



Coleman v. Soccer Association of Columbia, 69 A.3d 1149 (Md. Ct.App. 2013)

Topics Covered: Tort Reform

Outcome: Very Favorable

Issue

The issue in this case was whether the common law of Maryland should be modified so that a personal injury plaintiff whose own negligence contributed to his injury should be allowed to recover damages in an action of negligence.

AMA Interest

The AMA opposes efforts to expand theories of tort liability, which can be used to further abusive litigation against physicians.

Case Summary

James Coleman had volunteered as a soccer coach for a middle school soccer league. During one of the practice sessions, he leapt up to and hung from the crossbar of a soccer goal. The goal fell on top of Coleman and injured him.

Coleman sued the soccer league for his injuries, claiming negligence. He asserted that, under the applicable standard of care, soccer goals should be anchored. However, he alleged, that this particular goal had not been anchored.

The case was tried to a jury, which found the soccer league negligent for having failed to anchor the goal. It also found Coleman contributorily negligent. Because Maryland bars recovery in tort to a plaintiff who was contributorily negligent, the judge entered judgment for the soccer league.

Coleman appealed to the Maryland Court of Appeals. He asserted that the Maryland law of contributory negligence is obsolete and unfair and should be modified. He further argued that this change should come from the Court of Appeals rather than the legislature.

On July 9, 2013, the Court of Appeals, by a split decision, held that any change in the law of contributory negligence should come from the legislature, rather than the courts. It affirmed the trial court's order of dismissal.

Litigation Center Involvement

The Litigation Center, along with the American Tort Reform Association filed an *amicus* brief supporting the soccer league and opposing any change in the law.

Maryland Court of Appeals brief