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## Georgia Legislation to Watch in 2021

### WRITTEN BY

Charles F. “Chuck” Palmer | Alexandra S. Peurach

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Chuck Palmer and Alex Peurach, partners in Troutman Pepper’s Atlanta office, were quoted in the January 3, 2021 *Law360* article, [“Georgia Legislation to Watch in 2021.”](#)

Charles F. “Chuck” Palmer and Alexandra S. Peurach of Troutman Pepper Hamilton Sanders LLP, both partners in the firm’s Atlanta office who deal with government and regulatory matters, told *Law360* there “absolutely” will be legislation introduced in 2021 to keep businesses shielded from pandemic-related litigation.

Palmer and Peurach said there had been about 400 contract claims filed nationwide as a direct result of the pandemic, and in Georgia very few decisions had come from judges in such cases to provide guidance on the state’s “fairly undeveloped” common law contractual defenses.

“We think it’s a great opportunity for Georgia law, for the common law contractual defense doctrine to be further developed as a result of the pandemic,” Peurach said.

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“This issue has now come to the forefront rather quickly and so what we’re seeing now sort of immediately is how few of the cases are garnering the consent from both sides that is required,” Peurach of Troutman Pepper told *Law360*. “I think the business community will do what it can to have legislation proposed as soon as possible, because there was a lot of excitement from the business community about this court.”

The business court was also expected to ease the growing backlog of cases in state courts arising from the pandemic, and Peurach said if there was ever a good time for parties to consent to the business court in order to have their cases heard quickly, now would be it.

She said lawmakers could get creative in easing the concerns of those who want the mutual consent rule to prevent unwilling parties being dragged into the business court, by narrowing its subject jurisdiction.

“I personally would support having the two-party consent rule abolished but I understand that there are other attorneys, who practice in different fields than I do, who have concern over the removal of the consent requirement because of the broad jurisdiction of the court,” she said. “So I think we might see other mechanisms to protect some of the parties who have concern.”

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