



## SB 670- Courts - Civil Jury Trials - Amount in Controversy

March 31, 2021

### OPPOSE

Chairman Clippinger, Vice-Chair and members of the committee, thank you for the opportunity to provide testimony in opposition of Senate Bill 670. This bill will double the amount in controversy threshold under the Maryland Declaration of Rights for a civil jury trial from \$15,000 to \$30,000.

The CASH Campaign of Maryland promotes economic advancement for low-to-moderate income individuals and families in Baltimore and across Maryland. CASH accomplishes its mission through operating a portfolio of direct service programs, building organizational and field capacity, and leading policy and advocacy initiatives to strengthen family economic stability. CASH and its partners across the state achieve this by providing free tax preparation services through the IRS program 'VITA', offering free financial education and coaching, and engaging in policy research and advocacy. **Almost 4,000 of CASH's tax preparation clients earn less than \$10,000 annually. More than half earn less than \$20,000.**

SB 670 bill prohibits a party in a civil action from requesting a jury trial if the amount in controversy does not exceed \$30,000, exclusive of attorney's fees if attorney's fees are recoverable by law or contract. The intentional effect of this bill is to prevent car insurance companies from extending the claim process. This tactic can pressure low income individuals into settling out of court. **However, there are unintentional consequences of increasing the threshold to request a jury.**

An unintended effect of the bill would be to deny access to the jury system to low and moderate-income people throughout Maryland. The civil cases that would be impacted include low-wage workers fighting wage theft by unscrupulous employers, consumers with claims for false advertising, abusive debt collection, and other consumer protection violations, and tenants facing suits from former landlords for disputed rent or claims of damage. Their controversy amounts are typically lower in scale with their earnings and expenses.

The current \$15,000 controversy threshold presents a steep barrier for low to moderate-income tenants to reach before they can request a jury trial. According to Maryland's People's Library, failure to pay rent and rent escrow are the most common lawsuits by landlords and tenants<sup>1</sup>. This means for low income tenants to reach the threshold to request a jury they would either have to have over a year's worth of rent due or major and dangerous damages need repair.

Doubling the threshold only serves to shut poor people out of participation in one of democracy's most important rights. **We therefore urge this Committee to return an unfavorable report on SB 670.**

---

<sup>1</sup> <https://www.peoples-law.org/landlord-and-tenant-causes-action-when-things-go-wrong>