

Legal Update | Changes to Claims in Georgia

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The Supreme Court of Georgia has revised the landscape for clients dissatisfied with their lawyer's work. Historically, clients were limited to legal malpractice claims: a breach of fiduciary duty claim and/or breach of contract claim based on the same conduct by the lawyer was considered duplicative and subject to dismissal. An opinion on October 22 in *Titshaw v. Greer* has changed that paradigm.

The Court held that a disgruntled client can assert claims for both breach of contract and legal malpractice—and, presumably, breach of fiduciary duty—based on the same conduct. This was significant in *Titshaw v. Greer*, and others, because it implicated the statute of limitations. A tort-based legal malpractice claim has a four-year statute of limitations, while a contract-based claim can be subject to a four or six-year statute of limitations, depending on whether it is a written or oral contract. Furthermore, the damage model for legal malpractice is quite different than the model for breach of contract and breach of fiduciary duty. MGC expects to see larger legal malpractice verdicts in the days and years to come.

More information from the Supreme Court of Georgia may be found [here](#).

Questions? Click [here](#) to contact an MGC attorney.

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