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Recent Developments: Murphy v. Edmonds: Maryland's Statutory Cap on Noneconomic Damages in Personal Injury Cases Is Constitutional and Neither Violates Due Process nor Denies Right to a Jury Trial

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that changes have occurred which, when considered with all other relevant circumstances, required that a change in custody be made to accommodate the future best interest of the children.” Id. at 1139. The court acknowledged that “[a] determination of custody requires an element of prediction” and that it is “neither necessary nor desirable” to wait until a child is harmed to make a custody change. Id.

The court also examined the relationship between a master’s recommendations and a chancellor’s judgment. In particular, the court was troubled by the chancellor’s failure to exercise independent judgment after subjecting the master’s fact-finding to a clearly erroneous test. The court called the burden on chancellors “substantial,” and the court emphasized that while consideration may and should be given to a master’s recommendations, the final decision must be that of the chancellor’s. Id. at 1135, 1138. “That the conclusions … of the master are well supported by the evidence is not dispositive if the independent exercise of judgment by the chancellor on those issues would produce a different result,” explained the court. Id. at 1135.

The McCready and Domingues opinions should provide fresh guidance for change-in-custody cases. The decisions affirmed that the standard for modification of custody orders is the “best interests of the child.” Additionally, the Court of Appeals of Maryland clearly stated that a child need not have been adversely affected before a chance in custody can occur. Finally, the court’s emphasis on the chancellor’s duty to exercise independent judgment forces trial judges to take procedural steps to avoid the appearance of rubber-stamping the recommendations of masters.

-Catherine E. Head

Murphy v. Edmonds: MARYLAND’S STATUTORY CAP ON NONECONOMIC DAMAGES IN PERSONAL INJURY CASES IS CONSTITUTIONAL AND NEITHER VIOLATES DUE PROCESS NOR DENIES RIGHT TO A JURY TRIAL.

In Murphy v. Edmonds, 601 A.2d 102 (Md. 1992), the Court of Appeals of Maryland upheld the State’s statutory cap on noneconomic damages in personal injury cases as constitutional. Using the least burdensome test in analyzing the Courts & Judicial Proceedings article, section 11-108 of the Maryland Code, the court found that the law was rationally related to the State’s purpose and did not violate the equal protection clause of the constitution. The court’s ruling also means that limiting a jury’s award with a noneconomic damages cap does not violate an individual’s constitutional right to a jury trial. In justifying it’s position, the court proclaimed its deference to the legislature in removing the issue from the judiciary and enacting the cap with legislation.

Sarah Murphy was involved in an automobile accident while driving on I-83 in Baltimore. The defendants’ tire blew out and his truck ran across the median striking Ms. Murphy, causing her serious injuries. Ms. Murphy and her husband filed a complaint in Baltimore County Circuit Court for compensatory and punitive damages. The jury awarded the Murphys $510,000 in noneconomic damages. The defendants filed post trial motions requesting that the noneconomic damages be reduced to the statutory amount of $350,000 as provided in section 11-108.

The plaintiffs, however, argued that section 11-108 violated the equal protection guarantee embodied in the Due Process Clause found in article 24 of the Maryland Declaration of Rights. The trial court ruled that the statute limited an important right, and therefore, the statute would have to pass the heightened scrutiny test. Id. at 106. The judge found the statute failed heightened scrutiny and therefore upheld the jury award.

The court of special appeals reversed the trial court’s holding in Edmonds v. Murphy, 573 A.2d 853 (Md. Ct. Spec. App. 1990). There, the court found that there was no important right which the statute was limiting and, determined that as such, section 11-108 was rationally related to the State’s goal of economic regulation and thus constitutional.

The plaintiffs appealed to the court of appeals on two issues: 1) that the classification created by section 11-108 violated the equal protection guarantee of article 24 of the Maryland Declaration of Rights, and 2) that section 11-108 infringes upon the right to a jury trial under articles 5 and 23 of the Maryland Declaration of Rights.

The court began its analysis on the premise that equal protection as addressed in Fourteenth Amendment of the United States Constitution and article 24 of the Maryland Declaration of Rights was the same concept for analytical purposes. Opinions of the United States Supreme Court dealing with the Equal Protection Clause of the Fourteenth Amendment were therefore viewed by the court of appeals as “practically direct authorities.” Id. at 108 (citing Attorney General v. Waldron, 426 A.2d 929 (1981)).

The plaintiffs argued that section 11-108 created two classes of people when damages were awarded under this statute. One group, composed of those who were less seriously injured, got to keep the entire jury award, while the other group, those who were more seriously injured, did not. Such classification, the plaintiffs argued, was in violation of the equal protection guarantee of the Maryland Declaration of Rights.

In addressing the plaintiffs’ claim, the court discussed the three different standards of review for classifications challenged under the equal protection guarantees. The least restrictive standard of review was the rational basis
test, where it would strike down legis-
lation "only if it [was] so unrelated to 
legitimate purpose that government 
actions were irrational." Id. (quoting 
Gregory v. Ashcroft, 111 S. Ct. 2395, 
2406 (1991)).

