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To: Members of the House Judiciary Committee and Members of the House of Delegates

From: Jim Pauli, Chair, Legislative Committee, Alternative Dispute Resolution (ADR) Section Council

Date: April 1, 2025

Subject: HB 1378, Child Sexual Abuse Claims Against the State – Alternative Program and Limitations on Liability

Position: **Support amendments to create alternative dispute resolution process**

The Alternative Dispute Resolution (ADR) Section Council of the Maryland State Bar Association (MSBA) supports amendments pertaining to alternative dispute resolution processes contained in HB 1378. The ADR Section Council takes no formal position on the maximum amount of an award that a claimant may be entitled to receive. We believe that the amount of such an award is best left to the members of the General Assembly. However, the ADR Section Council enthusiastically supports the inclusion of a mandatory ADR process to give both claimants and those representing the State an opportunity to resolve their differences in advance of airing their grievances in open court.

Child sexual abuse is unquestionably a horrible matter to contemplate. Litigation, which may be necessary to compensate those who have been victims of child sexual abuse, may unfortunately retraumatize those it seeks to protect. In addition, the State will likely expend enormous amounts of time and energy to defend these cases. Never simple, such cases will also require significant time and attention from members of the judiciary. As we see it, giving those alleging child sexual abuse and those representing the State an opportunity to work out their differences before engaging in litigation in open court is a classic example of a “win-win.” Unnecessary trauma and expense may be reduced for all involved in such cases.

Members of our Section Council and the attorneys who make up our Section generally are well versed in various forms of ADR and are particularly aware of the dynamics that may lead to child sexual abuse. We humbly offer our services to consult with the executive branch to design the entity to implement and administer the ADR program, as contemplated in the amendments to HB 1378.

We appreciate the opportunity to comment on this important matter and support the amendments related to ADR processes contained in HB 1378. Should you have any questions, please contact James Pauli, Chairman of the Legislative Committee and Secretary of the Alternative Dispute Resolution Section Council, jim.pauli.ijs@gmail.com.

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