the jury decides whether there was a breach of the standard of care before hearing what the case is worth. And it changed the collateral source rule to allow a jury to hear the actual, reduced amount a medical bill was paid down to rather than only the original billed amount. Neither change restored a cap on non-economic damages.

Why does the collateral source rule change matter to someone who has always carried health insurance? Because a jury can now hear the reduced amount your insurer actually paid rather than only the original billed amount, which can make your case, if it's built around

medical bills, look smaller than it once would have, even though you did the responsible thing by carrying coverage all along. Someone who never carried insurance shows the jury the full number.

Could the Georgia legislature bring back a cap on non-economic damages? Only through a constitutional amendment, not an ordinary statute, because the Georgia Supreme Court held in *Nestlehutt* that a legislative cap violates the state constitutional right to trial by jury. Elected officials haven't tried to revisit that question in the years since the original cap was struck down, though other tort reform has passed in that window.

How do I even find out whether my family has a case worth this discussion? The first step is a free consultation with a medical malpractice attorney. Sometimes that talk is short, because the facts clearly don't support a claim. Other times it leads to a deeper review with a qualified expert. Either way, finding out costs you nothing, and it's the only way to know whether the no-cap standard described in this chapter will ever actually apply to your case.

Chapter Reflection

A number picked in advance can't know anything about your loss. That was the reasoning that took the number away and handed the decision back to twelve people who would at least have to sit and listen first.

It's also the reason I'd rather spend a trial on what a family lost than on a bill total. The bill is the part a legislature can legislate. The rest of it is the part only a jury can weigh.

That same instinct, trusting the judgment closest to the facts over a fixed formula, is behind a decision I made about how I run this practice, and it costs me money every year.

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CHAPTER TEN

Why I Limit My Caseload

Conn Law is deliberately selective about the cases it takes. That isn't a capacity problem, it's a choice, and it's the organizing principle behind how I've run this practice since day one.

I get to pick my clients, frankly, and I take that seriously. When I interview somebody on day one, what I'm deciding is whether this is a person I can genuinely go to bat for and fight for. I've turned down cases that could have been high-compensation cases because the fit wasn't right.

This last chapter is about how I work, which is another way of saying it's about how you decide whether I'm the right lawyer for your case. Some of what follows will tell you I'm not, and that's fine. You should know either way before you call anybody.

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“I try to treat them like family when I’m pursuing their case or evaluating their case. I hope that’s the one thing that folks take away from this: I’m here for you. I want to help you, and hopefully there’s something I can do to make that happen.”

— ANDREW CONN, ON HOW HE APPROACHES EVERY CLIENT’S CASE

A deliberately small caseload

Now, ten years of trying complex litigation taught me something that shapes how Conn Law is run today. A lawyer spread across too many files cannot give any one client what a serious injury or a wrongful death case demands, and I don't think that changes no matter how good the lawyer is. That's why I deliberately limit how many cases I take on at once and refer out or get co-counsel on smaller matters rather than handle them at volume.

Catastrophic injury, medical malpractice, products liability and serious truck collisions take real time, real investigation, and real relationships with the experts who make a case provable. None of that scales the way a high-volume practice does.

That said, a smaller case is never a small case to the person living it. Some of what I've handled over the years wasn't a permanent injury or a wrongful death. It was a back injury, or a neck injury, and to that person it was the most important case in the world. It never stops being that. So somebody with a neck injury out of a minor wreck gets the same attention from me as somebody who lost a husband.

There's a piece of this that has nothing to do with the law at all. Attorneys in the personal injury world double as therapists, whether we planned on it or not. I've sat on the phone or in a meeting for hours with people whose cases I already knew I wasn't going to accept, for a legal reason or some other reason, because I still want to be a resource for them. This is the most important thing in their life at that moment, and while I'm sitting with them about it, it's the most important thing in mine.

One small thing on my desk reminds me what this work is worth to the people who go through it. Years ago I helped a client with a pro bono matter, no fee at all, and she paid me with a little hand-made bobblehead action figure of myself. It's an odd thing to be proud of, and it has absolutely nothing to do with the size of a case or the eventual size of anybody's check.

What people are after when they call

I learned something in somebody's living room that I could not have learned in a classroom, and it surprises people who assume this work runs on greed.

People's motivations are not money. What I hear, over and over, is that they want somebody to establish publicly what was right and what was wrong, and they want assurance that it will not happen to the next family. That is ninety-nine percent of why my clients bring lawsuits.

