

To: Members of the House Judiciary Committee

From: Richard A. Montgomery III
MSBA Director of Legislative & Governmental Relations

Date: February 24, 2021

Subject: **House Bill 899 - Courts - Civil Jury Trials - Amount in Controversy**
House Bill 902 - Constitutional Amendment - Civil Jury Trials

Position: **Support**

The **Maryland State Bar Association (MSBA) SUPPORTS House Bill 899 and House Bill 902, relating to Civil Jury Trials – Amount in Controversy.** House Bill 902 would propose a constitutional amendment increases, from more than \$15,000 to more than \$30,000, the amount in controversy in civil proceedings in which the right to trial by jury would accrue and would put that proposition before the voters of Maryland. House Bill 899 would provide the statutory changes necessary to implement the provisions of the constitutional amendments, should it be approved at referendum.

The MSBA believes that the passage of HB 902 and 899 would allow the opportunity for more cases to be adjudicated in District Court, which currently has exclusive original jurisdiction in civil cases in which an amount in controversy is up to \$5,000, and concurrent jurisdiction with the Circuit Court in matters with an amount in controversy greater than \$5,000 and up to \$30,000, exclusive of prejudgment interest and cost.

The MSBA has found that civil claims with lower amounts in controversy cannot be litigated economically in the circuit courts. Generally, when those claims require testimony by medical experts, the high costs of those expert witnesses, as well as the expansive discovery in the circuit court combine make such cases unduly expensive to pursue. The result is that often plaintiffs with smaller claims face unfairly high barriers to justice. Given the ever-increasing costs associated with asserting medical claims, we believe the time has come to adjust the amount in controversy thresholds.

Accordingly, the **MSBA Supports House Bill 899 and House Bill 902, and urge a Favorable Committee Report on both bills.**