

Members of the Judiciary Committee

I am a resident of District 21 and a member of Showing Up for Racial Justice Annapolis and Anne Arundel County. I am a white Christian, an anthropologist and an antiracist-informed therapist. This background has helped me see how race and gender inequities are built into many institutional systems and how and why to address these.

I am requesting that you support **HB0244 Civil Actions - Damages - Use of Race, Ethnicity, and Gender Data** which attempts to ensure fair compensation in civil action lawsuits by prohibiting calculating reduced damages based on race, ethnicity, or gender.

Historically, civil action damages are calculated based on a person's predicted future earnings. Because of the long history of racism and discrimination, women and People of Color are expected to earn less than white men in their lifetime and are awarded significantly less money.

There are at least three problems with this. First, it devalues the lives of women and People of Color. It doesn't take into account the decrease in discrimination expected over a person's lifetime, instead it perpetuates it by relying on past data. One 2016 analysis found that a white man could receive almost twice as much as their Black female counterpart for the same claim ([Freeman](#)).

Second, because women and People of Color are expected to earn less in civil damages, lawyers who rely on a contingency fee have less incentive to take on their case in the first place ([Freeman](#)).

Finally, it perpetuates systemic inequality by incentivizing companies to do bad things in marginalized communities. "If race-based tables are used to estimate liability, there is a financial incentive to locate the facility among residents who would likely be awarded lower damages." ([Avraham](#); [Schwab](#)) For example, if a company disposes hazardous materials in a Black community they can expect to pay less in damages than if they did the same practice in a white community.

Maryland would not be the first to pass a bill barring the practice of determining a person's worth based on their race or gender. California passed similar legislation in 2019.

For these reasons I am strongly encouraging you to vote in **SUPPORT of HB0244**.

Thank you for your time, service, and consideration.

Sincerely,
Linda K. Girdner, Ph.D.
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