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TO: The Honorable Joseph F. Vallario, Jr., Chairman
Members, House Judiciary Committee
The Honorable Curtis S. Anderson

FROM: Joseph A. Schwartz, III
Pamela Metz Kasemeyer
J. Steven Wise

DATE: February 29, 2012

RE: **OPPOSE** – House Bill 507 – *Health Care Malpractice Claims – Expert Witnesses – Limitations*

The Maryland State Medical Society (MedChi), which represents over 7,600 Maryland physicians and their patients, opposes House Bill 507.

House Bill 507 would disallow any party in a medical malpractice case from presenting testimony "...from more than two experts in a designated specialty, unless the court, for good cause shown, permits additional experts." There appears to be no articulable reason that such a limitation would be proper.

Many medical malpractice cases are extremely complicated and rely upon expert testimony. Limiting that testimony makes neither good sense nor good law. Although medical malpractice arbitrations have a two expert witness rule, virtually no cases proceed to trial at the present time by way of arbitration. Indeed, perhaps 99% of the cases "waive" arbitration. Moreover, arbitration, unlike a jury trial, depends on a 3-member panel with particular expertise in malpractice cases. While the limitation of witnesses before such a panel might be appropriate, it is clearly not appropriate before a jury of 12 laymen.

MedChi would respectfully request an unfavorable report on House Bill 507.

For more information call:

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