

Beyond Expanded Access: Three Questions to Consider Following Georgia's State-wide Business Court Expansion

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In a prior article, *Expanded Access to the Georgia State-wide Business Court Effective July 1, 2026*, we discussed the changes that broadened access to Georgia's specialized business court. As businesses and practitioners begin to implement the changes, attention is naturally shifting from what changed to what those changes mean in practice.

While it remains too early to assess the long-term effects of the expansion, the development provides an opportunity to revisit several issues that

commonly arise in the context of commercial disputes.

1. Do Existing Dispute-Resolution Provisions Still Reflect the Parties' Expectations?

Many commercial agreements contain provisions addressing forum selection, venue, arbitration, and governing law. Although these provisions are typically negotiated at the outset of a business relationship, their significance often becomes most apparent when a dispute arises. Businesses should take the opportunity to review contracts and evaluate those key provisions.

The expansion of access to the Georgia State-wide Business Court presents a natural opportunity for businesses and counsel to review these provisions and consider whether they continue to align with the parties' expectations and preferences for dispute resolution.

2. When Should Forum Considerations Enter the Discussion?

Forum-related issues are often discussed after a dispute has emerged. In practice, however, questions concerning jurisdiction, venue, and available forums arise earlier. During the contracting phase, it is important to consider the preferred forum and method of dispute resolution. Once the dispute happens, it is often too late to pivot on the selected forum.

3. What Developments Are Worth Watching?

Given the limited cases heard by the Georgia State-wide Business Court, the expansion may afford a greater number of cases to reflect filing trends and judicial decisions to inform business leaders on the forum. The impact of the Court on commercial

disputes continues to evolve, and its overall impact will be worth watching.

Looking Ahead

The July 1, 2026, expansion of the Georgia State-wide Business Court represents a notable development in Georgia's evolving approach to commercial litigation. While the practical effects of the expansion will become clearer over time, now is the time for businesses to consider their underlying contractual agreements and the terms for forum selection.