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PUBLIC STATEMENT OF THE D.C BAR INJURY TO PERSONS AND PROPERTY SECTION ON THE PROPOSED "DISTRICT OF COLUMBIA GOVERNMENTAL IMMUNITY REFORM ACT OF 2001"

The Injury to Persons and Property Section of the District of Columbia Bar¹, consisting of a cross-section of plaintiff and defense attorneys², strongly opposes the District of Columbia Governmental Immunity Reform Act of 2001 presently pending before the D.C. Council.

Although this legislation will impact a relatively small number of injured persons, those that it will impact will be devastated by its consequences. By limiting damages, there would be greatly reduced incentive to act in a non-negligent manner by employees of the District of Columbia acting within the scope of their employment. The limitation on damages would remove a powerful incentive from municipal officials to manage their departments in a proper, efficient and safe manner.

When juries render verdicts in favor of negligently injured persons, they are expressing the community's decision that the wrongdoer should pay for his or her act by adequately compensating the tort victim. The effect of the proposed legislation would be to inadequately compensate injured or deceased persons and their families while at the same time removing a major means of governmental oversight at a time when several of the District's agencies appear to need more rather than less of it. The most grievous recent examples being the woefully lacking oversight of the care of some of the city's most vulnerable citizens, including children who are abused and neglected, and mentally and physically disabled adults and children living in group homes run by the District.

The Section also believes that the underlying premise of runaway verdicts against the District of Columbia is not factually or legally correct and that the proposed legislation is not necessary for that reason either. Recent statistics that were compiled by Courtroom Clerks in the Civil Division of the Superior Court for of the District of Columbia dispel the myth of the runaway verdict in D.C. jury trials. Moreover, a safeguard against runaway verdicts already exists in the trial court's power to grant remittitur in the event of an excess verdict.

1 The views expressed herein represent only those of the Injury to Persons and Property Section of the District of Columbia Bar and not those of the District of Columbia Bar or of its Board of Governors.

2 **Steering Committee of the Injury to Persons and Property Section:**

Paulette Chapman, Co-Chair; Deborah K. Hines, Co-Chair, Jonathan E. Halperin; D'Ana Johnson; Adam R. Leighton; Samuel M. Shapiro; James P. Steele; Salvatore J. Zambri; and Lesley S. Zork.

A hidden cost of the proposed legislation is that it would leave affected persons without adequate compensation for injuries caused by the negligent conduct of District of Columbia employees. Many of these individuals would undoubtedly end up requiring some type of public assistance for their long term needs or for the needs of their family members.

For all of these reasons, as well as numerous other reasons, the proposed legislation should be defeated.

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