

THE GEORGIAN LAW REVIEW

VOLUME 2

CIVIL LAW ESSENTIALS

UNDERSTANDING LAWSUITS,
TORTS, CONTRACTS, &
PROPERTY RIGHTS IN GEORGIA



JONAH SANDERS



The Georgian Law Review Vol. 2. Civil Law Essentials

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Jonah Sanders

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THE GEORGIAN LAW REVIEW VOL. 2. CIVIL LAW
ESSENTIALS

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Chapter 1: Introduction to Civil Law in Georgia

Understanding the Basics

Civil law in Georgia is the area of law that governs disputes between private individuals, businesses, or organizations. Unlike criminal law—which deals with offenses against the state and may result in jail time—civil law addresses wrongs or breaches that affect someone’s personal, financial, or property interests. These cases generally seek compensation, enforcement of agreements, or court-ordered relief, not punishment.

Civil lawsuits are used to resolve a wide range of conflicts, such as when someone is injured in an accident and wants compensation, when a person or company breaches a contract, when a landlord refuses to return a security deposit, or when neighbors are disputing property boundaries. In each of these cases, civil law provides the mechanism for one party to seek justice from another in court.

The Structure of Georgia's Civil Courts

Georgia's court system handles civil matters through several types of courts, each with its own level of jurisdiction and function. The three primary trial courts that hear civil cases are Magistrate Court, State Court, and Superior Court.

Magistrate Court, often referred to as "Small Claims Court," is the entry-level court for civil disputes involving claims of \$15,000 or less. This is the most accessible court for ordinary people and is commonly used for cases involving unpaid rent, small debts, property damage, or minor contract disputes. Legal representation is not required here, which makes it more user-friendly for individuals representing themselves.

State Court exists in counties that have chosen to establish it and typically handles civil lawsuits involving more than \$15,000, as well as some misdemeanor criminal cases. State Court often handles higher-stakes matters such as personal injury lawsuits and business disputes.

Superior Court is the highest-level trial court in the state and is constitutionally mandated to exist in every Georgia county. It has broad jurisdiction over all civil and criminal matters and is the exclusive court for equity cases, divorce and custody matters, land disputes, and appeals from lower courts. When no other court has jurisdiction, Superior Court does.

Above these trial-level courts are Georgia's appellate courts: the Court of Appeals, which reviews most civil appeals, and the Supreme Court of Georgia, which handles appeals involving constitutional questions, election law, and cases of major public importance.

Key Participants in a Civil Case

In every civil case, there are at least two main parties: the plaintiff and the defendant.

The plaintiff is the person (or business) who files the lawsuit, claiming they were harmed in some way and seeking a remedy. The defendant is the person (or business) being sued, accused of having caused that harm or failed to meet some legal obligation.

Either party may be represented by an attorney, but in many civil cases—especially in Magistrate Court or small-value claims—people often represent themselves.

Core Legal Terms to Know

Several important legal terms appear frequently in civil proceedings. A complaint is the document filed by the plaintiff that initiates the lawsuit and sets out the facts and legal reasons they believe the defendant is responsible. The answer is the defendant's written response to the complaint, often including defenses or even counterclaims.

The process by which both sides gather facts and evidence from each other before trial is called discovery. Legal motions are formal requests made to the court to make decisions about various parts of the case—such as dismissing a lawsuit or compelling the other side to provide documents.

Finally, damages refer to the monetary compensation or other relief that the plaintiff is asking the court to award.

The Burden of Proof

One of the key differences between civil and criminal law is the burden of proof. In a civil case, the plaintiff must prove their case by a preponderance of the evidence, meaning it's more likely than not (just over 50%) that what they're claiming is true. This is a much lower threshold than the "beyond a reasonable doubt" standard used in criminal court.

Because the burden is lighter, and because no one's freedom is at stake, civil law provides a more flexible environment to resolve disputes—but it still demands careful preparation and legal knowledge to be successful.

When and Why to File a Civil Lawsuit

You may consider filing a civil lawsuit in Georgia if someone has breached a contract, damaged your property, refused to pay a legitimate debt, violated your rights, or caused you injury. Before heading to court, it's often wise to attempt informal resolution—such as a demand letter or direct negotiation—but if that fails, the courts offer a structured and enforceable way to pursue justice.