A lawsuit isn't only an avenue for compensation. It's an avenue to change practices in an entire industry. A trucking company that changes its safety practices runs a safer operation, which means fewer wrecks, which means fewer injuries and fewer deaths. A hospital fixes a protocol that let a mistake through. That is the lever, and in the right case it's the only one available.

I could feel the pull toward that side of it before I had handled a single case. My older brother was a lawyer at the time, but nobody else in my family was, so I went to law school knowing next to nothing. Plenty of people around me had parents or grandparents who were judges or lawyers and seemed to know exactly what they wanted. I had no idea. Then in that first year, professors make you argue against yourself. You argue one side of a point and then they tell

you to flip and argue the opposite. I always had an easy time arguing for the person who had been wronged or harmed, and a genuinely hard time building the case for the other one. That happened over and over, and it told me where I belonged.

How to choose a lawyer, including whether it's me

If you take one practical thing out of this chapter, take this. Don't just call the first person on a billboard or the first person on TV.

There are good attorneys at those firms, and this isn't a knock on advertising. It's that this may be the only time in your life you ever bring a claim, so do your due diligence. Talk to more than one attorney. I've had people come meet with me and I've told them to go research other attorneys in the area, because that's what I'd want somebody to do for my own family.

Look at the actual lawyer, not just the firm. My own firm's [results page](#) exists for exactly this kind of comparison. A big firm can have a few lawyers with enormous results and plenty of others who have never tried a case to verdict, or who tried them and lost. So ask who is actually going to handle your file, and ask what that person has personally done, not what the marketing says. On my site you'll see eight-figure results, seven-figure results and sometimes six-figure results, and those are all cases I handled myself rather than numbers borrowed from a colleague down the hall. Check that on me too.

I understand where the ambulance-chaser reputation comes from. There are lawyers who don't approach this work ethically, and there are bad actors in every profession. That has never been my practice. Every client I've ever had came from a referral, either from another attorney who trusted me with somebody they know, or from a friend or somebody in this community. By the time a person is sitting across from me, their case doesn't feel insignificant to either one of us, and it never is.

Every one of my clients also gets my cell phone number, not my office line. They text me, they call me. Sometimes I can't call back right away because I'm in a deposition or out investigating another scene, and I get back to them as fast as I can. I'm not good at everything, and there's a long list of things I wish I were better at. But what I think you'd hear from my clients across eleven years of practice is that they could trust me, and that I've always been here for them.

What I can promise, and what I can't

My MO has always been the same one, and I say it to myself before every hard case. *"You might be smarter than me. You might be prettier than me. You might be a lot of things that I'm not, but you'll never outwork me."*

There isn't a case I've ever been outworked on, and I've faced some genuinely tough, hard-working defense attorneys over the years. I take pride in never letting one of them out-prepare me. Preparation guarantees nothing about the verdict, and losing while knowing you left something on the table is a considerably worse feeling than losing a case you prepared all the way.

So the thing I measure myself against isn't the verdict. Win, lose, or settle, the question is whether I did everything I possibly could to advance what you were trying to accomplish. That's the one thing I want every client to be able to say about me when it's over.

I'll be honest about trial, too, because it's the part of this job I'd do for free. I'm a crazy person about it. Trial is fun for me and it's what I got into this to do. It is almost never fun for my client, who has to sit in a room and relive the worst thing that ever happened to them so twelve strangers can price it. My appetite for a courtroom is never a reason to go to one. What's best for you is the only reason.

One case from recent years explains the whole thing better than I can. My client lost the eye-sight in one of his eyes in a workplace injury, and we had to argue in front of a judge over whether his case would be allowed to go to a jury at all. It was a Zoom hearing, so he watched it. I'd set expectations with him beforehand and told him plainly that we could win and we could lose, and that it was ultimately going to be up to this judge. Afterward he called me and told me he didn't much care anymore how it came out, because he'd seen how much I cared about his case and about him, and that meant everything. I still wanted to win for him. I still want to win every time. That call reminded me what the job is underneath all the procedure.

The rest of it

I got some advice early on that I think is the worst advice you can give a young lawyer: don't take your cases personally. I take every case personally. The tragedies, the heartache, the pain my clients carry in with them.

I've represented a family whose son died, and that case has been tried and the claims are finished, and I still text with them. We check in. We talk on the phone every now and then. They mean a lot to me. I have three young kids, and I think about my own family constantly in cases like that, because I cannot imagine what losing a child must feel like. I can only try.

