

## **CALCULATING THE STATUTE OF LIMITATIONS IN MARYLAND**

In a 5-2 decision issued on June 16, 2003, the Court of Appeals of Maryland confirmed that Maryland follows the antiquated common law “coming of age” rule, under which a minor actually becomes an adult – at least for purposes of determining the applicable Statute of Limitations – the day before his or her 18<sup>th</sup> birthday. The case was styled as Shelley Mason v. Bd. Of Education of Baltimore County, and the result of the decision was that a tort claim based on the alleged acts of a middle school principal and teacher when the plaintiff was 14 years old were dismissed with prejudice, as time barred – by a single day – under Maryland’s general 3 year Statute of Limitations.

The plaintiff was born April 4, 1979, turned 18 on April 4, 1997, and filed suit on April 4, 2000. The Circuit Court dismissed on Statute of Limitations grounds, the Maryland Court of Special Appeals affirmed the dismissal, and the Court of Appeals affirmed both rulings. The plaintiff was one day late, because under the “coming of age” rule, she had 3 years to file suit from the date she reached adulthood on the day before her 18<sup>th</sup> birthday. Had she filed suit by April 3, 2000, she would have been entitled to pursue her claims. The Court of Appeals acknowledged that the “coming of age” rule has been much criticized, and, in fact, Judge John C. Eldridge wrote a vigorous dissent of the majority ruling written by Judge Irma S. Raker.

It was not immediately clear whether the decision would have any immediate impact upon other legal issues apart from the Statute of Limitations. It is clearly, however, another reminder that oft-ignored rules of English common law can be invoked successfully by imaginative practitioners.