

# Georgia Credit Card Debt Attorneys



Increasing debt on credit cards can be a financial nightmare. How can you get away from debt and debt collectors?

## *Debtor's Rights*

Under the Fair Debt Collection Practices Act, debt collectors cannot harass you.

Debt collectors cannot threaten to seize or garnish your wages. Debt collectors cannot repeatedly call and harass you.

The below acts are prohibited:

- Debt collectors cannot threaten you will be arrested or that your non-payment is criminal.
- Debt collectors cannot call you outside regular hours of 8 am-9 pm (in your time zone.)
- Debt collectors cannot call you at your job once you tell them you cannot receive their calls at work.
- Debt collectors cannot discuss your debt with anyone but you and your attorney, and they cannot leave phone messages that others can overhear.

## *Credit Card Debt*

Credit card debt is not a crime. It is a civil claim called a breach of contract. The credit card company can file a lawsuit to collect the money but cannot wait forever to do so. The statute of limitations is four years, which means the debt collector has four years from the date the debt was due to file the case against you.

## *Bankruptcy To Discharge Credit Card Debt*

There are different types of Bankruptcy. The most common are Chapter 7 and Chapter 13. Chapter 7 discharges unsecured debts such as credit cards, medical bills, and personal loans. Unsecured debt is debt that is not backed by an asset, such as your home or car. Debt, such as a mortgage or car loan, is called a secured debt because if the bill goes unpaid, the debt collector can take your home or car. If you are trying to get rid of credit card debt, you may file Chapter 7 Bankruptcy.

## *Requirements Before You File Chapter 7*

Before filing Chapter 7 Bankruptcy, you will be required to complete credit counseling. Credit counseling is a pre-bankruptcy counseling session that includes reviewing your personal finances, preparing a budget plan, and discussing alternatives to Bankruptcy.

## *Are All Credit Card Debts Discharged In Bankruptcy?*

In some cases, there are debts that are excluded in Chapter 7 Bankruptcy.

A debt collector may object to the discharge of credit card debt. This objection is called an adversary proceeding. It is a separate but related case where the objecting party asks the court not to discharge the debt.

Luxury goods that are purchased on credit cards may not be dischargeable. If you use your credit cards to charge \$675 or more for luxury goods or services within 90 days of filing your Chapter 7 petition, the court may find that the credit card debt is non-dischargeable.

Alimony payments paid by credit card may not be discharged. Back taxes paid by credit card may not be discharged. Student loans paid by credit card may not be discharged.

## *Other Options To Get Rid Of Credit Card Debt*

There may be other options before filing for Chapter 7 Bankruptcy.

Debt Management Plans- There may be alternatives to filing Chapter 7 Bankruptcy, such as creating debt management plans, where new terms are negotiated with your creditors to consolidate your credit card debt.

Debt Settlement- Debt settlement programs involve negotiating with your creditors to allow you to pay a "settlement" to resolve your debt. The settlement is another word for a lump sum that's less than the full amount you owe.

These options have pros and cons. It is best to know what option is best for you. Find out more about your debt relief options by contacting our Debt Relief Bankruptcy Attorneys today.

## *Georgia Worker's Compensation Benefits Attorney*

### *Available Benefits*



Suppose you have suffered an injury while on the job, you may be eligible for Worker's Compensation Benefits. These benefits include payment for medical bills along with lost wages while you recover. Should your injury become permanent, you may be eligible for more.

Georgia's Worker's Compensation Law requires any company in Georgia with three or more employees to have workers' compensation insurance. This insurance covers all employees on their first day; there is no waiting period. The benefits provided by this insurance policy include payment of medical bills, rehab bills, and a portion of your wages that you lose while you are recovering from your injury. Should you sustain a damage that causes death, benefits will extend to your family.

### *Eligibility & Initial Steps*

You are covered by your employer's Worker's Compensation Policy on day one of your employment. Georgia's workers' compensation system is a no-fault program, meaning you do not have to prove anyone else is at fault for your accident or injury to qualify for benefits.