It's important to keep in mind that civil claims are governed by statutes of limitations, or filing deadlines. These vary depending on the type of case—for example, two years for most personal injuries and four years for breach of written contract—but if you wait too long, your right to sue may be lost forever.

Preparation is key: Gather all available evidence such as photos, documents, receipts, text messages, or witness information before filing your case. Even if you're not a lawyer, the more organized and informed you are, the better your chances of succeeding in court.

Final Thoughts

Understanding the fundamentals of civil law is essential for anyone who owns property, runs a business, rents a home, enters contracts, or simply wants to protect their rights. In Georgia, civil law is the foundation of many day-to-day legal matters—and it empowers people to seek fairness without relying on criminal prosecution.

In the next chapter, we'll walk through the process of filing a civil lawsuit in Georgia — from drafting your complaint to serving the defendant properly and getting your day in court.

Chapter 2: Filing a Civil Lawsuit in Georgia

Taking Legal Action the Right Way

Filing a civil lawsuit is more than just telling the court your side of the story — it's a formal legal process governed by specific rules. If you make mistakes at this stage, your case can be delayed, dismissed, or lost before it even starts. This chapter walks you through the essential steps for properly filing a civil lawsuit in Georgia, from preparing your complaint to serving the defendant.

Step 1: Determine Where to File (Jurisdiction & Venue)

Before filing, you must decide which court and which county has authority to hear your case. This is known as jurisdiction (the court's power) and venue (the proper location).

In Georgia:

Magistrate Court is for civil disputes involving \$15,000 or less, such as unpaid rent, minor contract disputes, or small property damage claims.

State Court handles most general civil cases involving more than \$15,000 in counties that have one.

Superior Court hears all civil cases not assigned elsewhere, including family law, property disputes, and equity claims (e.g., restraining orders).

The lawsuit should typically be filed in the county where the defendant lives or where the dispute occurred. Filing in the wrong court or county can lead to dismissal.

Step 2: Draft Your Complaint

The complaint is the legal document that starts your case. It tells the court:

1. Who the parties are (your name and the defendant's)
2. What happened (the facts)
3. Why the defendant is legally responsible
4. What relief you're seeking (money, specific action, etc.)

It doesn't need to be written in fancy legal language, but it must be clear, accurate, and specific. Include dates, locations, and any relevant agreements or documents.

Example:

"On March 15, 2024, Defendant agreed in writing to repair the roof at Plaintiff's home located in Lowndes County, Georgia. Defendant received payment but failed to complete the work. As a result, Plaintiff suffered water damage totaling \$4,200. Plaintiff seeks judgment in that amount, plus court costs."

You should attach copies of relevant contracts, emails, receipts, or photos if available. Label them as "Exhibits."

Step 3: File Your Complaint with the Clerk

Once your complaint is ready, take it to the clerk of court in the proper county. You can file in person, by mail, or in some counties, electronically (eFileGA.gov).

Be sure to:

Bring multiple copies of your complaint

Pay the filing fee (usually \$50–\$250 depending on court)

Request service on the defendant (you can pay the sheriff or a private process server)

Keep your file-stamped copy — it's proof your case was officially filed.

Step 4: Serve the Defendant

You cannot move forward with your case until the defendant has been served — meaning formally notified of the lawsuit with a copy of the complaint and summons.

In Georgia, service can be done by:

Sheriff's deputy (fee required)

Licensed process server

Certified mail (in some Magistrate cases)

If the defendant avoids service, you may request alternative service (e.g., leaving it with a competent adult at the home, or by publication). The court must approve this.

If you fail to serve the defendant within 5 days of filing, you may need to file a motion to extend time or risk case dismissal.

Step 5: Wait for the Defendant's Answer

Once served, the defendant has 30 days to file an Answer. If they don't respond in time, you can request a default judgment, which means the court may rule in your favor automatically.

If they do respond, the case moves forward into discovery and eventually trial.

Step 6: Prepare for Pre-Trial Procedures

After the lawsuit is officially filed and the defendant has responded, the court may:

Schedule a status conference or hearing

Set deadlines for discovery

Issue a scheduling order

Encourage or order mediation

Be organized, keep copies of all filings, and stay on top of court deadlines. Missing a court date or filing deadline can ruin your case, even if you're in the right.

