



Finding Answers.
Demanding Justice.

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Chairman William C. Smith, Jr.
Senate Judicial Proceedings Committee
Miller Senate Office Building, Room 2 East
Annapolis, Maryland 21401

**SB 538 – Civil Actions – Noneconomic Damages
Personal Injury and Wrongful Death**

Dear Chairman Smith and Distinguished Members of the Senate Judicial Proceedings Committee:

I write to urge a FAVORABLE report on SB 538, which repeals the arbitrary non-economic damages cap in personal injury actions in Md. Cts. & Jud. Procs. Code § 11-108.

The General Assembly enacted § 11-108 in the mid-1980s, in response to unsupported claims of a “crisis” from the insurance industry. Those claims had no support in the 1980s, and they have no support today; indeed, no legitimate public policy would support enacting such a cap today, and the reasons for enacting the cap decades ago retain no legitimacy.

While some States do have similar caps, 85% of the U.S. population reside in jurisdictions (40 States plus DC) without any caps like § 11-108. The civil justice system functions, and insurance is available and affordable, throughout the country. Every day, in courtrooms all across the United States, juries reach unanimous verdicts to compensate victims of negligence, including for non-economic damages. Maryland law should not continue to deny fair compensation to Maryland residents, when that compensation has been determined by a jury, under the watchful supervision of a trial judge, based on the facts, circumstances, and evidence in a particular case.

Maryland law should provide equal justice for all. Please enact SB 538 and repeal § 11-108.

Respectfully Submitted,

George S. Tolley, III

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