

The Weinstein Firm Addresses How Georgia Law Changes Impact Atlanta Car Accident Victims with Catastrophic Injuries

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The Weinstein Firm, a personal injury law practice serving Metro Atlanta, has released comprehensive guidance addressing how Georgia Senate Bill 68's bifurcation provisions specifically affect car accident victims with traumatic brain injuries, spinal cord damage, and other catastrophic injuries valued above $150,000.

The new law, which applies retroactively to all pending cases, introduces a bifurcation option that allows either party to request that liability and damages be tried in separate phases when the amount in controversy exceeds $150,000. This threshold means the provision specifically targets high-value catastrophic injury car accident claims involving traumatic brain injury, spinal cord damage, permanent disability, and severe orthopedic trauma.

Under the bifurcation structure, juries first decide fault without hearing any evidence about the victim's

injuries, medical bills, or quality-of-life impact. Only after that liability verdict is returned does the same or a new jury hear damages evidence, including the extent of traumatic brain injury, spinal cord injury, or permanent disability the victim sustained.

"The $150,000 bifurcation threshold means this law specifically targets victims who have suffered the most severe injuries," stated Harris Weinstein, Managing Partner of The Weinstein Firm Atlanta car accident lawyer practice. "Building a catastrophic injury case under these new rules requires structuring the liability argument as a completely self-contained evidentiary case that can win without the jury knowing the victim spent months in rehabilitation. This preparation must begin at the crash scene, not at the courthouse."

The law also restricts how attorneys can argue non-economic damages, including pain and suffering, loss of enjoyment of life, and permanent impairment, until after the close of all evidence. Any specific dollar amount must be rationally related to evidence in the record and cannot be introduced through analogies, hypotheticals, or anchoring techniques that previously helped juries understand the full human cost of catastrophic injuries.

The phantom damages rule under Senate Bill 68 particularly affects catastrophic injury cases. Victims with health insurance who receive treatment at major Atlanta facilities like Grady Memorial Hospital, Emory University Hospital, or WellStar Kennestone may see their recoverable medical damages reduced to 10 to 30 percent of the actual billed amount, as negotiated insurance payment rates at major hospital systems can be as little as ten to thirty cents on the dollar compared to the full billed charge.

Atlanta recorded 33,305 total crashes in 2024, averaging 91 per day, with 13,466 injuries documented according to Georgia Department of Transportation and Governor's Office of Highway Safety data. A significant share of these involve traumatic brain injury and serious orthopedic trauma, particularly on the Interstate 285, Interstate 75/85 Downtown Connector, and Interstate 20 corridors where high-speed impacts are most common.

As an Atlanta Car Accident Lawyer, The Weinstein Firm has recovered over $30 million for Georgia injury victims since 2013. The firm, founded by Harris Weinstein and Michael Weinstein, has earned recognition from The National Trial Lawyers Top 100 and Top 40 Under 40, and maintains an A+ Better Business Bureau rating. The practice handles car accidents, truck accidents, motorcycle accidents, catastrophic injuries, traumatic brain injuries, spinal cord injuries, and wrongful death cases throughout Metro Atlanta and statewide on a contingency fee basis.

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The Weinstein Firm - Decatur

The Weinstein Firm Decatur fights for injury victims with compassionate, aggressive personal injury and car accident representation. With over 20 years? experience, we secure justice and fair compensation for clients across Georgia.

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