

Statutes of Limitations for Georgia Personal Injury Suits

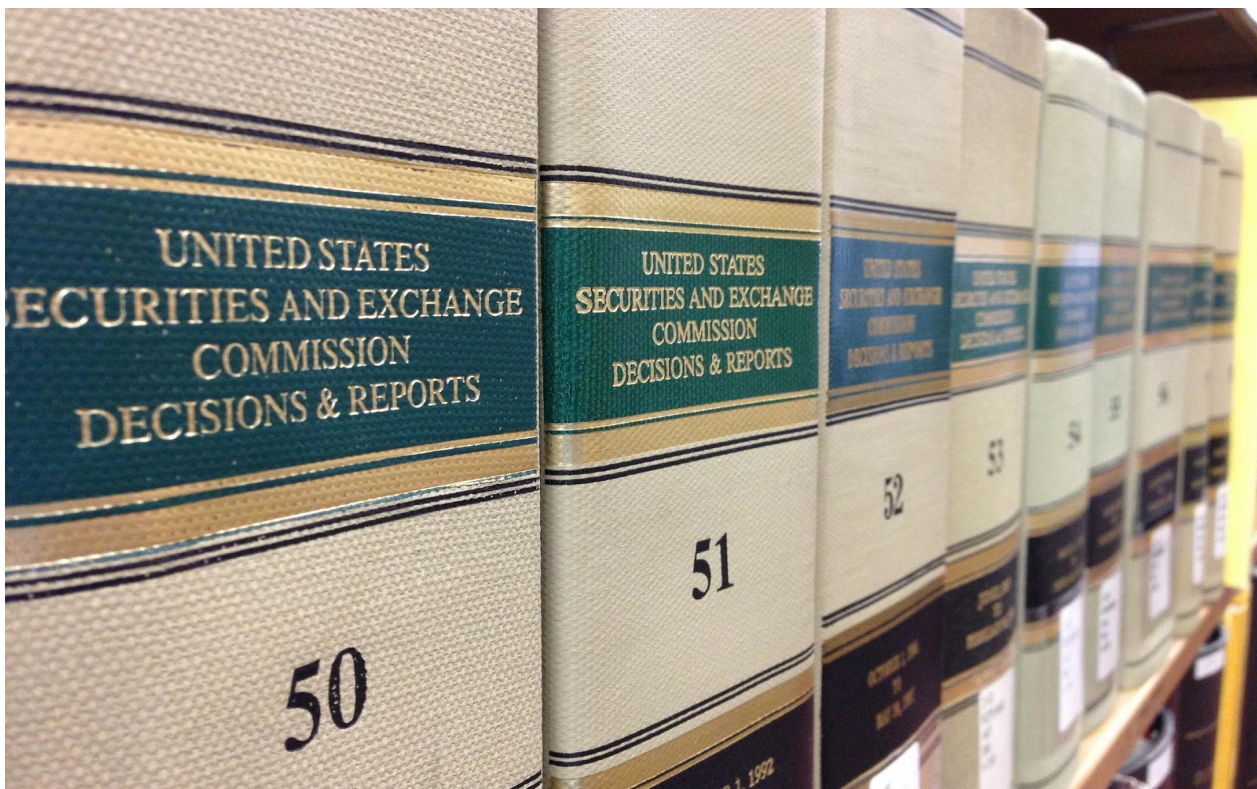
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Due to these case specific rules, you should always contact a personal injury lawyer if you have any questions regarding the statute of limitations in your unique scenario.

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(Newswire.net -- January 9, 2019) -- The laws that govern our actions on a day-to-day basis are complex, and unfortunately, courts around the country have indicated that it is your responsibility to know and understand the laws that govern American society as a whole. Meaning, you cannot argue ignorance as a defense in most legal proceedings. As such, you, like most people, get to learn the most important aspects of the American legal system, and consult with a lawyer for answers to very specific and unique questions. As such, one of the most important aspects of personal injury law that you should be aware of is what a statute of limitations is, and the effect a statute of limitations has on a personal injury claim.



What is a Statute of Limitations?

A [statute of limitations](#) is a legal concept that predates the founding of America with a lineage that can be traced back to English common law. The rationale behind this concept is rather straightforward. In both civil and criminal legal proceedings, cases generally become more difficult to defend and prosecute as the age of the event causing the legal controversy increases. Due to this fact, the federal and state legislatures have set time limits to bring certain types of legal proceedings. These time limits are referred to as a statute of limitations, but there are different statutes of

limitations for different types of criminal and civil cases.

For example, under [O.C.G.A. § 17-3-1](#), there is no statute of limitations for murder while there is a two year statute of limitations for most misdemeanor charges in the state of Georgia. Factors such as the type of crime committed, the type and age of the victim, and the type of evidence the prosecution has in a criminal case can influence the length of the statute of limitations. Generally, this same principle applies in civil cases as well, which is why a personal injury lawyer will need to identify the type of personal injury claim you want to bring and the details of how the incident occurred in order to make a determination as to whether or not the statute of limitations has expired.

Statute of Limitations for Personal Injury Claims Generally

According to the [Atlanta personal injury attorneys](#) at Cambre & Associates, the statute of limitations for most personal injury cases is two years from the time the right of action accrues, which is normally two years from the date an accident occurs. The term “right of action accrues” refers to the date you knew or should have known that you were injured as a result of another party’s negligent actions and thus, able to bring civil action against the negligent party. However, the type of personal injury claim you bring can modify the applicable statute of limitations. The best example of this concept is found in personal injury claims arising from acts of medical malpractice.

Statute of Limitations for Medical Malpractice Claims in GA

Medical malpractice cases are unique in many ways from a legal perspective, and the statute of limitations for medical malpractice cases demonstrates this point. As a general matter, the statute of limitations for medical malpractice claims is two years like any other personal injury claim, but it is understood that the effects or evidence that someone has been a victim of medical malpractice might not be immediately apparent. The statute that outlines the rules governing the statute of limitations for this particular class of personal injury cases, O.C.G.A. § 9-3-71, attempts to account for this anomaly in two ways.

First, O.C.G.A. § 9-3-71 states that the statute of limitations clock begins to run from date the injury or death from a negligent act occurred thereby accounting for the delay by focusing the statute on the date you sustained the injury as a result of the medical malpractice rather than the event that caused the injury. Second, O.C.G.A. § 9-3-71 establishes what is known as a statute of repose, which is five years for medical malpractice cases. A statute of repose bars medical malpractice victims from bringing a medical malpractice action after five years passes from the date they sustained their injury. This is because there are certain instances that allow a plaintiff to stop the statute of limitations from being triggered in a medical malpractice claim. This scenario is referred to as tolling the statute of limitations. Due to these case specific rules, you should always contact a personal injury lawyer if you have any questions regarding the statute of limitations in your unique scenario.

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