

MedChi

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TO: The Honorable Luke Clippinger, Chair
Members, House Judiciary Committee
The Honorable Charlotte Crutchfield

FROM: J. Steven Wise
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DATE: February 19, 2020

RE: **SUPPORT** – House Bill 684 – *Civil Actions – Health Care Malpractice Claims – Expert Witnesses*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports** House Bill 684.

House Bill 684 would adopt the Daubert standard for expert witnesses in medical malpractice cases. The Daubert standard is followed by federal courts and is generally regarded as providing a sounder and more reliable basis for expert testimony than the current Frye/Reed standard. Indeed, Maryland courts have been drifting away from the Frye/Reed standard in recent years and toward the Daubert standard set forth in the bill.

As MedChi recently argued in an *amicus curiae* brief to the Court of Appeals, in the case of *Rochkind v. Stevenson*, Sept. Term 2019, No. 47: “Not one state that adopted Daubert has reversed course and returned to Frye or even a hybrid approach. Despite early concerns that Daubert might impose too high a hurdle for admitting expert testimony, the standard has drawn scant academic or judicial criticism in the last fifteen years. Most states now follow Daubert or at least a standard akin to Daubert. What has changed is the quality of expert testimony: the need to demonstrate reliability has forced parties and experts to work harder to ensure that expert opinions are grounded in reliable science or demonstrable relevant experience.”

MedChi believes the time has come to adopt the Daubert standard in Maryland and asks that you adopt House Bill 684.

For more information call:

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