Tips for Pro Se Litigants (Representing Yourself)

Read the Georgia Civil Practice Act (O.C.G.A. Title 9) for rules on pleadings, motions, and procedure

Visit your local law library or legal aid center for sample complaints

Stay respectful and professional in all filings and court appearances

Never lie in court documents — that's perjury and punishable by law

Final Thoughts

Filing a civil lawsuit in Georgia is a powerful way to protect your rights and seek justice, but it comes with responsibilities. Your case begins with that first step — filing the complaint properly and ensuring the defendant is served.

In the next chapter, we'll explore what happens after you file, including how to respond if you're the one being sued — and how to avoid a default judgment.

Chapter 3: Answering a Lawsuit & Avoiding Default Judgments

So You've Been Sued — What Now?

Receiving a lawsuit can be intimidating. Whether a sheriff shows up at your door or you get papers by certified mail, your first reaction might be panic, confusion, or anger. But the worst thing you can do is ignore it.

In Georgia civil court, failing to respond in time can result in a “default judgment” — meaning the court can rule against you automatically, without ever hearing your side.

This chapter explains exactly how to respond to a lawsuit properly, what happens if you don't, and what your legal options are if you've already missed the deadline.

Step 1: Read the Complaint Carefully

When you're served with a lawsuit, you should receive two key documents:

1. The Summons – a court-issued notice telling you you're being sued and how long you have to respond.

2. The Complaint – a written statement from the plaintiff explaining their claims against you.

Read the complaint line by line. Make note of:

What you're being accused of

What the plaintiff is asking for (damages, relief, etc.)

Important dates, facts, or contracts mentioned

Deadlines for responding

Pro tip: Write down your response deadline immediately. In most cases in Georgia, you have 30 days from the date you were served to file your answer.

Step 2: Draft Your Answer

An answer is your official response to the complaint. In it, you should:

Admit or deny each numbered paragraph in the complaint

Briefly explain your defense or your version of the story

Raise any affirmative defenses (e.g., statute of limitations, payment already made, fraud, etc.)

You do not need to prove your entire case in the answer — just respond and preserve your rights.

Here's an example format:

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

[Your Name] – Defendant

v.

[Plaintiff's Name] – Plaintiff

ANSWER TO COMPLAINT

1. Defendant admits paragraph 1.

2. Defendant denies paragraph 2.

3. Defendant is without sufficient information to admit or deny paragraph 3 and therefore denies same.

AFFIRMATIVE DEFENSES

1. Plaintiff's claim is barred by the statute of limitations.

2. Defendant asserts the debt was paid in full on June 10, 2023.

3. Plaintiff has failed to state a claim upon which relief can be granted.

Respectfully submitted,

[Your Name, Signature, Address, Phone]

Date: _____

Step 3: File Your Answer with the Court

Once your answer is prepared:

File it with the Clerk of Court where the lawsuit was filed
(in person, by mail, or electronically if allowed)

Include a Certificate of Service showing that you sent a copy
to the plaintiff

Keep copies of everything you file

There is no fee to file an answer in Georgia — only to file a
complaint.

Step 4: What Happens If You Don't Respond?

If you don't file your answer within 30 days, the plaintiff can request a default judgment. That means the court can:

Assume all allegations in the complaint are true

Award the full amount of damages requested

Garnish your wages or bank account

Place a lien on your property

A default judgment is serious — and difficult to reverse.

Step 5: How to Fix a Missed Deadline

If you missed the 30-day deadline but less than 15 additional days have passed, Georgia law gives you a second chance: you can still file your answer if you also pay court costs (usually \$50–\$100).

If more than 45 days have passed, you may need to file a motion to open default. The court has discretion to allow or deny it, and you must show:

A good reason for the delay (excusable neglect, illness, confusion)

That you have a defense

That the delay didn't harm the plaintiff unfairly

If a default judgment has already been entered, you'll need to file a motion to set aside judgment — which is much harder and must usually be done within three years.

Step 6: Consider Filing a Counterclaim

If the plaintiff has sued you, and you believe they actually owe you money or wronged you first, you may be able to file a counterclaim as part of your answer. This is your chance to turn the tables legally.

For example:

If your landlord sues you for unpaid rent, but you had to pay out-of-pocket for repairs they ignored, you might counterclaim for those expenses.

If a contractor sues you for nonpayment, but their work was faulty, you can counterclaim for damage.

Be sure to state the facts clearly and request specific relief.

