

House Bill 1256

By: Representatives Westmoreland of the 86<sup>th</sup>, Dodson of the 84<sup>th</sup>, Post 1, Channell of the 77<sup>th</sup>, Mills of the 67<sup>th</sup>, Post 2, and Ehrhart of the 28<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 15 of Title 9 of the Official Code of Georgia Annotated, relating to court  
2 and litigation costs in civil cases, so as to provide that a plaintiff who loses at trial shall pay  
3 all court costs and attorney's fees; to provide for payment by the plaintiff's attorney of record  
4 if such plaintiff is unable to pay such court costs and attorney's fees; to provide that a  
5 subsequent reversal on appeal shall not affect the plaintiff's or the plaintiff's attorney's  
6 liability for costs and fees; 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 15 of Title 9 of the Official Code of Georgia Annotated, relating to court and  
11 litigation costs in civil cases, is amended by adding at the end thereof a new Code Section  
12 9-15-16 to read as follows:

13 "9-15-16.

14 In any civil action in any court of record of this state, all attorney's fees and court costs  
15 shall be assessed against the plaintiff in such action if judgment is rendered against such  
16 plaintiff at trial. If the plaintiff is unable to pay such attorney's fees and court costs, or any  
17 portion thereof, in any such civil action, such attorney's fees and court costs or such portion  
18 thereof which the plaintiff is unable to pay shall be assessed against and paid by the  
19 plaintiff's attorney. Subsequent reversal of such judgment on appeal shall not affect  
20 assessment of such attorney's fees and costs."

21 **SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.