



*The Maryland State Medical Society*

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Additional Information Contact:

Gene M. Ransom, CEO

Office: 410-539-0872 x 3305

## **MEDCHI HAILS COURT OF APPEALS**

BALTIMORE, July 9, 2013 — MedChi, The Maryland State Medical Society, hails the Court of Appeals for upholding the longstanding rule of contributory negligence in the case of *Coleman v. Columbia Soccer Association*. The doctrine of contributory negligence holds that a plaintiff who has been negligent cannot recover damages from another person if the plaintiff's negligence contributed to his injury. In the *Coleman* case, the plaintiff had sought to recover damages for an injury he sustained after he swung on a soccer goal post. The rule plays an important role in medical malpractice cases, where physicians are often sued by patients whose failure to adhere to physician advice played a role in the injury for which they are suing the physician.

The principal basis for the majority opinion was its observation that "the General Assembly's repeated failure to pass legislation abrogating the defense of contributory negligence is very strong evidence that the legislative policy in Maryland is to retain the principle of contributory negligence." MedChi President Brian H. Avin, M.D., praised the Court's ruling, stating that "The Court was correct to put this issue back in the hands of the General Assembly and I expect that MedChi and its members will be making a vigorous case there to retain the rule."

### 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. For more information, please visit [www.medchi.org](http://www.medchi.org).