

**GEORGIA TRIAL LAWYERS ASSOCIATION**  
PROTECTING THE CONSTITUTION'S PROMISE  
FOR JUSTICE FOR ALL

Media Release:

For Immediate Release  
April 12, 2007

For More Information Please Call:  
Rebecca Bukant (404) 376-3495

## **Welcome to the 'Wild Wild West'**

### **Radical change to law eliminates all responsibility and accountability**

Atlanta—In an effort to appease the business community the NRA threw them a bone—the biggest bone they could find. **The new substitute to HB 89 not only includes the SB 43—which allows employees to carry firearms onto their workplace parking lots-- but completely eliminates vicarious liability from Georgia law.**

**“This change in law dwarfs what so-called Tort Reform, SB 3 did in 2005,”** said Geoff Pope, an attorney in Atlanta. **“Vicarious liability has been a fundamental aspect of Georgia law since we've been a state. Changing such a basic legal concept requires far more thought, consideration, and deliberation. Doing this as a last-minute add-on to the ‘Take Your Gun to Work’ bill is the antithesis of thoughtful, responsible government.”**

Vicarious liability, in its simplest form, recognizes the relationship between employer and employee. Employers reap the benefits of their employees—their actions, their time and their labor, not to mention the profits from their work. In exchange, the employer is responsible for their employee and their actions when that employee acts negligently on the job. If the employee harms a third party, that third party has the right to pursue justice through not just the employee—but the employer as well. If a FedEx truck runs over a child, FedEx can be held responsible. If a drunk airline pilot falls asleep and crashes a plane, that airline is also responsible. If a construction crew skimps on safety and builds a deck that later collapses when people stand on it, the construction company is also responsible.

**“Eliminating vicarious liability separates the employees from the business or corporation. Employees will be lirting in the wind without any protection from the business for whom they made a profit,”** said Chan Caudell, an attorney in Cornelia. **“Over two hundred years of responsibility and accountability will be thrown in the trashcan.”**

Beyond the cases above, eliminating vicarious liability would also eliminate business to business accountability. Business A has millions of dollars in merchandise that needs to be shipped in a truck to its new headquarters. On the road, another corporation's truck hits Business A. The driver was negligent and clearly at fault. The merchandise is ruined. Business A is out millions of dollars—and Business B, although negligent, would no longer be held responsible.

**“Eliminating vicarious liability punishes Georgia's workers. Workers will sweat through their workdays knowing that their employer legally will hang them out to dry if something were to go amiss,”** said Robin Frazer Clark, President of the Georgia Trial Lawyers Association. **“Business will no longer be accountable to other businesses. Employers will stop buying insurance coverage for their employees because it will no longer be necessary and the state of Georgia will become the Wild, Wild West.”**

###