None of this happens in isolation from the rest of my life, either. I've served on the Executive Committee of the Georgia Trial Lawyers Association for more than a decade now, currently as its Directed Giving Co-Chair, after rotating through more committee roles over the years than I

can easily list, education chair, membership work, the new lawyers division, before landing where I am today.

I also sit on the Brightside board, the local CASA chapter here in Chatham County. A CASA is an advocate who goes to bat in court for kids in foster care, and the organization does a great deal more than that. I've learned an enormous amount from it. Frankly, it helps me understand some of my own clients better, because sitting with children whose lives were upended by things entirely outside their control sharpens what vulnerability actually looks like when I walk back into my practice. While they make me better, I hope I make them a little better too.

There's one decision I never make for you, and it's the biggest one. Clients ask me the same question in every hard settlement conversation: what if I were your mom? What if I were your sister? What I tell them is true: *"I've been treating you like you're my mom or you're my sister this entire time. In fact, I have a fiduciary obligation to you."* That fiduciary standard is not a figure of speech, and it is the reason I will give you my honest read even when it isn't the one you want. So I'll tell you I think this is something you need to seriously consider taking, or I'll tell you I don't think it's enough for your case. And then you decide. It's your case and it was your loss, and whether it settles or goes to a jury belongs to you and not to me.



A small, organized stack of case files, the deliberately limited caseload behind individual attention.

Common Questions

Why does Conn Law limit the number of cases it takes on? Because catastrophic injury, malpractice and complex truck cases need sustained personal attention, and a lawyer spread across too many files can't give that to any of them. I'd rather take fewer cases and know each one thoroughly. It also means I can turn down a case that isn't the right fit, even a lucrative one, rather than take on a client I can't genuinely fight for.

What kinds of cases does the firm focus on? Catastrophic injury, wrongful death, medical malpractice, products liability and truck collisions, with smaller crash matters usually referred out. Medical malpractice alone is close to half my caseload. That focus matters because these cases run on expert relationships and investigation, and the depth you build in one of them carries straight into the next.

Does a smaller case still get real attention at Conn Law? Yes. A back injury or a neck injury out of a minor wreck is not a permanent injury or a wrongful death case, and to the person living it, it is still the most important case in the world. It never stops being that, and I've never seen a reason to treat one of those files differently from the largest case I've tried.

How do most of Conn Law's clients find the firm? Almost exclusively through referrals, either from other attorneys who trust me with someone they know personally, or from friends and members of this community, rather than through advertising. By the time somebody sits down across from me, they already know they weren't pulled off a list. Every one of them also gets my cell phone number rather than an office line.

Who decides whether to settle a case or take it to trial? You do, always. I'll tell you what I think, including when I don't believe an offer is enough for your case, and I'll be direct about the risk on both sides. But I have a fiduciary obligation to you, and the decision about your own case belongs to you rather than to your lawyer. My appetite for a courtroom is never the reason a case goes to one.

Chapter Reflection

A caseload is a choice somebody made, not an accident of how busy the year got. Taking fewer cases in order to know each one all the way down is the choice underneath every other thing in this book, from the preservation letter that goes out on day two to the expert nobody wanted to pay for.

It also means I will sometimes tell you no, or tell you an offer is worth taking when you were hoping I'd say fight. You should want a lawyer who'll do that.

Whatever happened to you, and whoever you end up hiring, the thing I'd most want you to walk away with is the same thing I say to everybody who calls. I'm here for you, and I hope there's something I can do to help.

Frequently Asked Questions

Do I need a lawyer if the insurance company already offered to pay my medical bills? An early offer to cover medical bills isn't the same as a fair settlement for the full value of a claim, including lost wages and pain and suffering, and accepting it can close out the ability to recover more later.

How much does it cost to consult with Conn Law about a potential case? Nothing. Consultations are free, and cases are handled on a contingency fee basis, meaning there's no fee unless and until there's a recovery.

What is the deadline to file a personal injury lawsuit in Georgia? Usually two years from the date of the injury under Georgia's statute of limitations, with shorter notice deadlines, sometimes as little as six months, for claims against a city or county, and different rules in certain malpractice circumstances.

Does Conn Law handle cases outside of Savannah? Yes. The firm serves clients from offices in Savannah and Atlanta and handles matters statewide.

What should I bring to a consultation about a possible case? Any photographs, medical records, insurance correspondence, or police reports already in hand, though none of it's required to have a first talk.

