

Wrongful Death After a Drunk Driving Crash in Georgia

How Families Can Seek Justice When a Life Is Taken by Negligence

No family should have to plan a funeral because someone chose to drive drunk. Yet across Georgia, families lose loved ones every year in crashes that never should have happened. The pain runs deeper than grief because it's the knowledge that the loss was preventable.

At [The Law Offices of Gary Martin Hays & Associates, P.C.](#), we've seen the devastation that follows when a reckless driver causes a fatal crash. As [Georgia's Billion Dollar Wrongful Death Lawyer](#), Gary Martin Hays has spent decades helping grieving families hold negligent drivers accountable and demand justice for the lives cut short. When a driver gets behind the wheel impaired, they gamble with other people's lives, and our job is to make sure they answer for it.

The Scope of the Drunk Driving Crisis in Georgia

According to the [Georgia Governor's Office of Highway Safety](#), more than 400 people lose their lives each year in alcohol-impaired crashes. Nationwide, the [National Highway Traffic Safety Administration \(NHTSA\)](#) reports that nearly one-third of all traffic deaths involve a driver under the influence.

Behind every number is a story: a parent driving home from work, a teen on their way to practice, a couple coming back from dinner. These aren't just statistics. They're reminders that one reckless decision can change dozens of lives in seconds.

Despite stricter laws, awareness campaigns, and tougher penalties, [drunk driving](#) continues to plague Georgia's highways. The truth is, enforcement and education can only do so much. Real change and accountability often starts in the courtroom.

Understanding Wrongful Death Under Georgia Law

When a drunk driver kills someone, the criminal justice system can punish them with jail time, license suspension, and fines. But for families left behind, criminal penalties don't cover medical bills, lost income, or the emotional and financial fallout that follows.

That's where a wrongful death claim comes in. Under [O.C.G.A. § 51-4-2](#), certain family members have the right to file a civil lawsuit seeking compensation for "the full value of the life of the decedent." This claim focuses not only on what the person earned but also on the experiences and relationships they've been robbed of.

The law allows the following parties to file a wrongful death claim in Georgia, in order of priority:

- The spouse of the deceased
- The children of the deceased (if there is no surviving spouse)
- The parents of the deceased (if there is no spouse or children)
- The estate representative (on behalf of the estate and beneficiaries)

A wrongful death claim is about more than money. It's a legal recognition that your loved one's life had value, meaning, and a future that was stolen.

Two Legal Actions After a Fatal Drunk Driving Crash

Families often pursue two separate but connected legal actions after a fatal DUI crash:

- **The Wrongful Death Claim:** Filed by surviving family members for the full value of the person's life—both economic and intangible losses.
- **The Estate Claim:** Filed by the estate to recover costs related to the person's death, including medical bills, funeral expenses, and pain and suffering endured before death.

Gary Martin Hays & Associates handles both actions simultaneously to build a unified strategy. By presenting a complete picture of how the crash affected the family and the estate, we fight for every avenue of recovery under Georgia law.

Proving Liability in a Drunk Driving Wrongful Death Case

While criminal charges against the drunk driver can strengthen your civil case, your right to compensation doesn't depend on a conviction. The civil standard of proof—preponderance of the evidence—is lower than the criminal standard of "beyond a reasonable doubt."

That means your attorney can win a wrongful death case even if the driver avoids conviction. To do that, we gather evidence such as:

- **Police and Crash Reports:** Including BAC test results, field sobriety observations, and officer notes.
- **Toxicology Records:** Blood alcohol concentration or drug testing data from law enforcement.
- **Witness Statements:** From other drivers, passengers, or bystanders.
- **Surveillance or Dashcam Footage:** Capturing erratic driving or the moments before impact.
- **Expert Testimony:** Accident reconstructionists and toxicologists explaining how impairment caused the crash.

We also look beyond the individual driver. In some cases, [bars, restaurants, or convenience stores](#) that over-served alcohol may share responsibility under Georgia's dram shop laws.

