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To: Members of the Senate Judicial Proceedings Committee  
From: Maryland State Bar Association (MSBA)  
Subject: SB 839 – General Provisions – Damages or Losses - Definition  
Date: February 28, 2024  
Position: **Informational Letter**

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The Maryland State Bar Association (MSBA) files this informational letter regarding **SB 839 – General Provisions – Damages or Losses – Definition**. SB 839 defines "damages" or "losses" in statutory causes of action to protect civil rights or consumer rights and provides that "damages" or "losses" includes reasonable nominal damages.

MSBA represents more attorneys than any other organization across the state in all practice areas. Through its advocacy committees and various practice-specific sections, MSBA monitors and takes positions on legislation that protects the legal profession, preserves the integrity of the judicial system, and ensures access to justice for Marylanders.

As drafted, SB 839 may cause confusion about what types of claims would be entitled to nominal damages. MSBA suggests deleting Paragraph (1) of §1-107.1 (Page 2, Lines 23-25), given the bill's goal in codifying nominal damages from existing case law. This would result in the clear inclusion of "reasonable nominal damages" in "damages" or "losses."

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