Conclusion

Every chapter in this book answers a question that starts the same way: something happened, and now there's a decision to make with incomplete details under time pressure. The first hours at the scene, the police report, the insurance adjuster's phone call, the deadline that doesn't pause for grief, the malpractice case that needs an expert before it can even be filed. None of those moments come with an instruction manual, which is the reason this one exists.

What connects all ten chapters is a single approach, not a single legal rule. Gather the evidence before it disappears. Understand what Georgia law allows before accepting what an insurer offers. Move quickly when the other side already has, and treat the deadline as real even when the case doesn't feel finished. That approach applies whether the claim involves a fender bender on Abercorn Street or a catastrophic truck collision on I-16.

Final Takeaways

- Georgia's modified comparative negligence rule under O.C.G.A. § 51-12-33 bars recovery fully once a claimant is found fifty percent or more at fault, which is why an early fault argument from an insurance adjuster matters more than it sounds.
- A police report carries weight with an adjuster before litigation starts, but much of it's inadmissible at trial, so photographs, witness statements, and medical records have to fill the gap.
- Commercial truck cases move on a faster evidence clock than car cases, and a trucking company's defense team is often investigating the scene before an injured driver has hired anyone.
- Georgia places no statutory cap on non-economic damages in personal injury and wrongful death cases, a rule that traces directly to the Georgia Supreme Court's 2010 decision in *Nestlehutt*.
- A medical malpractice case in Georgia can't be filed without a signed expert affidavit under O.C.G.A. § 9-11-9.1, and it requires proof of both a breach of the standard of care and that the breach caused the harm.
- Consultations are free and cases are handled on contingency, so there's no financial barrier to finding out where a potential claim stands.

About the Author



Andrew J. Conn

Andrew J. Conn is the founder and managing attorney of Conn Law, a Georgia personal injury trial practice with offices in Savannah, the firm's headquarters, and Atlanta. He is a graduate of the University of Georgia, where he earned both his undergraduate degree and his law degree. And he was admitted to the State Bar of Georgia on November 14, 2014 (Bar No. 732541).

Before founding Conn Law in March 2025, Conn spent ten years at a high-stakes trial firm handling complex litigation. He built Conn Law around a deliberately selective caseload, focused on catastrophic injury, wrongful death, medical malpractice, products liability, and serious truck collision cases, so that he can be personally involved in the investigation and strategy of every matter the firm accepts.

Conn serves on the Executive Committee of the Georgia Trial Lawyers Association as Directed Giving Co-Chair and has served as Vice Chair of the Civil Justice PAC board since 2018. He accepts pro bono appointments through the Criminal Justice Act program in the Southern District of Georgia. He has been named a Georgia Super Lawyers Rising Star for ten consecutive years and was selected for the Georgia Trial Lawyers Association's LEAD Program in 2015.

Outside the courtroom, Conn hosts *Savannah Car & Truck Accident Law*, a podcast built around the same questions his own clients ask him, covering Georgia personal injury and malpractice law for accident victims across Chatham County and the state.

Conn Law can be reached at (912) 373-8642 or through connlawfirm.com.

Appendix

Georgia statutes cited in this book

- O.C.G.A. § 51-12-33, Georgia's apportionment of damages and modified comparative negligence rule.
- O.C.G.A. § 51-12-5.1, Georgia's punitive damages statute, including the \$250,000 cap and its exception for driving under the influence.
- O.C.G.A. § 51-4-2, Georgia's wrongful death statute and priority of standing among survivors.
- O.C.G.A. § 9-11-9.1, Georgia's expert affidavit requirement for professional malpractice claims.
- O.C.G.A. § 24-7-702, Georgia's evidence code provision governing the qualification of expert witnesses (the state's Daubert-standard statute).

Case law cited in this book

- *Atlanta Oculoplastic Surgery, P.C. v. Nestlehutt*, 286 Ga. 731 (2010), the Georgia Supreme Court decision striking down the legislative cap on non-economic damages in medical malpractice cases.

Legislation referenced in this book

- Georgia Senate Bill 68 (2025), Georgia's most recent civil tort reform legislation, addressing trial procedure and the collateral source rule among other provisions.

Firm and podcast resources

- Conn Law: connlawfirm.com
- Free consultation: connlawfirm.com/contact
- Andrew Conn's attorney profile: andyconn.attorney
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Andrew J. Conn is licensed to practice law in the State of Georgia (Bar No. 732541, admitted November 14, 2014) and is responsible for the content of this book.



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