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Danny Orrock 404-580-1536

Matthew Bouillon 404-513-0750

### **Court Watch issues annual report on appellate and supreme courts**

*2009 sees changes in debt collection and repossession law; more activity on “new injury” exception.*

ATLANTA – Court Watch today released its third annual report analyzing consumer-related decisions issued by the Supreme Court of Georgia and the Georgia Court of Appeals. Court Watch is a project of Georgia Watch, a nonprofit and nonpartisan group committed to strengthening the rights of consumers.

The “2009 Annual Report” identifies and profiles the most noteworthy consumer-related decisions released by the appellate courts throughout the year, and identifies emerging trends.

**“The Supreme Court of Georgia and the Court of Appeals make decisions that have significant impacts on the rights of consumers,”** said Georgia Watch Executive Director Angela Speir Phelps. **“This project is important because developments in the law can be make or break for a family that has been harmed by medical negligence, or a person whose identity has been used fraudulently to open up a line of credit.”**

Notable consumer cases discussed include:

- **Horner v. Robinson**, 299 Ga. App. 327 (2009)  
*In order to secure a valid lien on personal property, a creditor must strictly comply with the notice provisions in the statute in question.*
- **Wirth v. Cach, LLC**, 300 Ga. App. 488 (2009)  
*A creditor must prove the entire chain of assignment of a debt by competent evidence in order to collect on it.*
- **McCord et al. v. Lee et al.**, 286 Ga. 179 (2009)  
*The “new injury” exception is narrowed exclusively to situations where a previous harmful misdiagnosis is left untreated and “develops into a more serious and debilitating condition,” thereby excluding individuals who suffer negligence without misdiagnosis.*

**“While Georgia law is often unfriendly to consumers, some helpful opinions were issued in the areas of debt collection and notice pursuant to a repossession or garnishment,”** Court Watch Fellow Matthew Bouillon said. **“However, in 2009 we saw the new injury exception to the statute of limitations in medical malpractice cases further narrowed by the Supreme Court of Georgia, making it nearly impossible for a patient to seek redress for a misdiagnosis that leads to a slowly manifesting injury. Such trends are important, especially in a year when there is an open seat on the Court of Appeals.”**

The Court Watch Fellowship is a collaborative effort of the 2009 Court Watch Fellowship recipient and primary researcher, Matthew Bouillon, and the Court Watch Advisory Committee, which includes a consumer law professor, a magistrate judge, a clerk for a state court judge, and a consumer attorney.

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*Court Watch is an ongoing project of Georgia Watch. The Court Watch “2009 Annual Report” can be found at [www.GeorgiaWatch.org](http://www.GeorgiaWatch.org).*

*Founded in 2002, Georgia Watch is a nonprofit, nonpartisan 501-(c)(3) watchdog group focusing on consumer education and research in the areas of health care, insurance, identity theft and personal finance. Visit [www.GeorgiaWatch.org](http://www.GeorgiaWatch.org) for more information.*