To qualify for benefits, you may need to show:

You are an employee at your job, and your employer employs at least three staff. Even regular part-time workers may qualify for Worker's Compensation benefits. Independent Contractors do not qualify.

You suffered an injury related to your job duties. The injury will not qualify if it was a result of horseplay. This does not necessarily mean you were on-site. If you were on the road or working remotely, you may still qualify for benefits.

Report the injury to your boss immediately. If you wait to report the accident beyond 30 days, you may waive any benefits. If you wait, you may put your benefits in jeopardy.

Seek medical care. Your employer will have a list of medical providers that you can select from.

#### *How Much Will I Receive?*

If you qualify for Worker's Compensation Benefits, you will receive two-thirds of your average weekly wage, but not more than \$675.00 per week. You may be entitled to receive benefits for up to 400 weeks. These benefits are called Temporary Total Disability Benefits. In the event of a catastrophic event, you may be eligible for lifetime benefits.

Once you progress with your recovery, your benefits may be reduced if you return to work with limitations or restrictions. These benefits are called Temporary Partial Disability Benefits and are payable up to 350 weeks from the date of injury. This lost wage amount is 2/3 of the difference between your wage before and after the accident.

#### *What If I Don't Get Better?*

If you do not recover from your injury, you may be eligible for Permanent Partial Disability (PPD) Benefits. You may receive 2/3 of your average weekly salary for several weeks based on your permanent disability. The number of weeks is based on the part of your body that is disabled, i.e., arm disability = 225 weeks.

If your disability is so severe that you are completely disabled, you may qualify for Permanent Total Disability (PTD) benefits. Like PPD benefits, PTD benefits are based on an impairment rating that includes the extent of your injury. These benefits are only awarded for catastrophic injuries, such as amputations, severe paralysis, and severe head injuries.

Navigating the correct procedures and ensuring you receive the most benefits can be tricky. The insurance carrier may try to limit the benefits you receive. Consult our Worker's Compensation Attorneys today to assist you with getting all the help you and your family deserve under the Georgia Worker's Compensation Law.

*Georgia Slip & Fall Accident Attorney: Business Owner Responsibility*



If you are injured from a slip and fall accident, you may be entitled to compensation from the business owner.

### *Responsibilities Of Business Owners*

Property owners, specifically businesses, are responsible for keeping you safe while you are on their premises. When you are a patron at a shopping center, office building, or hotel, you are a guest of these establishments. As such, the business owner has a duty to keep the premises reasonably safe and not expose guests to unreasonable risk.

### *Elements of Slip & Fall Case*

To prove the negligence of a property owner in a premises liability case, you will need to show the following:

Your status on the premises. There are different classes of guests, or invitees, on business properties. Depending on which class of invitee you are, there is a different level of obligation, or duty, imposed on the property owner to keep you safe.

The property owner knew or should have known of the dangerous condition, but did nothing to make the area safe. Knowing there is a danger is called "actual knowledge." If the danger was readily apparent and should have been seen by the property owner, then he had "constructive knowledge."

Lastly, as a result of the fall, you suffered an injury.

### *Exceptions To Owner's Liability*

Plain View Doctrine-Under this doctrine, property owners cannot be liable for dangers in plain view. If you could see a giant hole in the sidewalk and walk directly into it during the day, the owner will not be liable. This is called an "open and obvious" danger. The general public is required to take reasonable steps to be responsible and avoid dangers that are in plain view.

Trespassers: Individuals who are not invited on the property are called "trespassers." The only duty owed by a property owner to a trespasser is to avoid carelessly or willfully harming them.

Licensees- Individuals who are only on the property for their interests, such as house guests and door-to-door salespeople. The duty owed to licensees is less than that owed to an invitee. Licensees must show that the property owner willfully exposed them to unreasonable risk. Licensees have to establish that the property owner knew of the hazard and there was intent to cause harm.