Final Thoughts

Responding to a civil lawsuit in Georgia is not optional — it's a legal obligation. But it's also an opportunity to tell your side of the story and prevent a court from ruling against you by default.

Don't ignore a lawsuit. Don't panic. Respond properly, file on time, and protect your rights.

In the next chapter, we'll explore Magistrate Court, also known as Small Claims Court — the fastest and most accessible way to resolve civil disputes under \$15,000 in Georgia.

Chapter 4: Small Claims & Magistrate Court in Georgia

Justice Without the Complications

For many people in Georgia, the Magistrate Court — commonly called Small Claims Court — is the easiest and most accessible way to resolve a civil dispute. You don't need a lawyer, the process is fast, and the rules are designed for everyday people. Whether you're a tenant trying to recover a security deposit, a small business owner owed money, or someone who loaned cash and never got paid back, Magistrate Court may be your best option.

This chapter will help you understand how Magistrate Court works in Georgia, when and why to use it, and how to present your case like a professional — even if you're representing yourself.

What Is Magistrate Court?

Magistrate Court is a county-level court designed to handle civil claims of \$15,000 or less. It exists in every Georgia county, and it's especially useful for resolving small disputes without needing an attorney.

Common Magistrate Court cases include:

Landlord-tenant disputes (unpaid rent, deposits, repairs)

Breach of small contracts (work not completed, goods not delivered)

Auto repair or property damage disagreements

Loans between individuals

Collection of unpaid bills

This court also handles warrants, minor criminal cases, and preliminary hearings, but in this chapter, we focus strictly on the civil side.

Why Choose Magistrate Court?

There are several advantages to filing in Magistrate Court:

No lawyer required

Lower filing fees (typically \$50–\$75)

Quicker resolution (often within 60 days)

Simpler, more relaxed procedures

Often just one hearing — no drawn-out trial

Even though the process is simpler, your case still has legal weight — a judgment in Magistrate Court is enforceable like any other.

How to File a Small Claim

Here's how to file your case properly:

1. Go to the Magistrate Court clerk in the county where the defendant lives — not where you live.
2. Ask for a Statement of Claim form (or download it from the county's website).
3. Fill it out with:
 - Your name and address
 - Defendant's full name and correct address
 - A short, clear explanation of what happened and how much you're owed
 - Any evidence (contracts, texts, receipts, photos)
4. Pay the filing fee (plus a small service fee for the sheriff to deliver the papers to the defendant).
5. The court will schedule a hearing, usually within 30–60 days.

What Happens After You File

Once filed, the defendant will be served with the Statement of Claim and given 30 days to file an answer. If they don't respond, you may be able to request a default judgment.

If they do respond, the court will hold a hearing. Both parties will be notified of the date and time.

Preparing for Your Hearing

Treat this like a real trial — because it is. Come prepared with:

All original documents (contracts, receipts, letters, photos)

Printed copies for the judge and the other party

A clear timeline of events

Any witnesses (if they are relevant and reliable)

Organize your materials so the judge can easily follow your story. You'll have limited time to speak — be brief, focused, and respectful.

At the Hearing

Both you and the defendant will stand before the judge (no jury in most Magistrate cases). Each side will get a chance to present evidence, ask questions, and make their case.

The judge may:

Decide immediately

Take it “under advisement” and mail the decision later

Encourage both sides to settle during the hearing

You’ll either win, lose, or receive a partial award. If you win, the judge will issue a money judgment against the other party.

After the Judgment

If you win, the judgment becomes a legal debt. You can collect it by:

- Garnishing the defendant's wages

- Placing a lien on their property

- Filing a judgment with the Superior Court (makes it part of their public record)

The court does not automatically enforce the judgment — it's up to you to take the next steps. However, judgments can affect the defendant's credit and ability to do business, which can motivate them to pay.

Can the Case Be Appealed?

Yes. Either party can appeal a Magistrate Court decision by filing with the Superior Court within 30 days. The case will be heard from scratch — known as a *de novo* appeal — meaning the evidence and arguments are presented all over again.

Keep in mind: Magistrate Court is meant to resolve disputes quickly and cheaply. Unless the outcome was clearly unjust or the legal issue is significant, appeals are rare.

Final Thoughts

Magistrate Court gives Georgians a simple way to stand up for their rights. It doesn't take a lawyer or thousands of dollars to seek justice — just preparation, patience, and persistence.