Understanding Georgia's Dram Shop Law

Under [O.C.G.A. § 51-1-40](#), a bar, restaurant, or alcohol vendor can be held liable if they:

- Knowingly serve alcohol to someone who is visibly intoxicated, and
- Know that person will soon be driving.

Dram shop cases require meticulous investigation. Our attorneys obtain receipts, surveillance footage, and witness statements to determine whether the driver was overserved. When evidence supports it, we pursue claims against both the intoxicated driver and the establishment that enabled their behavior.

These cases send a strong message: if you profit from serving alcohol, you share responsibility when that service leads to tragedy.

Calculating Damages in a Drunk Driving Wrongful Death Case

No amount of money can bring a loved one back, but compensation can help ease the financial burdens that follow. Damages typically include:

- Economic Losses
- Lost future income and benefits
- Medical expenses related to the final injury
- Funeral and burial costs
- Non-Economic Losses
- Loss of companionship and guidance
- Emotional suffering of surviving family members
- The full value of the life lost, including the person's enjoyment of living

In cases involving extreme recklessness—like drunk driving—families may also seek punitive damages, which are designed to punish and deter similar conduct. Georgia courts often take DUI-related deaths seriously, and juries can award substantial punitive damages when the evidence warrants it.

The Emotional and Legal Challenges Families Face

Pursuing justice after a fatal crash isn't easy. Grieving families often find themselves facing aggressive insurance companies, legal deadlines, and the emotional strain of reliving the crash through investigation and litigation.

At Gary Martin Hays & Associates, we understand how overwhelming this process feels. That's why we handle every aspect of the case, from preserving evidence and working with

investigators to negotiating with insurers and preparing for trial, so families can focus on healing.

We also make sure families understand the two-year statute of limitations for wrongful death actions in Georgia. Waiting too long can jeopardize your claim and limit available evidence.

Why Wrongful Death Cases Involving Drunk Drivers Require Experienced Representation

Drunk driving cases can seem straightforward, but they often involve complex layers of liability and evidence. For example:

- The at-fault driver may face criminal charges that delay or complicate civil proceedings.
- Multiple insurance policies (auto, umbrella, or commercial) may be in play.
- Dram shop defendants may fight aggressively to deny serving an intoxicated person.

Our attorneys know how to navigate these obstacles. With decades of experience and [over \\$1 billion recovered](#) for Georgia families, we combine legal skill with compassion for the people we represent.

When insurers try to minimize a life's worth to protect their bottom line, we bring detailed evidence, expert testimony, and courtroom pressure to show the full human cost of their insured's recklessness.

What Most Families Don't Expect About Wrongful Death Cases

Many families assume the criminal conviction will automatically result in fair compensation, but that's rarely true. Civil cases are separate, and without an attorney advocating for your financial and emotional recovery, the insurance company can (and will) offer far less than your family deserves.

Another overlooked reality is the emotional cost of justice. Wrongful death claims take time, and reliving the details of the crash can be painful. Having a compassionate legal team helps ease that burden. That's why our legal team guides you through every step, keeping you informed and supported while fighting fiercely on your behalf.

Taking Legal Action Sends a Message

When families stand up and file a wrongful death claim, they do more than seek justice for their loved one—they help prevent future tragedies. Every verdict, every settlement, every courtroom victory serves as a warning to drunk drivers and negligent establishments across Georgia.

At Gary Martin Hays & Associates, we believe accountability drives change. We've seen it firsthand: stronger cases lead to safer roads.

Justice for Georgia Families Starts Here

If your loved one was killed by a drunk driver, you have rights, but time is limited. Our legal team will move quickly to preserve evidence, document your losses, and build a case that honors your loved one's memory while demanding full accountability from those responsible.

The Law Offices of Gary Martin Hays & Associates, P.C. fights tirelessly for families across Georgia. With compassion and determination, we pursue justice for victims of drunk driving crashes through wrongful death claims that expose negligence and secure meaningful compensation.

[Contact us today](#) for a free consultation. There are no upfront fees, and you pay nothing unless we win your case.