



The Maryland State Medical Society

News: For Immediate Release

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MEDCHI APPLAUDS OPINION BY THE COURT OF APPEALS

BALTIMORE, November 30, 2012 – MedChi, The Maryland State Medical Society, applauds the opinion by the Court of Appeals in *Spence v. Julian* and *Mercy Medical Center v. Julian*. In the *Spence* case, Maryland’s highest court upheld an opinion of Maryland’s intermediate appellate court, the Court of Special Appeals, that a hospital’s pre-trial settlement with a plaintiff did not bar a physician who was subsequently found liable to the plaintiff for his actions in the same alleged incident of malpractice from seeking to collect from the hospital a portion of the damages awarded to the plaintiff even though the hospital had previously settled with the plaintiff prior to trial. Had the court ruled the other way, the physician would not have been able to seek to establish the hospital’s liability and consequently, would have been on the hook for the entire amount of the awarded damages, regardless of the hospital’s actual fault in the case.

MedChi had submitted an amicus brief in the *Spence* case in support of the physician. MedChi President Brian M. Avin, M.D., commented that “This case illustrates why it is important that MedChi advocate for physicians in the Maryland court system.”

About MedChi

MedChi, The Maryland State Medical Society, is a non-profit membership association of Maryland physicians. It is the largest physician organization in Maryland. The mission of MedChi is to serve as Maryland’s foremost advocate and resource for physicians, their patients and the public health of Maryland.