### *Causes of Slip & Fall Accidents*

Several causes can lead to slip and fall accidents. Whether you are walking past a construction site, or grocery shopping, many situations left unattended by business owners can cause you injury. Below are various scenarios that cause you to slip and fall in an instance.

Wet or Slippery floor- Spilled liquids tracked in rain/snow or recent floor cleaning can make a floor slippery and cause someone to slip and fall.

Uneven Surface-Sidewalk that is broken ripped carpet, or another non-level surface may cause someone to slip and fall.

Improper Equipment-Steps, Handrails, Escalators, and Elevators that are not adequately maintained may cause someone to slip and fall.

Debris-Trash, equipment, merchandise or other items left in an area where people walk can cause someone to trip and fall. The debris may be inside or outside of a particular business.

Unlit areas- stairways, hallways, entrances, and even parking lots with insufficient lighting can cause someone to slip and fall.

Slip and Fall cases have a two (2) year statute of limitations, which means you must file your case within two (2) years of your accident. Contact our Premises Liability Attorneys today if you or your loved one has been injured in a slip and fall accident.

### *Georgia Car Accident Attorney: What To Do After A Car Accident*





Car accidents can cause devastating injuries. If you were injured in a car accident and the other driver was at fault, you may be able to obtain compensation from the negligent driver's insurance company. However, their insurance company will want to limit your compensation. Take the proper steps to preserve your claim and get the compensation you deserve.

#### *Steps To Take After A Car Accident*

First and foremost, make sure everyone is safe. Contact the police. If there is a chance that someone is injured, make sure they get medical attention and inform 911 when you call that an ambulance is requested. At the time of the accident, if you can, you should collect the following information:

- Take photographs of any damages to the cars.
- Take photographs of any physical injuries you sustained.
- Get witness statements or contact information for any witnesses to the accident.
- Exchange insurance information with the driver of the other car.
- Notify your insurance company of the accident.

If you cannot obtain the above information do to your own physical injuries, you can obtain information at a later date. Also, you should continue to gather evidence after the accident, including:

- Medical records, including hospital, doctor and therapy records. Medical bills, including co-pays and other out of pocket costs. Receipts for medical equipment, i.e., shower chair, walker, etc. Documentation of lost wages, if any.
- Obtain a copy of the police report.
- Keep a journal of your treatment and injuries. Also, note the changes in your routine and how the accident has impacted your daily life.
- Continue treatment per doctor's orders. If therapy is ordered, complete the recommended course of therapy sessions. If you are not compliant with doctor orders, your claims may be discredited.

#### *Actions To Avoid After An Accident*

After the accident, not only should you take the above steps, but you should also avoid the below activities:

- Limit statements about the accident. The other driver's insurance company may call you and ask you for a report of what occurred. The insurance company will want to limit damages and may ask questions that are directed to limit their liability to you. It is essential to speak with a Car Accident Attorneys before giving a statement to the other driver's insurance company. Some statements can be perceived as admitting fault or negligence.
- Limit posts on social media. If you are alleging injuries from a car accident, you should not be seen on social media having the time of your life. For example, if you have injured your ankle in a car accident, posts of a subsequent skiing trip will negatively impact your case. Be smart, everyone can see social media posts. Posts can be used against you to discredit your injuries.
- Be aware of private investigators. Like any insurance claim, your alleged injuries will need to be confirmed. If there are inconsistencies in your alleged injuries, a private investigator may surveil you to confirm that what you claim is actually true. For example, if you claim shoulder and back injuries that limit you, you should not be seen carrying heavy bags into your home.

It is important to know what steps to take and what to stay away from after an auto accident. If you have been involved in an accident and sustained injuries, contact our Auto Accident Attorney right away to assist you with your claim. We will know what documentation and evidence you will need to get the full amount of compensation you are entitled to for your injuries.

