

House Bill 998

By: Representatives Willard of the 51st, Fleming of the 121st, and Welch of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding courts, so as to establish within the Judicial Council the Office
3 of Business Cases; to provide for the referral and acceptance of cases into such office from
4 the superior and state courts; to provide for the appointment of special masters; to provide
5 for rules and regulations of the Judicial Council in the administration and operation of the
6 office; to provide for a fee; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general
11 provisions regarding courts, is amended by adding a new Code section to read as follows:

12 "15-1-22.

13 (a) There is established within the Judicial Council the Office of Business Cases. The
14 purpose of such office shall be to facilitate judicial attention and expertise to, and
15 knowledgeable administration of, certain complex business cases filed in the superior and
16 state court.

17 (b) The Office of Business Cases may accept assignment of cases brought pursuant or
18 subject to the following:

19 (1) The Georgia Uniform Securities Act of 2008;

20 (2) The Uniform Commercial Code;

21 (3) The Georgia Business Corporation Code;

22 (4) The Uniform Partnership Act;

23 (5) The Uniform Limited Partnership Act;

24 (6) The Georgia Revised Uniform Limited Partnership Act;

25 (7) The Georgia Limited Liability Company Act; or

26 (8) It is a case in which the amount of controversy or, in a case of injunctive relief, the
 27 value of the relief sought or the cost of not getting the relief, exceeds \$1 million.

28 (c)(1) A chief judge of the superior court, a chief judge of the state court, the judge
 29 currently assigned the case in superior or state court, or the agreement of all parties in a
 30 case may refer a case filed in the superior court or state court into the Office of Business
 31 Cases.

32 (2)(A) Upon acceptance of a case by the Office of Business Cases, the judge currently
 33 assigned the case in superior or state court shall issue an order recognizing the Office
 34 of Business Cases as facilitating all pretrial matters and motions in such case.

35 (B) The accepted case shall remain governed by the Georgia Civil Practice Act and the
 36 Uniform Superior Court Rules or the Uniform State Court Rules, as applicable.

37 (C) All filings of pretrial matters and motions shall accrue to the file of the case as
 38 would otherwise occur.

39 (3) Upon acceptance of a case, the Office of Business Cases shall appoint a special
 40 master for the case who shall hear and consider all pretrial matters and motions in the
 41 case and shall have the ability to order or to conduct nonbinding mediation, nonbinding
 42 arbitration, or other means of alternative dispute resolution as dictated by the needs of a
 43 particular case.

44 (4) If the case is not resolved after the hearing and consideration of all pretrial matters
 45 and motions, the case shall exit the Office of Business Cases and be tried in the superior
 46 court or state court as in any other case.

47 (d) The Judicial Council shall promulgate rules and regulations which shall:

48 (1) Establish the management and administration of the Office of Business Cases;

49 (2) Consistent with the provisions of this Code section, provide for criteria for case
 50 acceptance into the Office of Business Cases;

51 (3) Provide for criteria for the selection and maintenance of special masters for
 52 appointment to cases accepted by the Office of Business Cases. Such special masters
 53 shall be senior judges of the superior court or state court or shall be competent attorneys
 54 at law who are of good standing in his or her profession, have a least ten years' experience
 55 in the practice of law, and be knowledgeable in matters of complex business litigation;

56 (4) Establish the schedule upon which cases accepted into the Office of Business Cases
 57 shall follow for the completion of pretrial matters and motions; and

58 (5) Provide for and condition acceptance of a case into the Office of Business Cases
 59 upon the payment of a fee not to exceed \$2,500.00."

60 **SECTION 2.**

61 All laws and parts of laws in conflict with this Act are repealed.