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**SB 551**

February 18, 2020

**TO:** Members of the Senate Judicial Proceedings Committee

**FROM:** Nicholas Blendy, Deputy Director of Government Relations

**RE:** Senate Bill 551 - Courts - Civil Jury Trials - Amount in Controversy

**POSITION: OPPOSE**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** Senate Bill (SB) 551.

SB 551 proposes an amendment to the Code to increase, from more than \$15,000 to more than \$30,000, the amount in controversy in civil proceedings for which a trial by jury may be requested. SB 551 is contingent upon the passage of a Constitutional amendment which is the subject of SB 551.

Under current law, a plaintiff can elect to have their case tried in District Court for matters up to \$30k. However, for matters in excess of \$15,000, the defendant could decide to request a jury trial in Circuit Court. Because of the exposure to liability, defendants sometimes prefer Circuit Court as this would subject the plaintiff's claims to more vetting through full discovery (i.e., interrogatories, requests for documents, depositions and admissions). This allows for a balance between the plaintiff's wishes and the defendant's concerns. Increasing the jury trial level to \$30,000, as contemplated by SB 551, would allow plaintiffs to dictate all aspects of the litigation for all matters up to \$30,000. Defendants facing up to \$30,000 in liability will no longer be able to vet these claims through full discovery by having the matter transferred to Circuit Court by praying a jury trial. The present balance between the interests of both parties will be lost for matters between \$15,000 and \$30,000 and would be replaced by a system purely in the hands of plaintiffs.



Where this impacts the BCA is that this change will likely increase the amount of suits filed, as plaintiffs will be able to bring any lawsuit up to \$30,000 in District Court with limited pre-trial opportunity for defendants to winnow out weaker claims. For example, in District Court there is no opportunity for either party to seek summary judgment. Therefore, a plaintiff would be able to bring a suit seeking \$30,000 with the barest of facts in the complaint and only have to answer to fifteen interrogatories before they are allowed to proceed to trial. This will add to the burden on the judiciary, as claims that otherwise could not be substantiated and survive a summary judgment motion would now be on the trial docket.

The BCA notes that \$30,000 is not an inconsequential amount of damages; these add up. Defendants will need to devote additional resources to properly defend these larger potential liabilities without the possibility of full discovery. SB 551 would likely increase the total number of lawsuits, increasing the exposure on those additional suits, and limiting the availability of investigatory methods, the Bills will have a negative financial impact on cities and counties.

We respectfully request an **unfavorable** report on Senate Bill 551.