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Caps &
Immunities



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LegalTech

Confused About Caps, Immunities & Notice?

Find Your Answers Technologically

John J. Cord

There are few things that strike fear into the heart of a lawyer more than the possibility of a missed notice deadline or statute of limitations. Most of us have had panic-stricken moments where we wondered whether we missed a notice requirement or whether we provided notice to the correct entity. There is no room for error here, because failure can lead to grievances, legal malpractice, and most significantly, inability for a claimant to recover.

To help you breathe a little easier, I offer the following technological solutions:

1) Electronic Diary System

This is perhaps the best part of any case management system. No matter what you use, you should ensure that you can enter deadlines, including statutes of limitations and notice deadlines, into your software. Make sure that you and your staff will be automatically notified well in advance of every deadline through the program's tickler system. This will give you enough notice to get the job done. If you do not have a case management program like Time Matters or Needles, you can obtain the same result using the calendar programs of your e-mail system (like Gmail or Microsoft Outlook). Deadlines for all cases should be entered at the time the case is added into your system. If you are not sure whether notice applies, all possible deadlines should be added until they are excluded.



2) MAJ Listserver

Often called the best member benefit that MAJ provides, the listserver puts the expertise of hundreds of members at your fingertips. When filing suit (or considering filing suit) against an entity that you have not dealt with, you can shoot out a quick e-mail to determine if there are notice requirements and, if so, who you should serve. Additionally, you can check archived listserver messages to determine if anyone has answered the question in the past. To check archived messages:

1. Go to www.marylandassociationforjustice.com
2. Log-in by clicking "Login" at the top left corner of the blue bar
3. Enter your Username (usually your e-mail address) and your Password (if you don't know it, click "If you do not know your password, click here"), then click "Login"
4. Hover your mouse over "Attorney Resources"
5. Click "List Server"
6. Click "Search List Messages"
7. Enter your search terms, then click "Search"

For example, a search including the words "notice Montgomery board education" provides 22 results from MAJ's general listserver. While the advice of other members should not be exclusively relied upon, it is a good basis for confirming your own research, or using as a starting point for your own research.

3) MAJ Document Bank

The MAJ Document Bank is searchable like the MAJ listserver. Indeed, it is searchable at the same time. After you perform your listserver search, click “Document Bank” on the left side of your screen to perform the same exact search in MAJ’s documents. There are a variety of sample notice letters in the system.

Additionally, a search of MAJ’s Medical Negligence Section’s document bank, or a search of the listserver with the words “cap chart” will provide you with charts of the Maryland Non-economic damages caps, including one created by MAJ member Bob Michael.

4) MAJ Trial Reporter

The MAJ *Trial Reporter*, this issue included, is replete with useful articles on caps, immunities and notice. If you wake up in a cold sweat and need to access the insightful articles of MAJ authors, simply log in to the MAJ website, click “Media Room,” then click “Publications,” then click “*Trial Reporter*.” Click “*Trial Reporter Archives*” to search by issue. *Trial Reporter* is also easily found by performing a listserver or document bank search—any responsive issues

will fall under the left-hand column as “Website Pages/Documents.”

Conclusion

The MAJ website and listserver are terrific tools to help ease the troubled mind. Whether you are confirming your understanding of a notice statute, or attempting to determine what cap applies, MAJ’s members are ready to be of service. Using that information, your case management diary system can be updated to ensure that you never miss a significant deadline. ■

Biography

John J. Cord (Plaxen & Adler, P.A.) graduated from the University of Colorado School of Law. He concentrates his practice on assisting victims of automobile negligence, medical malpractice, and defective products. He is licensed to practice in Maryland, the District of Columbia, Pennsylvania, Georgia and Minnesota. He is a member of the American Association for Justice and is former chair of the MAJ Technology Committee. Follow him on Twitter at @johnjohncord.

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Headlines from the newspaper: "Deal to secure bats' protection", "Forster's \$4M suit", "\$5M for wrongful charge".

Laptop screen shows: "Filter the noise. DAILY RECORD", "SUBSCRIBER ACCESS", "Federal health care reform could cost Maryland".

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