



2025 POSITION PAPER

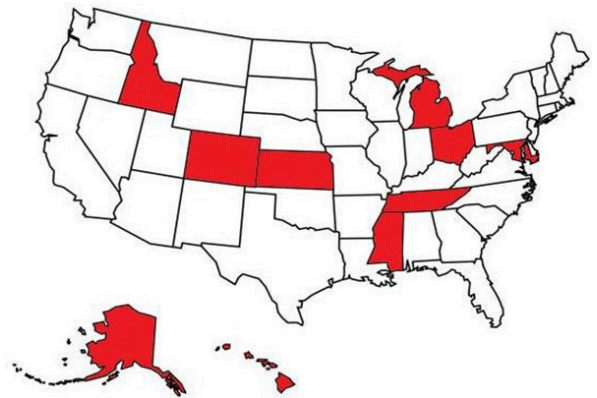
HB113 / SB584 - FAVORABLE

CIVIL ACTIONS - NONECONOMIC DAMAGES PERSONAL INJURY AND WRONGFUL DEATH FAVORABLE

A Maryland law enacted in 1986 arbitrarily restricts the ability of Maryland juries to decide the full and fair outcome in court cases when unreasonably unsafe conduct causes injury or death. This law caps and limits the recovery of “noneconomic damages” (including every kind of loss of quality of life, other than wages or medical expenses). **Let Maryland Citizen Juries Decide.**

Maryland is an Outlier

Enacted nearly 40 years ago, this cap was the first of its kind in the nation and today only nine other states have adopted similar restrictions. No neighboring state, nor any state on the Eastern Seaboard, places the same limitations on citizens' rights to fair compensation. For over four decades, § 11-108 has failed to lower insurance costs or improve the economic well-being of Marylanders—therefore, it is time to repeal this outdated law and allow juries to decide fair outcomes.



Caps Hurt All Marylanders, Including Women, Children, and the Elderly

Under §11-108, Maryland’s civil justice system disproportionately favors high-wage earners and forces a cap on physical and psychological injuries, such as reproductive harm, pregnancy loss, infertility, deformity, disfigurement, impaired physical capacities, sexual assault injuries, grief, or altered sense of self.¹

- In Maryland, a 24-year-old woman suffered severe shoulder injuries after a tractor-trailer rear-ended her car. As a result of the crash, she had to undergo a painful and disfiguring breast reduction surgery. The jury, recognizing the immense physical and emotional toll on her life, awarded a total verdict of \$3,156,000, including \$2,367,000 in non-economic damages, reflecting the jury’s understanding of the magnitude of the young woman’s lifetime of pain and impaired self-esteem. However, due to the limitations set by § 11-108, the verdict was reduced by nearly two-thirds.²
- In Maryland, a 25-year-old woman was kidnapped from her building’s lobby by a felon who, despite assurances to tenants that only carefully-screened tenants could access common areas, received a set of keys from the landlord. Beaten and sexually assaulted, the young woman’s traumatic experience did not stop her from working, so she had no significant wage loss. The jury’s verdict was composed nearly entirely of non-economic damages; however unbeknownst to the jury, due to the limitations set by § 11-108, the verdict was reduced by more than half.³



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In similar fashion, § 11-108 impacts jury verdicts where unreasonably unsafe conduct injures or kills very young or very old Marylanders, because such cases have a very low lost wages/earning component.

- When a five-year old child drowned in a negligently-managed pool at an Anne Arundel County country club, § 11-108 slashed the jury's verdict for his parents' grief and anguish by almost 75%.⁴

Repealing § 11-108 would empower juries to determine fair compensation, ensuring justice for all Marylanders, especially those who experience non-financial harm.

MARYLAND ASSOCIATION FOR JUSTICE URGES A FAVORABLE REPORTER ON HB113/ SB584

¹ HB113 / SB 584 would repeal this "general" noneconomic damages cap. HB113/SBXXX has no effect on caps applicable to health care providers, local or State government, boards of education, or the cap enacted pertaining to claims of sexual assault against a child.

² Wertz v. Wakefoose, Case No. 71695V (Cir. Ct. Montgomery County, Md. Dec. 2, 1993). Because the cap was \$350,000 in 1993, 11-108 took away nearly two-thirds of the jury's verdict.

³ Solder v. Queen-Anne Belvedere Assocs., Ltd., Case No. 24-L-90002826 (Cir. Ct. Baltimore County, Md. Jul 23, 1993).

⁴ Freed v. DRD Pool Serv., Inc., 416 Md. 46, 5 A.3d 45 (2010). In this reported appellate decision, the Maryland Supreme Court refused to find § 11-108 unconstitutional. Accordingly, the only way Marylanders can get relief from § 11-108 is for the General Assembly to repeal it.

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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