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Chairman Luke Clippinger  
House Judiciary Committee  
House Office Building, Room 101  
Annapolis, Maryland 21401

**HB 83 – Civil Actions – Noneconomic Damages  
Personal Injury and Wrongful Death**

Dear Chairman Clippinger, Vice Chair Bartlett, and Judiciary Committee Members:

I write to urge a FAVORABLE report on HB 83, which would repeal the arbitrary and unjust cap on non-economic damages in personal injury actions contained in Md. Cts. & Jud. Procs. Code Ann. § 11-108.

In a personal injury lawsuit, a plaintiff presents evidence to show that a defendant's conduct was unreasonably unsafe (i.e., "negligent") and caused harm to the plaintiff. Even when the harms caused by negligence are catastrophic, juries deliberate on the evidence and reach a unanimous verdict about how much money is needed to compensate the plaintiff for their harms.

*Every day, in courtrooms all across the United States, juries reach unanimous verdicts to compensate victims of negligence.*

Decades ago, the Maryland General Assembly enacted § 11-108 to place an arbitrary "cap" on the compensation that injured Marylanders can receive, no matter what the circumstances of their harms might be. None of Maryland's neighbors – indeed, no other State on the eastern seaboard – has a law like § 11-108. As such, § 11-108 puts "equal justice" beyond the reach of catastrophically injured Marylanders.

With nearly four decades of experience, we can now see clearly that § 11-108 provides no benefit to Maryland or its citizens. Moreover, repealing the cap presents no risk of harm to the State economy – when other state's cap laws were declared unconstitutional by their supreme courts, none of those states experienced any harm to their economies, much less any sort of insurance affordability crisis.

Maryland law should provide equal justice for all. Please enact HB 83 and repeal § 11-108.

Respectfully submitted,

George S. Tolley, III