In the next chapter, we'll move from the courtroom to the behind-the-scenes work of every civil case: discovery and evidence. You'll learn how to request documents, conduct interrogatories, and build a winning case before trial even begins.

Chapter 5: Civil Discovery & Evidence Rules in Georgia

Building Your Case Before Trial

In most civil cases, the real battle happens before you ever enter the courtroom. This phase is called discovery, and it's where both sides gather and exchange the evidence they'll use at trial. If you want to win your case — or defend against one — you must know how to use discovery tools properly and understand the rules of evidence that determine what the judge will allow.

This chapter walks you through how to request documents, ask written questions, take depositions, and prepare solid, admissible evidence that can hold up in a Georgia civil court.

What Is Discovery?

Discovery is the formal legal process by which both parties obtain information from one another before trial. It exists to ensure fairness, reduce surprises, and allow each side to evaluate the strengths and weaknesses of the case.

Under Georgia's Civil Practice Act (O.C.G.A. § 9-11-26 through § 9-11-37), discovery tools include:

Interrogatories – written questions the other side must answer under oath

Requests for Production of Documents – a formal way to ask for documents, records, contracts, photos, receipts, etc.

Requests for Admission – asks the other side to admit or deny certain facts

Depositions – in-person or virtual interviews conducted under oath and recorded (usually for more complex cases)

Subpoenas – legal demands for third parties (like banks, hospitals, or employers) to produce records or testify

Discovery usually begins after the defendant files an answer and the judge sets a scheduling order or discovery deadline.

Using Interrogatories

Interrogatories are powerful tools for understanding the other side's claims and evidence. You can ask up to 50 questions unless the court gives permission for more.

Examples:

“Identify each witness you intend to call at trial and provide their contact information.”

“State the facts that support your claim that the work was completed on time.”

“Describe all communications between the parties regarding the disputed contract.”

The opposing party must respond within 30 days in writing and under oath. If they don't, you can file a motion to compel their answers.

Requesting Documents

A Request for Production of Documents allows you to formally ask the other party to turn over any physical or digital documents relevant to the case.

Examples of what you might request:

Text messages, emails, or letters

Receipts, invoices, or payment history

Lease agreements or service contracts

Photos or videos of damage or injury

Police reports or medical records

Like interrogatories, the other party has 30 days to respond. They may object, but objections must have a legal basis — not just inconvenience.

Requests for Admission

Requests for Admission are designed to narrow down the facts in dispute. You ask the other side to admit (or deny) specific facts.

Example:

“Admit that you did not complete the work described in the contract dated June 1, 2023.”

“Admit that the plaintiff paid you \$1,000 on March 10, 2023.”

If a party fails to respond within 30 days, the facts are automatically deemed admitted — which can be used to your advantage.

Depositions

A deposition is a formal, recorded interview where one party questions the other — or a witness — under oath. Depositions usually involve:

A court reporter (and sometimes a videographer)

Attorneys for both sides

Questions on any topic related to the case

Depositions are expensive and often used in larger cases, but they can reveal critical information and hold people accountable to their statements.

> Pro se litigants can take depositions, but it requires court approval, preparation, and sometimes financial cost.

Subpoenas

If you need documents or testimony from someone who isn't a party to the case, you can issue a subpoena. For example:

A mechanic's record of a disputed repair

A landlord's security deposit statement

A bank's record of payments or withdrawals

Subpoenas must be filed with the court and served properly. A person who fails to comply may be held in contempt.

Rules of Evidence in Civil Court

Knowing how evidence is handled in court is just as important as gathering it. Georgia's Rules of Evidence control what the judge will allow during trial.

Key principles include:

Relevance – Evidence must relate directly to the case. Irrelevant material will be excluded.

Authentication – You must show the evidence is real and hasn't been tampered with (e.g., signed contracts, verified screenshots).

Hearsay – Out-of-court statements are generally not allowed unless they meet a specific exception (e.g., business records, admissions by a party).

Best Evidence Rule – The court prefers original documents over copies, and complete documents over partial ones.

Foundation – You must be able to explain who created the evidence, when, and how it relates to your claim.

If you're representing yourself, take time to study O.C.G.A. Title 24 — Georgia's Evidence Code — and watch courtroom hearings to see how judges apply these rules.

