

President's Message

By Ellen B. Flynn



As I write this message, we are concluding a busy couple of weeks in Annapolis. The 2020 Session brings new presiding officers and new faces in leadership in both chambers of the General Assembly, which is both exciting and challenging. The growing and active MAJ Legislative Committee continues the essential work of educating policymakers about the civil justice system and its vital importance to the citizens of our State.

The Maryland Association for Justice welcomed more than 65 legislators at its 6th annual Legislative Reception in Annapolis. Every year, this event gives us a chance to meet legislators in a friendly and casual setting. We were happy to welcome Democrats and Republicans alike and continue our efforts to support the development of a robust bipartisan pro-civil justice majority in the Legislature.

MAJ remains committed to improving the civil justice system in our State by fighting for the rights of individuals to have full and fair justice in the Maryland Court system. From raising the jury prayer threshold to \$30,000 to reforming the unfair cap on non-economic damages, MAJ advances a positive legislative agenda each year to make the laws better for every Marylander. MAJ also fights for laws that honor accountability and opposes laws that allow negligent actors to evade responsibility for the consequences of their wrongful conduct. We are frequently the only voice in Annapolis standing up for the rights of individuals who have been injured by careless and negligent acts against the well-funded insurance lobbies who wish to limit justice.

In recent months, the Maryland Hospital Association and others have been claiming that "something must be done" in Annapolis to respond to a jury verdict finding Defendant John Hopkins Hospital liable for the future medical care of a child

who suffered irreparable brain injuries caused by malpractice. There is no reason for alarm when the judicial system works, or when a jury tells John Hopkins that they blew it. The child, Zubida Byrom, suffered catastrophic brain damage because hospital staff negligently miscalculated Zubida's gestational age and weight and then ignored fetal distress. Even after the error was discovered, accurate information was deliberately withheld from Zubida's mother, contributing to further delay in the delivery. Hopkins has appealed and, as I write these words, the parties are continuing to negotiate issues related to how and when a special needs trust for Zubida's benefit may be funded. The judicial system is working, and there is no crisis here.

The real crisis that needs to be addressed across the nation, is that the quality of healthcare in this country is declining compared to other countries. Preventable medical errors in hospitals are the third leading cause of death, and a significant cause of severe injury and disability for hundreds of thousands of Americans every year. It is bad public policy to shield hospitals and health care providers from responsibility for the consequences of their preventable errors, or to use public money to bail out negligent hospitals and health care providers when people of all ages are negligently injured or killed by preventable health care mistakes.

While there is a great deal of uncertainty in the months ahead, I am encouraged that our large and diverse Legislative Committee is growing, and that we are standing together with people who need our voice to encourage sound legislative policies.

Biography

Ellen B. Flynn, in addition to being the current President of the MAJ, is an attorney at Dugan, Babij, Tolley Kohler, LLC with 20 years of experience litigating complex personal injury, medical negligence and commercial cases in the state and federal courts of Maryland, the District of Columbia and Connecticut.