

POSITION PAPER CIVIL JUSTICE ACT 2005

January 03, 2005

Dear MDC Member:

Attached is the MDC's position paper in support of its new Civil Justice Project. This is an ad hoc effort to pass legislation correcting several failures in civil Justice in Maryland. The ad hoc committee is chaired by Mark Coulson. He is supported by fellow Miles & Stockbridge attorneys Joe Beavers and Michael Haslup, and Whiteford, Preston & Taylor attorneys Steve Caplis, Dwight Stone, and Jeniffer Jackman.

A series of meetings with legislators and staff before the recent Special Session resulted in a surprise addition to House Speaker Busch's bill—a Daubert standard for expert evidence in all civil litigation. This provision was lost in the conference with the Senate. The bill that passed does limit past economic losses for medical services to the actual amounts paid to or owed to the service providers. While MDC would employ this rule for past and future losses, and apply it to all civil litigation, we believe that our voice on this subject helped pass the limited provisions passed in the Special Session.

The MDC Board appreciates the input of all members on legislative matters. Please send your thoughts to gduvall@wtplaw.com and to jcoulson@milesstockbridge.com.

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