MARYLAND'S Coast WORCESTER COUNTY

Worcester County Administration
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From: Roscoe R. Leslie, Worcester County Attorney

Date: February 13, 2025

RE: HB 818 Opposition (UNF)

My name is Roscoe Leslie, County Attorney for Worcester County, Maryland. Thank you for the opportunity today to testify against HB 818. I have represented Worcester County for the past five years. Before that, I represented many local governments, including Wicomico County, the City of Salisbury, Pocomoke City, the Town of Sharptown, Princess Anne, Pittsville, and Fruitland. I also have experience litigating cases in many jurisdictions across the state and in federal court as well.

I oppose this bill because it will create an unfunded mandate on our local courts. Awarding attorneys' fees for state constitutional claims has the potential to create a whole new class of litigation for which our judiciary is not prepared.

Fee shifting—the exception to the general American Rule that parties are responsible for their attorney fees—is designed to encourage and increase litigation. If this bill accomplishes what it is designed to do, it will create a new category of civil litigation in our county circuit courts.

This new category of cases will further strain our courts that are already unable to meet the judiciary's standard times for case termination. The system will require more judges and more staff to handle increased demand. The courts will be bogged down with cases that are either frivolous in nature or eligible to be brought in federal court.

Ultimately, the costs of the additional litigation will be borne by the County taxpayers who fund the courts and who will pay for the increased insurance premiums that the government will incur.

The federal court system currently handles the bulk of claims that would be covered by this bill. The federal system is well-versed and accomplished in this area of law. Additional venues for this type of litigation aren't needed and would unduly burden the courts and ultimately, the taxpayer.