What If the Other Side Refuses to Cooperate?

If the opposing party refuses to answer discovery, gives vague answers, or ignores deadlines, you can file a Motion to Compel under O.C.G.A. § 9-11-37. The court can order compliance — and in extreme cases, impose sanctions, such as:

Fines

Dismissal of their claims

Default judgment

Attorney's fees

Even if you're pro se (representing yourself), you have the right to use discovery — and to demand fairness.

Final Thoughts

Discovery and evidence are the foundation of your civil case. Whether you're the plaintiff or defendant, use every legal tool available to uncover the truth and prepare your argument. The side with the better preparation usually wins.

In the next chapter, we'll take a closer look at what happens before trial — from pre-trial motions to summary judgment, and how to stay in control of your case as it heads toward a courtroom decision.

Chapter 6: Motions & Pre-Trial Practice in Georgia Civil Cases

Managing the Case Before Trial

Civil lawsuits rarely go straight from the complaint to the courtroom. In Georgia, like most states, there are important legal steps in between — and much of the case may be decided before trial even begins. These pre-trial procedures involve motions, legal arguments submitted to the judge asking for a ruling on key issues.

Understanding how to file, respond to, and strategically use motions is crucial for gaining an edge in your case — or possibly ending it early in your favor.

What Is a Motion?

A motion is a formal request for the court to take a specific action. Motions are written, filed with the court, and must be served on the other party. In many cases, a hearing will be held where the judge decides whether to grant or deny the request.

Motions can occur at any stage of a case — from the beginning through trial and even after judgment.

Common Types of Pre-Trial Motions

1. Motion to Dismiss

This motion argues that the case should be thrown out before it even proceeds. Reasons include:

The court lacks jurisdiction

The complaint fails to state a legal claim

The statute of limitations has expired

The plaintiff sued the wrong person or entity

If granted, the case ends immediately — unless the court allows the plaintiff to amend their complaint.

2. Motion for Judgment on the Pleadings

Filed after both parties submit initial documents. It asks the court to rule in your favor based solely on the written pleadings, without needing a trial. This is rare but powerful if there are no disputes about the facts.

3. Motion for Summary Judgment

One of the most important motions in civil litigation. It argues that even if all the facts are taken as true, the law still favors one party — so there's no need for a trial. Summary judgment can resolve some or all of a case and is often filed after discovery is complete.

The moving party must:

File evidence (affidavits, contracts, photos, etc.) supporting their motion

Show that no genuine issue of material fact exists

Prove that they're entitled to judgment under Georgia law

If granted, the case is over on those issues. If denied, the case proceeds to trial.

4. Motion to Compel Discovery

If the other party won't respond to discovery (interrogatories, documents, etc.), this motion asks the court to force compliance. Judges expect good faith cooperation and don't tolerate obstruction. Sanctions can follow if violations continue.

5. Motion in Limine

Filed shortly before trial, this motion asks the judge to exclude certain evidence or arguments from being introduced at trial. Common examples include:

Evidence that is irrelevant, prejudicial, or inadmissible

A witness's prior criminal record

Settlement offers or personal history that doesn't relate to the case

If granted, it can shape what the jury sees and hears — sometimes shifting the case's entire outcome.

How to Write a Motion

Every motion should include:

A clear title (e.g., “Defendant’s Motion to Dismiss for Failure to State a Claim”)

A brief introduction stating what you’re asking the court to do

A section called the Argument or Memorandum of Law where you cite facts and legal rules

Supporting exhibits or evidence, if applicable

A Certificate of Service showing the motion was sent to the opposing party

You do not need to sound like a lawyer. Just be clear, direct, and honest.

Responding to a Motion

If the other side files a motion, you usually have 30 days to respond (or as directed by the court). Your response should:

Admit or deny their claims

Explain why the motion should be denied

Provide counter-evidence or legal reasons to support your side

If you ignore a motion, the court can rule against you by default.

The Role of Hearings

For many motions — especially those that may end the case or limit evidence — the court will schedule a motion hearing. Both parties attend (in person or virtually) and make brief arguments before the judge.

You don't need to be a lawyer to participate. Be respectful, stay focused, and present your argument clearly. Stick to the law and the facts.

Strategic Use of Motions

Knowing when and why to file a motion can make or break a case. Here are some strategic points:

If the lawsuit is weak, file a motion to dismiss early — save time and money.