Secondly, the court identified "inter-
mediate scrutiny," or "heightened 
scrutiny." For this classification to be 
sustained it "must serve important gov-
ernmental objectives and must be substi-
tially related to achievement of 
those objectives." Id. at 110 (quoting 
Craig v. Boren, 429 U.S. 190, 197 
(1976)).

The court then recognized the third 
category involving cases where a "sus-
psect class" or a "fundamental right" 
was burdened. The court explained 
that the classification was subject to 
strict scrutiny and it would uphold 
such a law "under equal protection 
guarantee only if it [was] shown that 
they are suitably tailored to serve a 
compelling state interest." Id. at 109 
(quoting Cleburne v. Cleburne Living 
Center, 473 U.S. 432, 440 (1985)).

The plaintiffs argued that the inter-
mediate scrutiny test should apply be-
because section 11-108 limits an "impor-
tant personal right." Id. at 111. The 
plaintiffs asserted that this personal 
right arose out of the common law 
right to be compensated for 
noneconomic damages. The court of 
appeals refused to apply the intermedi-
ate test on the basis that, in its view, the 
right to compensation under common 
law does not give rise to an "important 
personal right." The court stated, "a 
legislative cap of $350,000 upon the 
amount of noneconomic damages 
which can be awarded to a tort plaintiff 
does not implicate such an important 
'right' as to trigger any enhanced 
scrutiny." Id.

The court based its position on ar-
ticle 5 of the Maryland Declaration of 
Rights, which said the common law 
was subject "to the revision of and 
amendment or repeal by the legislature 
of this state." Id. at 112. The court 
reasoned that just because a law was 
found in the common law does not 
mean that the legislature could not 
change it. Further, the court empha-
sized that if the plaintiffs' position was 
adopted, every common law would 
become a personal right and applying 
the intermediate standard of review 
would prevent the legislature from 
making many laws. Id.

The court pointed out that its deci-
sion followed the United States Su-
preme Court's ruling in Duke Power 
Co. v. Carolina Env. Study Group, 438 
U.S. 59 (1978), where the Court ap-
plied the rational basis test to a legisla-
tive cap on tort damages in nuclear 
power accidents. In that case, the 
Court stated that the law was "a clas-
sic example of an economic regula-
tion' needed to accommodate 'the bur-
dens and benefits of economic life,'" 
and further emphasized that "'[a] per-
son has no property, no vested interest, 
in any rule of the common law.'" Id. 

The court of appeals further stated 
that its holding does not limit a person's 
access to the courts, as the Murphys 
argued. The court reasoned that modi-
fying the substantive law does not re-
strict access to the courts. Even if 
section 11-108 was restrictive, the court 
explained, it would be reasonable based 
upon the legislative intent of increas-
ing the availability of insurance in 
Maryland. Id. at 113-14.

Having decided that the rational 
basis test applied in this case, the court 
viewed the statute as constitutional. 
The court looked to the General 
Assembly's reasoning for passing the 
legislation. The court noted the 
legislature's concern about the avail-
ability and cost of liability insurance in 
Maryland, the excessive insurance pre-
miums for doctors, and the declining 
services available for patients. The 
court noted that the stated purpose of 
the law was to "assure the availability 
of sufficient liability insurance, at a 
reasonable cost, in order to cover claims 
for personal injuries to members of the 
public." Id. at 115. As such, it served 
a legitimate state purpose and applied 
to all personal injury claimants equally, 
rather than singling out one category of 
claimants. Therefore, the court held 
that the noneconomic damages cap was 
neither irrational or arbitrary.

The plaintiffs' second argument was 
that the cap violated their right to a jury 
trial as guaranteed by articles 5 and 23 
of the Maryland Declaration of Rights. 
Their rights, the plaintiffs argued, were 
violated because the cap interfered with 
the jury's ability to properly determine 
damages and also interfered "with the 
jury's exclusive province in determin-
ing factual issues." Id. at 116. The 
court rejected this argument, stating 
that, because it was decided that the 
legislature was allowed to cap 
noneconomic damages, there was noth-
thing for the judge or the jury to decide. 
Id. The right to a jury trial arises in 
cases where the result or issue must be 
decided by either the judge or the jury. 
The court held, however, that the leg-
islature had taken the issue of 
noneconomic damages out of the hands 
of both the judge and jury. Id.

The holding in Murphy settles a long argument in the legal, legislative 
and insurance communities. The Mary-
land Legislature enacted the 
noneconomic damages cap because it 
places as a high priority on the avail-
ability of insurance to Maryland citi-
zens. The court of appeals has clearly 
decided this one issue of whether sec-
tion 11-108 is constitutional. Yet, it is 
foreseeable that more litigation will 
follow as future litigants debate issues 
regarding whether certain damages are 
economic or noneconomic, as well as 
to which cases the noneconomic cap 
will apply.

- Elizabeth A. Lee

Woodson v. State: HEIGHTENED 
EVIDENTIARY FOUNDATION 
REQUIRED TO ADMIT CONFESSIONS WHICH TRIGGER 
DEATH SENTENCE ELIGIBILITY.

In Woodson v. State, 325 Md. 251, 
600 A.2d 420 (1992), the Court of 
Appeals of Maryland nullified 
petitioner's death sentence by revers-