Department of Legislative Services

Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 468 (Senator Stone, *et al.*)
Judicial Proceedings Judiciary

Courts - Jury Trials in Civil Actions - Amount in Controversy

This bill makes the statutory changes necessary to implement the constitutional amendment proposed by Senate Bill 469 of 2009. The bill prohibits a party in a civil action from requesting a jury trial if the amount in controversy does not exceed $20,000, exclusive of attorney's fees if attorney's fees are recoverable by law or contract. The bill may not be construed to affect any requirement under Maryland Rule 2-325 for withdrawal of an election for jury trial after a party files a demand electing a trial by jury. The bill is contingent on the adoption by the voters of a constitutional amendment (SB 469 of 2009) increasing the amount in controversy in civil proceedings in which the right to trial by jury may be limited by legislation. The bill takes effect on the date of the proclamation by the Governor that the constitutional amendment has been adopted by the voters. The bill applies prospectively to civil actions filed on or after the bill's effective date.

Fiscal Summary

State Effect: Because the bill eliminates the availability of a jury trial for cases where the amount in controversy is less than $20,000, cases that might otherwise have gone to circuit courts for jury trials will remain in the District Court. The number of cases affected by the bill cannot be readily determined at this time. However, it is assumed that any increase in caseload for the District Court can be handled with existing resources.

Local Effect: Potential decrease in expenditures for circuit courts due to the decrease in the number of jury trials as a result of the bill.

Small Business Effect: None.

Analysis

Current Law: The right to a jury trial in Maryland is established in Articles 5 and 23 of the Maryland Declaration of Rights. Article 5 preserves the right of the inhabitants of Maryland to a jury trial as it existed in the English Common Law on July 4, 1776. Article 23 inviolably preserves the right to a jury trial in civil proceedings where the amount in controversy exceeds $10,000. A party may not demand a jury trial if the amount in controversy does not exceed $10,000, exclusive of any attorney's fees if attorney's fees are recoverable by law or contract.

The District Court of Maryland has exclusive original jurisdiction for a civil case in which the amount in controversy does not exceed $5,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract.

The District Court has concurrent jurisdiction with the circuit courts in a civil case in which the amount in controversy exceeds $5,000, but does not exceed $30,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract, and the plaintiff may elect to file the case in the District Court or a circuit court. However, if the plaintiff files the case in the District Court and the amount in controversy exceeds $10,000, a defendant may demand a jury trial and the case must be transferred to the circuit court.

The circuit courts have exclusive jurisdiction in civil cases in which the amount in controversy exceeds $30,000, exclusive of prejudgment or postjudgment interest, costs, and attorney's fees if attorney's fees are recoverable by law or contract.

Background: Under the English Common Law, parties to civil cases at law were entitled to a trial by jury, regardless of the amount in controversy. Article X, Section 4 of the Maryland Constitution drafted at the 1850 Convention stated, "The trial by jury of all issues of fact in civil proceedings, in the several courts of law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved." This was the first instance in which an amount in controversy was stipulated in reference to the entitlement to a trial by jury in civil cases at law. In 1970, the amount was changed to $500. In 1977, the provision was moved to its current location in Article 23 of the Declaration of Rights. The amount in controversy was changed to $5,000 in 1992, and then to $10,000 in 1998.

In *Davis v. Slater*, 383 Md. 599 (2004), the Court of Appeals found that these prior constitutional amendments changing the amount in controversy provision contained in Article 23 of the Declaration of Rights did not abrogate Article 5(a) of the Declaration of Rights and the applicable amount in controversy for determining the right to a jury trial in

a civil case was $5. In response to that decision, Chapter 422 of 2006, a constitutional amendment, was passed by the General Assembly and ratified by the voters to provide that the General Assembly may limit the right to trial by jury to a civil case in which the amount in controversy exceeds $10,000. Chapter 575 of 2006 was also enacted, contingent on ratification of Chapter 422, to provide that a party in a civil action may not demand a jury trial if the amount in controversy does not exceed $10,000, exclusive of any applicable attorney's fees.

Additional Information

Prior Introductions: HB 642 of 2008 received a hearing in the House Judiciary Committee and was later withdrawn. SB 403 of 2008 passed the Senate, as amended and was referred to the House Rules Committee but no further action was taken.

Cross File: None designated, however, HB 355 is identical.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, State's Attorneys' Association, Department of Legislative Services

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