If the facts are undisputed, file for summary judgment and try to win without trial.

If the other party is evasive, use motions to compel and expose their bad faith.

If damaging evidence is coming, block it with a motion in limine before trial.

Used wisely, motions can pressure the other side to settle or help you avoid an unnecessary trial.

Final Thoughts

Pre-trial motions are not just legal paperwork — they're tools to shape, shorten, or even end your case. Whether you're representing yourself or working with an attorney, mastering the use of motions is essential for success in Georgia civil courts.

In the next chapter, we'll prepare for the big day: civil trial procedures — including jury selection, presenting evidence, cross-examination, and how to make your strongest case before a judge or jury.

Chapter 7: Trial Day – Presenting Your Civil Case in Court

Your Day in Court

Whether you're suing or being sued, trial day is your chance to be heard. It's when all your preparation, evidence, and arguments come together before a judge — and sometimes a jury. Civil trials in Georgia can be informal (like in Magistrate Court) or highly structured (like in Superior Court), but in either setting, you must be ready to present your side with clarity, confidence, and respect.

This chapter prepares you to walk into court with a clear understanding of how a civil trial works in Georgia, what to expect, and how to conduct yourself in a way that earns credibility and maximizes your chance of success.

Who Decides the Case: Judge or Jury?

In Georgia, civil cases can be decided by either a judge (bench trial) or a jury. You can request a jury trial if:

The claim is in State or Superior Court (not Magistrate Court)

You make a written jury demand in time

The case involves questions of fact — not just legal interpretation

In Magistrate Court, trials are always bench trials, meaning a judge hears both sides and makes the decision.

Trial Structure: What to Expect

Here's how a typical civil trial unfolds:

1. Opening Statements

Each side briefly tells the court what they intend to prove. These are not arguments, just a summary of what the evidence will show.

2. Plaintiff's Case

The plaintiff goes first, calling witnesses and introducing evidence. The defense can cross-examine each witness.

3. Defendant's Case

Once the plaintiff rests, the defendant presents their case. The plaintiff can cross-examine.

4. Closing Arguments

Each side summarizes their position, highlights key evidence, and asks for a favorable verdict.

5. Deliberation and Verdict

In a bench trial, the judge may rule immediately or take the case under advisement.

In a jury trial, jurors meet in private to decide the case. A verdict must be agreed upon by at least five out of six jurors in civil cases.

Presenting Your Case Like a Pro

Even if you're representing yourself, you can still come across as prepared and professional. Focus on these basics:

Speak clearly and respectfully at all times. Refer to the judge as "Your Honor."

Bring all evidence, with multiple copies (for the judge, the other side, and yourself).

Label your exhibits (e.g., Exhibit A: Contract; Exhibit B: Photos)

Practice what you'll say — know your facts and timeline

Don't interrupt the other party or witnesses

Tip: If you want to introduce a document, ask: "Your Honor, I'd like to enter this into evidence as Plaintiff's Exhibit A." Then hand it to the clerk or bailiff as directed.

Rules for Witnesses and Testimony

Witnesses must take an oath to tell the truth before testifying. When you question a witness:

Ask clear, short questions

Don't argue — let the witness speak

Use documents or photos to guide their testimony

Never coach or lead your witness with answers

When cross-examining the other party's witness, focus on credibility:

Were they inconsistent?

Do they have a reason to lie?

Are they guessing or giving facts?

If the opposing side objects to something, pause. The judge will rule on whether you can proceed.

Handling Evidence the Right Way

Evidence must follow the Georgia Rules of Evidence to be admissible. That means:

You must be able to authenticate it (prove where it came from)

It must be relevant to the case

It cannot be hearsay, unless it qualifies for an exception

It must not be overly prejudicial, confusing, or duplicative

Examples of good evidence:

Contracts or receipts signed by both parties

Photos with date/time info

Text messages/screenshots showing agreements

Written letters or repair estimates

What If You Lose Your Composure?

Judges understand you may be nervous or emotional — but don't lose control. Yelling, interrupting, or refusing to follow instructions can hurt your credibility or even result in contempt of court.

If you get confused or lost, simply say:

> “Your Honor, may I have a moment to gather my notes?”

After the Trial

Once the trial ends:

If you win, the judge will enter a judgment in your favor. You'll need to collect it, as the court doesn't enforce payment automatically.

