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MARYLAND VOTERS AMEND STATE'S CONSTITUTION

By Samuel N. Shapiro

On November 3, 1998, Maryland voters were given the opportunity to amend the Maryland Constitution. Two constitutional amendments were approved at a reported margin of almost two-to-one. One of the approved amendments limited the right to jury trials in civil cases to controversies involving more than $10,000; the other amendment provided that retired circuit court judges in Harford and Montgomery counties may be assigned as orphans' court judges in those counties. Both amendments took effect on December 8, 1998.

The first amendment requires at least $10,000 to be in dispute before one has the right to a jury trial in Maryland civil cases. This amendment was designed to increase judicial efficiency and reduce case backlogs in the Maryland circuit courts. Prior to the amendment, the Maryland Constitution guaranteed the right to a jury trial in all civil cases where the claims exceeded $5,000. This limit had been increased from $500 to $5,000 in 1992. As a result of the new amendment, civil cases involving amounts less than $10,000 will no longer come before a jury in the Maryland circuit courts, but will be heard by a judge in the State's district courts. Opponents of the amendment argued that the more relaxed rules of evidence in district court would lead to higher awards for plaintiffs, resulting in increased insurance rates.

The second amendment, dubbed a "housekeeping measure" in the press, made it clear that retired circuit court judges in Harford and Montgomery counties may be assigned to handle routine probate matters. Unlike other Maryland counties, Harford and Montgomery counties do not have elected orphans' court judges to handle these issues, requiring the circuit court judges who are currently sitting on the bench to hear them. This clarifying amendment will help estates to be settled more expeditiously, especially when there are vacancies on the Harford and Montgomery County Circuit Courts' benches. By including retired judges in the "pool" of judges available to deal with the routine probate of estates, the case backlogs in these counties may also be reduced.

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