#### *Medical Malpractice Attorney in Georgia-Misdiagnosis/Delayed Diagnosis*





If you or a loved one has received a misdiagnosis or delayed diagnosis, you may have a case for medical malpractice. When you entrust your health to a medical provider, you expect to be treated by a professional with medical expertise. When you are misdiagnosed and suffer resulting injury, you may be eligible for compensation.

#### *Elements to Prove Misdiagnosis/Delayed Diagnosis*

Medical Malpractice cases are complex and require evidence to prove various elements of professional negligence. Misdiagnosis and Delayed Diagnosis is more common, costly and harmful than any other patient safety threat.

In order to recover money in a misdiagnosis case, you will need to prove:

- A doctor-patient relationship existed between you and the doctor. The doctor owes you a professional duty to treat you as a patient in this relationship.
- The doctor misdiagnosed you. You must show that the doctor's mistake was a breach of the professional duty owed to you. Also, your doctor's mistake was one that a doctor in the same specialty would not have made in the same circumstances. This is called a "deviation in the standard of care."
- The doctor's error caused you harm. You must show that you're doctor's mistake caused you injury.

#### *Loss of Chance Doctrine*

Under Georgia law, negligent doctors may be liable for a patient's death if the malpractice was a substantial factor in the patient's death. However, Georgia has adopted the "loss of chance" doctrine in

misdiagnosis and delayed diagnosis cases. Under the "loss of chance" doctrine, the family of a patient whose chances of survival dropped due to the misdiagnosis or delayed diagnosis may hold the doctor liable for the lost chance, regardless of whether the doctor's conduct was a substantial factor in the patient's death. This Loss of Chance doctrine for misdiagnosis and delayed diagnosis cases improves the family's chance of winning the case.

### *Examples of Misdiagnosed Conditions*

Misdiagnosed or delayed diagnosis of certain medical conditions can have traumatic outcomes, even resulting in death. Medical conditions that go undiagnosed can include cancer, stroke and heart attack.

Misdiagnosis can occur when your doctor fails to perform certain tests, interprets tests wrong, identifies the true cause of your symptoms, fails to act quickly, and/or fails to provide the correct treatment.

### *Steps To Take If You Believe You Were Misdiagnosed*

If you believe your doctor may have misdiagnosed you, you should act quickly. Below are steps to take if you question your doctor's care:

- Get a second opinion and possibly see a specialist if you initially were treated by a general practitioner.
- Get treatment fast. Find out what is wrong and obtain prompt treatment for your condition.
- Keep Records. Obtain copies of your medical records and document conversations with your medical providers.
- Keep a list of the medical providers seen for your condition.
- Take photos and keep a journal regarding the injuries you sustained due to the misdiagnosis or delayed diagnosis.
- Contact a Medical Malpractice Attorney.

### *Statute Of Limitations*

If you were misdiagnosed, you have a certain period to file a lawsuit for compensation. In Georgia, that period, or statute of limitations, is two (2) years from the date you were injured. However, there are times when you may have longer to file your case. In some cases, you may not know there was a misdiagnosis. In Georgia, the "statute of repose," extends the statute of limitations to five (5) years to file a lawsuit in certain cases where when the doctor's error is not apparent right away.

If you believe you were misdiagnosed or given a delayed diagnosis, call our Medical Malpractice Attorneys today for review of your case. We can assist with reviewing your doctor's treatment and evaluating your case to help you obtain the compensation you deserve for your injuries.

### *Georgia Nursing Home Attorney: Nursing Home Neglect & Falls*

#### *Nursing Home Neglect*



Neglect in nursing homes can include both physical neglect and mental neglect. It can consist of the failure to meet the essential needs of the resident, including nutrition and hydration, hygiene, care, and safety of the resident. Additionally, it includes the failure to protect the resident from unsafe environments that could lead to a fall.

### *Injuries From Falls*

According to recent reports from the CDC, falls are the leading cause of injuries and death in people ages 65 and older in the U.S.

