

Testimony of  
American Property Casualty Insurance Association (APCIA)  
House Judiciary Committee  
HB 727 Courts - Civil Jury Trials - Amount in Controversy  
HB 726 - Constitutional Amendment - Civil Jury Trials - Amount in Controversy  
February 19, 2020

Letter of Opposition

The American Property Casualty Insurance Association (APCIA) is a national trade organization representing nearly 60 percent of the U.S. property casualty insurance market. APCIA appreciates the opportunity to provide written comments in opposition to House Bill 726 and House Bill 727. House Bill 726 is the constitutional amendment needed to allow for the change as required by the Maryland Declaration of Rights. House Bill 727 amends the provision in the Courts and Judicial Proceedings Article to raise the limit for requesting a jury trial for a civil case from its current limit of \$15,000 to \$30,000. In order to increase the amount in controversy, the legislature must pass a bill which provides for a constitutional amendment to be approved by the voters in the next general election.

Prior to 2006, there was no minimum limit amount for a civil case for a jury trial. In 2006, this limit was raised to \$10,000. In 2010, this threshold was raised to \$15,000. Now in 2020, this legislation is before the General Assembly which would double the amount up to \$30,000 and further curtail the right of a citizen to a jury trial. Where is the need for this legislation? No data has been shown that the right to a jury trial needs to be changed from the current limits. An analysis of civil jury trial threshold limits for all 50 states found that the vast majority of states have no threshold for civil jury trials, and among those 14 states that do, Maryland's threshold is the **second highest** in the nation only behind Louisiana<sup>1</sup>. Rounding out the top twelve state limits are \$6,000 for Alabama<sup>2</sup>, \$5,000 for Hawaii and Rhode Island, \$4,500 for Virginia, \$1,500 for New Hampshire and Oklahoma, \$750 for Oregon, and \$250 for Alaska, Connecticut and Kentucky. Maryland doubling this threshold would only further demonstrate that Maryland is out of touch as compared to other states for civil jury cases. Maryland has a system in place that works. A plaintiff may elect to have their case tried in District Court for matters up to \$30,000 but for matters in excess of \$15,000, the defendant could request a jury trial in Circuit Court. This would subject the plaintiff's claims to more vetting through full discovery. The current system strikes a balance between the plaintiff's and defendant's interests. This would increase the amount of suits brought in District Court with limited discovery and without

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<sup>1</sup> Reducing Access to the Courts: The Impact of Louisiana's Jury Trial Threshold. A Research Report by Louisiana Lawsuit Abuse Watch, February 2012.

<sup>2</sup> Since the 2012 above report, Alabama increased the civil jury limit to \$6,000 in 2015.

the ability to file a motion for summary judgment by the defendant as this not available in District Court.

For these reasons, the APCIA urges the Committee to provide an unfavorable report on House Bills 726 and 727.

Respectfully submitted,

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