

ACEC

American Council of Engineering Companies
Maryland

2018

LEGISLATIVE BUSINESS AGENDA

WHO ARE WE?

An organization of 90 engineering and professional service firms in the State of Maryland

WHO DO WE REPRESENT?

Over 7,000 employees including:

Engineers	Scientists
Architects	Technical Specialists
Land Surveyors	Planners

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CERTIFICATE OF MERIT

As part of a malpractice claim against a licensed design professional, by law, a certificate of merit requires the plaintiff to consult with a third party licensed design professional to review the facts of their claim and agree it is valid before moving it forward.

WHAT IS THE ISSUE?

A "Certificate of Merit" case was referred back to the Circuit Court by the Court of Appeals having questioned whether the "Certificate of Merit" law should be required if the basis for the claim was attributed to the negligence of an employee of the engineering firm, who was not a licensed professional engineer or architect.

Legislative Action Required

Amend MD. Code ANN., CTS. & JUD. PROC. Section 3-2C-02(2003) to include making the certificate requirement applicable when non-licensed personnel of the firm engage in the authorized practice of the discipline under the responsible charge of one or more licensed professionals of the firm.

WHY IS IT IMPORTANT?

- When "Certificate of Merit" laws are easily bypassed design professionals are subject to baseless claims made against them with an undue burden of "cost of defense" regardless of culpability.
- Allowing a third party "qualified expert" to review the facts of a claim ensures that false claims are terminated in the early stages, which will reduce both expenses as well as congestion in the court system.
- Clarify the intent of the law to include all personnel supervised by the licensed professional engineer or architect at the firm.
- Clients pay more for professional services in the format on higher overhead costs as a result of frivolous claims against licensed professionals.