While falls among older adults do occur accidentally, falls in nursing homes are often preventable when the correct safety measures are put into place.

Upon admission, older residents should be evaluated for their risk of falling. For any resident who is determined to be at risk for falls, appropriate interventions should be put in place to ensure their safety. Unfortunately, not all residents are properly assessed for falls. Simple measures to ensure their safety, such as a floor mat, non-slip socks, and bed alarms can make all the difference.

Additionally, many residents in nursing homes require assistance to the bathroom. Some residents will use their call bell to call for assistance. However, if there is not enough staff, they may be left waiting for a long time. They may attempt to get up on their own and fall in their weakened state. The resident may suffer great injury when this occurs, including hip fracture. Hip fractures may require surgery and can even be life-threatening.

Hip Fractures may permanently affect the resident's daily life, even after surgical repair of the fracture. The National Institute for Health reports that between 25 and 75% of people who walked independently before the hip fracture become dependent after 1 year, or do not reach the same pre-fracture level of autonomy. Patients with hip fractures have five to eight times greater chance of dying than patients without fractures within 3 months of the fracture.

It is important to note that even if the fall was unpreventable, the nursing home may still be negligent for the way they handled the resident after the fall.

Suppose the resident is left on the ground for an extended period of time, or the nurse who finds the resident does not evaluate the resident for injury. In that case, the hip fracture may go untreated and worsen. If there is a possibility of any injury, the resident should be evaluated by a doctor or sent to the emergency room to confirm there is no fracture. Hip fracture is not the only possible injury from a fall. If a resident hits their head during the fall, they may sustain head trauma that isn't readily apparent to staff.

Some additional safeguards or interventions should be put in place after a resident has a fall. These interventions may include neurological checks (to ensure the resident did not injure their head), a floor mat next to the bed, guardrails, non-slip socks, a bed alarm, and/or assistance with getting up from bed/ chair and walking.

Nursing homes have a duty to prevent falls and properly investigate and treat the resident if a fall occurs. If the nursing home fails to prevent and/or treat the patient properly, they may be responsible for professional negligence. If you, or a loved one has a fall in a nursing home, contact our Nursing Home Attorney to review if the proper measures were put in place prior to the fall, and if the nursing home properly investigated and treated your loved one after the fall.

*How Do I Get Social Security Disability Benefits?*



### *The Application Stages In Georgia*

Your disability can be mental or physical. If you were injured and cannot work for at least one year, you may be eligible for Social Security Disability Benefits. The application process and appeals that may follow can be difficult to navigate. Our Social Security Disability attorneys can assist with your questions to determine your eligibility.

### *Eligibility*

Social Security Disability Benefits ("SSDI") is a form of insurance that the federal government gives you when you have been injured and cannot return to your job for at least one year. To be eligible, you must show that you have suffered an injury that has or will keep you from working for at least one year. Also, you must show that you cannot currently make greater than \$1000 per month. Lastly, you must show that you previously worked and paid taxes over the last five to ten years.

### *Proof Of Injury*

When applying for social security disability benefits in the state of Georgia, you will need to be able to present sufficient evidence that you have suffered an injury that keeps you or will keep you out of the workforce for at least a year. To do that, you must complete an application supported by medical documentation and employment history. It is important to know how to complete the form accurately and which documents to include to support your disability. The [Disability Application Checklist](#) includes all the information you will need before sitting down to complete the form.

## *Application Process*

### *Initial Application*

The application process is usually 3 stages. The first is the initial application, which involves completion of the Social Security Administration's form, along with medical records of your injury and work history, along with any worker's compensation benefits you received as a result of this injury. This stage usually takes 3-6 months. Unfortunately, many applicants are denied benefits at this stage. However, you can file an appeal called "Reconsideration" of your application if you are denied.