If you lose, you have the right to appeal — but only for valid legal reasons (not just disagreement with the outcome). Appeals must be filed within 30 days, usually to Superior Court.

In either case, the written judgment becomes public record, and may affect the other party's credit, property, or future legal obligations.

Final Thoughts

A civil trial is not about who talks louder or who has the most dramatic story — it's about evidence, preparation, and respect for the court. Georgia's legal system allows anyone — regardless of income or education — to seek justice. Your role is to present your side clearly, follow procedure, and stay calm under pressure.

In the final chapter of this volume, we'll explain how to collect on a judgment, enforce the court's decision, and protect your legal rights after the verdict is in.

Chapter 8: Collecting Your Judgment & Post-Trial Actions

After the Verdict — Now What?

Winning in court is a major victory, but in civil cases, winning is only half the battle. Once a judge awards you a money judgment, the court does not automatically make the other party pay. It's up to you — the winning party — to enforce the judgment using legal tools provided by Georgia law.

This chapter will guide you through how to collect your money, how to protect your rights post-trial, and what to do if you were on the losing side but want to challenge the outcome.

Step 1: Get a Certified Copy of the Judgment

After the judge announces the verdict, the court will issue a written final judgment. You should request a certified copy from the clerk. This document:

- Proves you won the case

- Allows you to begin collection actions

- Can be filed in another county or state if needed

Tip: If the defendant appeals, collection is temporarily paused until the appeal is resolved.

Step 2: Record the Judgment (Liens on Property)

If the losing party owns real estate, you can record your judgment in the Superior Court of the county where they own property. This creates a lien — a legal hold on their land, house, or buildings — which:

Prevents them from selling the property without paying you

Pressures them to settle the debt

Stays on their record for 7 years, renewable once (up to 14 years total)

Step 3: Garnishment

Garnishment is one of the most effective tools for collecting your judgment. In Georgia, you can file a garnishment action to take:

A portion of their wages

Money from their bank account

Payments they receive from third parties (like rent or contracts)

To begin:

1. File a garnishment petition in the same court where you got the judgment
2. Serve the defendant's employer or bank
3. They are required by law to withhold money and send it to the court
4. The court then forwards it to you after fees

Some income is exempt (e.g., Social Security, VA benefits), so research before filing.

Step 4: Post-Judgment Discovery

If you don't know what assets the other party has, Georgia law allows post-judgment discovery. You can:

Send interrogatories asking about their income, assets, and bank accounts

Demand documents (tax returns, leases, titles, etc.)

Depose them under oath

If they refuse to respond, you can ask the court to hold them in contempt — which may lead to fines or even jail time.

Step 5: Voluntary Payment

Sometimes, a judgment alone is enough pressure to make someone pay — especially when it affects:

Their credit

Their ability to get loans or housing

Their reputation

You can offer a payment plan, accept a lump sum settlement, or work out terms outside of court. Always put agreements in writing.

What If You Lost the Case?

If you were on the losing end, you still have legal options:

1. Appeal

You have 30 days to appeal a final judgment to a higher court

Appeals can only raise legal errors, not just disagreement with the outcome

The case will be heard *de novo* (from scratch) in Superior Court if from Magistrate

2. Motion for New Trial

Must be filed within 30 days

Used when there was jury misconduct, new evidence, or clear legal error

3. Motion to Set Aside Judgment

Available in limited situations (fraud, lack of service, clerical mistake)

Must usually be filed within 3 years

If you believe the judgment was wrongfully entered, get legal advice or file with clear documentation of the error.

When a Judgment Isn't Paid

If the judgment goes unpaid:

It becomes a civil debt

It stays on the person's credit report

You may continue trying to collect for up to 7 years, with an option to renew

You can also sell the judgment to a collection agency, though you may only receive a portion of the amount owed.

Final Thoughts

In Georgia civil law, the end of trial is just the beginning of enforcement. Whether you're trying to collect a judgment, negotiate payment, or challenge a ruling, the legal system provides powerful tools — if you know how to use them.

Justice doesn't always come quickly, but it is available to those who stay persistent, informed, and focused.

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About the Author

Jonah Sanders is a educator and advocate for human rights and criminal justice. The founder of JSILBee and The Urban LawSchool, his mission is to educate the people.
Read more at <https://www.jsilbee.com/>.