

Expanded Access to the Georgia State-wide Business Court Effective July 1, 2026

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Effective July 1, 2026, Georgia will implement significant statutory changes that expand access to the State-wide Business Court and reshape the forum for complex commercial litigation. These changes arise from **House Bill 1185**, which amends Titles 14 and 15 of the Official Code of Georgia Annotated (“O.C.G.A.”) and materially broadens the Court’s jurisdiction and availability to sophisticated business entities.

Key Takeaways

- **Expanded jurisdiction** of the Business Court under O.C.G.A. § 15-5A-3

- **Mandatory or exclusive forum provisions** for certain corporate disputes
 - New and streamlined **transfer and removal mechanisms** under O.C.G.A. § 15-5A-4
 - Increased ability for businesses to access a specialized forum for complex disputes
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What Is Changing Under HB 1185

HB 1185, signed into law on May 11, 2026, introduces the most significant changes to the Business Court's jurisdiction since its creation. Some of the key changes are:

1. Mandatory or Exclusive Business Court Forum

The new law permits corporations to designate the Business Court as the **exclusive forum** for internal entity claims in their governing documents.

In addition, HB 1185 limits the ability of parties to avoid Business Court jurisdiction in certain qualifying cases, eliminating what was previously a purely voluntary forum in many instances.

2. Streamlined Removal and Transfer Mechanisms

The statute expands and modifies the procedures under O.C.G.A. § 15-5A-4, including:

- New pathways for removing internal entity claims from superior or state court
 - Longer timelines for removal (including up to one year by agreement of the parties)
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Why This Matters for Business Litigants

These statutory changes meaningfully improve access to the Business Court and reinforce its role as

a specialized forum for complex commercial litigation.

Key implications include:

- **Broader access:** More disputes now fall within the Business Court's jurisdiction under O.C.G.A. § 15-5A-3
 - **Greater predictability:** Expanded authority over internal business disputes promotes consistent judicial outcomes
 - **Enhanced efficiency:** Centralized handling of sophisticated cases reduces procedural friction
 - **Strategic forum selection:** Corporate governing documents can now direct key disputes to the Business Court
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Strategic Considerations

Businesses and counsel should consider:

- Whether existing disputes may be transferred under O.C.G.A. § 15-5A-4
 - Updating articles of incorporation or bylaws to include Business Court forum-selection provisions
 - Evaluating how the expanded definition of jurisdiction under § 15-5A-3 impacts litigation strategy
 - Anticipating increased use of the Business Court for shareholder and governance disputes
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Conclusion

Effective July 1, 2026, Georgia's statutory framework will significantly expand the accessibility and strategic importance of the State-wide Business Court. By enlarging jurisdiction under O.C.G.A. § 15-5A-3 and enhancing procedural mechanisms under § 15-5A-4, the legislature has created a more robust

and business-friendly forum for resolving complex disputes.

These reforms underscore Georgia's continued effort to position itself as a leading jurisdiction for business litigation.

In addition, HB 1185 limits the ability of parties to avoid Business Court jurisdiction in certain qualifying cases, eliminating what was previously a purely voluntary forum in some instances.

HB 1185, sponsored by Representative Chuck Efstration, was another priority for the Kemp Administration. It modernizes complex corporate litigation policies and revises some standards around the Georgia Statewide Business Court.

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