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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.

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 for more information.