

TESTIMONY OF STATE FARM INSURANCE COMPANIES
IN OPPOSITION TO HOUSE BILLS 899 AND 902
(CONSTITUTIONAL AMENDMENT – CIVIL JURY TRIALS
COURTS-CIVIL JURY TRIALS – AMOUNT IN CONTROVERSY)

HB899/902 would double Maryland's current jury trial threshold, depriving civil defendants of the right to a jury trial in all cases where the amount in controversy is less than \$30,000. The bill would impact all civil defendants, not just those where the defendant has insurance to pay the judgment, including consumers facing debt collection and small businesses sued over contract disputes.

Until last year, Maryland's current threshold of \$15,000 was the second highest in the United States, second only to Louisiana's \$50,000 threshold. In 2020, however, Louisiana lowered its threshold from \$50,000 to \$10,000. Accordingly, Maryland's current threshold is the highest in the country, and if this bill passes, Maryland would become a distant outlier amongst the states in how far it has gone to restrict a defendant's constitutional right to a jury trial. Most states have no monetary threshold whatsoever for seeking a jury trial.

Maryland's jury trial threshold has already increased 30 fold since 1990, rising from \$500 to \$5,000 in 1990, to \$10,000 in 2006, to its present \$15,000 in 2010. By contrast, medical bill inflation since 1990 is approximately three-fold (\$5,000 in 1990 equates to approximately \$16,000 in 2021), so medical cost inflation does not justify any increase in the threshold.

This is a one-sided deprivation – a plaintiff may elect a jury trial simply by filing the complaint in circuit court seeking damages of \$30,001 or more, but can deprive the defendant of a jury trial simply by filing the complaint in district court for \$30,000.

Defendants are at a disadvantage in district court in defending the case. Depositions are rarely allowed because plaintiff's consent is required. Discovery of plaintiff's medical history is more restricted. Records can be introduced without the treating physician's testimony, so there is no opportunity cross examine a key witness. There is no opportunity to meaningfully inquire about prior injuries and treatment.

For these reasons, State Farm requests an unfavorable report on HB 899 AND 902.