### *Reconsideration Request*

The request for reconsideration again involves completing forms and submitting documentation of why you feel you qualify for disability benefits. Again, it is important to know which forms to complete and the timelines of getting this appeal filed. If you are unaware, you can miss a deadline, and have no recourse.

Many applicants are denied at the reconsideration stage as with the initial application. However, there is a third stage, where you can request a Hearing.

### *Hearing*

Disability hearings are usually sent before an Administrative Law Judge (ALJ) in one of six hearing offices in the state. At the hearing, you can present evidence and explain your disability to the Judge in person, along with documentation of your medical condition. The period to wait for the hearing can be up to a year. If you are denied after your hearing, you can further appeal for a Review by the Appeals Council. If you disagree with the Appeals Council's decision, you have the right to file suit in a federal district court.

The initial application and subsequent appeal are very time-consuming and tedious. It is not simple or quick. For this reason, it is beneficial to have an attorney who is knowledgeable in this area to assist you in the process.

For these reasons, you want to make sure that you are accurately completing the forms, sending the correct information, and making all deadlines, so that you do not forfeit your right to Social Security Disability Benefits. Our Social Security Disability Attorneys can assist you with filing your initial application and filing of appeals.

Refusing DUI Testing May Lead To Possible License Suspension In Georgia





Did you know that you agreed to police testing your blood alcohol level when you applied for your driver's license? Under Georgia's Implied Consent Law, refusing a Breathalyzer or refusing to give blood during a DUI stop can lead to a one-year license suspension.

### *Implied Consent Law*

When you obtain a valid driver's license in Georgia, you automatically consent to blood, breath, or urine chemical testing. If a police officer has probable cause to believe you drove under the influence of alcohol and/or drugs, he can request chemical testing. If you refuse, you may face severe consequences, including suspension of your license for one year. The length of suspension can be even greater if you have a prior license suspension. This license suspension is in addition to any license suspense imposed if you are later convicted of DUI.

Before the police can give you a Breathalyzer or take your blood, they are required to provide you with the Implied Consent Notice, which is to notify you of the penalties if you refuse to comply. Before asking you to give blood or blow into a Breathalyzer, the police officer must inform you of certain things. The officer will tell you that your driving privilege is conditioned when you submit to chemical testing. The officer will then tell you that your license will be suspended for one year if you refuse to test. Lastly, the officer will ask you if you will give blood or blow into the Breathalyzer. If you refuse, your license can be revoked on the spot.

If you refuse and your license is revoked, you will be given 30 days in which you can request a hearing to appeal the suspension. It is critical to act within these 30 days.

Be prepared at the hearing, and know what issues you can raise, including any failure by the officer to provide the Implied Consent Notice. If the police officer failed to inform you of the penalties of refusing to test, you might have a right to get your license back.

Even if you don't win your hearing, there may be ways to get your license back sooner than one year, completing a drug and alcohol program. There are also options of limited driving while suspended, including a restricted permit or applying for an ignition interlock device.

### *Limited Permits*

Under certain circumstances, you can request a restricted license or limited permit that allows you to drive to work, school and medical appointments, including drug and alcohol counseling sessions. However, this limited permit does not allow you to go grocery shopping and go about your normal daily routine. Knowing exactly what you can and cannot do with the limited permit is important.

In addition to the limited permit, there are other alternatives that you may be eligible for, including the ignition interlock device. This device will be placed on your car for 12 months and you will have a special interlock device permit.

In handling DUI-related license suspensions, it is essential to act quickly. Our Attorneys can assist with investigating whether there are any defenses to the license revocation and alternatives to the license suspension.

We consider several questions, such as:

- Did the police have reasonable suspicion to pull you over?
- Did the police have probable cause to request blood or a Breathalyzer?
- Did the officer read the Implied Consent Warning?
- Are you eligible to apply for a Limited Permit?
- Are you eligible for the Ignition Interlock Device?

Contact our DUI Attorneys to assist you with your questions and analyze the circumstances specific to your DUI related license suspension.