



January 14, 2011

The Honorable Alan M. Wilner  
Chair, Rules Committee  
2011-D Commerce Park Drive  
Annapolis, Maryland 21401

Re: Comparative Fault Study

Dear Judge Wilner:

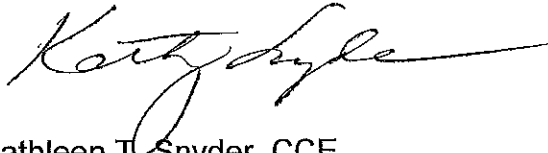
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Platinum Corporate  
Sponsors  
COMCAST  
M&T BANK  
PATH - ALLEGHENY  
PEPCO HOLDINGS, INC.  
VERIZON

Thank you for the courtesy of your December 8, 2010 memo to interested parties requesting suggestions for how the subcommittee should proceed regarding the proposed study of the issue of comparative fault. The following represents the views of the Maryland Chamber of Commerce and the undersigned organizations and businesses regarding this issue.

1. Inappropriate for a rule change – We suggest that a threshold issue is whether the Court, by a change in a court procedural rule, could adopt a system of comparative fault in Maryland. We believe that such a substantive change to over 150 years of Maryland law by procedural rule is without precedent in Maryland or in any other state, and beyond the scope of procedural matters typically addressed by the Maryland Rules. If you conclude that such a change cannot be effected by rule, further action by the Rules Committee in response to the Chief Judge's memo of November 8<sup>th</sup> is unnecessary.
2. The General Assembly has addressed this issue – The General Assembly has considered and rejected adoption of a system of comparative fault over more than 40 years. With all due respect to the courts of Maryland, the Court should recognize the Legislature's actions in this important matter of Maryland law, and the negative inference arising from the General Assembly's repeated rejection of this issue.
3. This issue has been studied – There have already been numerous studies of the issue of comparative fault, as well as a study of the studies prepared in 2004 by the Department of Legislative Services in *Negligence Systems: Contributory Negligence, Comparative Fault, and Joint and Several Liability*. We believe the legislative staff is capable of updating that study if the General Assembly needs further information, or if the Chief Judge and the Court of Appeals desire a review of the national status of this issue in the several states.

Thank you for the consideration of these views.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathy Snyder', with a long horizontal flourish extending to the right.

Kathleen T. Snyder, CCE  
President/CEO  
Maryland Chamber of Commerce

cc: Sandra F. Haines, Esq.

This letter is also endorsed by the following organizations and businesses:

Advanced Radiology  
American Insurance Association  
Baltimore City Chamber of Commerce  
Baltimore County Chamber of Commerce  
Baltimore Washington Corridor Chamber  
Cable Telecommunications Association of MD, DE, and D.C.  
Calvert County Chamber of Commerce  
Delmarva Power  
Dixon Valve & Coupling Company  
First Colonies Anesthesia Associates  
Frederick County Chamber of Commerce  
Greater Silver Spring Chamber of Commerce  
Greater Prince George's Business Roundtable  
Hydrasearch Company, Inc.  
Jason Pharmaceuticals, Inc.  
Johns Hopkins Health System  
Johns Hopkins University  
KRM Development Corporation  
Marriott International  
Maryland Association of Certified Public Accountants  
Maryland Association of Industrial and Office Properties  
Maryland Beer Wholesalers Association  
Maryland Citizens Against Lawsuit Abuse  
Maryland Hospital Association  
Maryland Motor Truck Association  
Maryland Retailers Association  
Maryland Society of Eye Physicians and Surgeons  
MedChi, The Maryland State Medical Society  
Medical Mutual Liability Insurance Society of Maryland  
Medifast, Inc.  
Medifast Distribution Centers, Inc.

Medifast Weight Control Centers, Inc.  
MedStar Health  
Mid-Atlantic Petroleum Distributors Association  
Montgomery County Chamber of Commerce  
NewPage Corporation  
PEPCO  
Pfizer, Inc.  
PhRMA  
Restaurant Association of Maryland  
Safeway, Inc.  
Salisbury Area Chamber of Commerce  
Southern Maryland Electric Cooperative  
St. Mary's County Chamber of Commerce  
Take Shape for Life, Inc.  
Talbot County Chamber of Commerce  
The Greater Bethesda-Chevy Chase Chamber of Commerce  
The Maryland Chapter American College of Emergency Physicians  
The Maryland Society of Anesthesiologists  
The Maryland Society of Otolaryngology  
Washington Gas  
West Anne Arundel County Chamber of Commerce