

Top Recommendations for Reform in Colorado

Colorado's Score: 14/100

Colorado's National Rank: 39th

Consumer debt lawsuits <u>dominate civil court dockets</u> across the country. In an overwhelming number of cases—<u>more than 70% in many places</u>—the people sued do not respond or defend themselves. As a result, courts often enter default judgments without determining whether the defendant even knows about it, it is timely, or has merit. In turn, people face high fees and interest, onerous payment plans, seizure of wages and possessions, and potential imprisonment. States across the country have established laws and practices aimed at reducing unjust lawsuits and producing fairer outcomes. To support states in their respective efforts, the National Center for Access to Justice in 2024 created the <u>Consumer Debt Litigation Index</u> in consultation with a panel of experts. The Index ranks the states on their progress in adopting 24 best policies ("benchmarks") for fairness. See our Top Recommendations and Complete Findings, below.

1. Establish Pleading Requirements (Benchmark 6)

Why: People facing debt collection lawsuits often have difficulty understanding the claim against them. Lax pleading requirements also invite illegitimate lawsuits. Requiring complaints to name the original creditor, demonstrate ownership of the debt, and itemize specific amounts sought can deter meritless filings and enable defendants to assert legitimate defenses, promoting fairness. Delaware, New Mexico, New York, and Washington, D.C. all require consumer debt complaints to include all three key elements. Colorado does not meet this benchmark because although it requires that debt buyer lawsuits include the name of the original creditor and the basis of plaintiffs' standing, it does not impose these requirements on suits brought by original debt holders, and it also does not require itemization of the amount sought for any consumer debt complaints.

How: Colorado should adopt a law or practice that requires plaintiffs in all consumer debt cases to allege: (a) the name of the original creditor; (b) the plaintiff's standing (e.g. the chain of ownership of the debt); and (c) an itemization of the amount sought, including debt principal, interest, fees, costs, and other charges to date. If it does so, the state's score would increase 10 points.

2. Require Authenticated Business Records for A Default (Benchmark 7)

Why: Creditors too often bring legally insufficient cases, relying on the likelihood that many defendants will not respond (or "default") and that the merits of the creditors' claims will never be assessed by a court. Requiring creditors to establish -- before a default judgment may be entered -- (a) proof of service, (b) validity of the debt using authenticated business records, and (c) itemized amounts sought, also with authenticated business records, promotes fairness, as these elements deter lawsuits that lack merit and lower the number of unjust default judgments. Alaska, Maine, New York, Washington, D.C., Washington State, and Wisconsin all require creditors to prove these essential elements before a court may enter a default judgment. Colorado does not require proof of service of the underlying complaint prior to entry of default, and does not require proof of the underlying debt or amount sought except where the plaintiff is a debt buyer. In cases brought by original creditors, the state also allows entry of default judgment without requiring proof of the underlying debt or itemization of the amount sought.

How: Colorado should adopt a law or practice that requires plaintiffs in all consumer debt cases to establish the following before a court may enter a default judgment: (a) proof of service; (b) validity of the debt through authenticated business records (e.g. contract, account statements, or other evidence of obligation); and (c) amount of the judgment through authenticated business records, itemizing damages, court fees, attorneys' fees, and interest. If it does so, the state's score would increase 10 points.

3. Ensure that Garnishment Exemptions for Bank Accounts Are Self-Executing (Benchmark 14) and Update Garnishment and Attachment Exemptions (Benchmark 15)

Why: Without sufficient protections, garnishment and attachment orders to seize money or assets from a debtor to pay a creditor can leave people unhoused, unable to keep a car to drive to work, and stuck in cycles of poverty. Federal law exempts some funds from garnishment and some property from attachment, but debtors often do not learn what funds and property are exempt or how to assert exemptions. Further, the federal exemptions are out of date and inadequate to preserve even a very basic standard of living. Many states—including California, Idaho, Maryland and Wyoming—make some exemptions "self-executing", meaning that a bank must protect exempt funds even when the debtor does not assert exemptions (Benchmark 14). Other states have increased garnishment and asset exemptions (Benchmark 15). For example, in consumer debt cases Texas has garnishment exemptions that protect 100% of a person's wages, and attachment exemptions that protect a home (of any value) and personal property (including a car) up to a value of \$100,000 for a family or \$50,000 for an individual. Colorado, however, does not have self-executing bank account exemptions, and it has not increased garnishment and attachment exemptions sufficiently to protect a person's wages and a person's home.

How: Colorado should make bank account exemptions self-executing. Further, the state should update and expand on garnishment and attachment provisions so that they protect at minimum: (a) Income of at least \$576.92 per week, the minimum to keep a family of four above the federal poverty level, as defined by the U.S. Federal Poverty Guidelines in 2023; (b) a home, regardless of value, or at least the median price of a home in the state. If it does so, Colorado's score would increase 7 points.

What Would Happen if Colorado were to Implement these Recommendations?

These three recommendations, if adopted by the state, would substantially increase Colorado's score and ranking. For more on how Colorado can do better, see the complete findings below and visit NCAJ's Consumer Debt Litigation Index at https://ncaj.org/state-rankings/consumer-debt or reach out to NCAJ at NCAJ@fordham.edu.

Complete Consumer Debt Litigation Index Findings for Colorado

I. Issue Area: Help people know when they are being sued and where to find help.

1 - Government Notice of Lawsuits

Score: 0/5

Does the state respond to the problem of ineffective or fraudulent ("sewer") service in consumer debt lawsuits by: a. Public Official Service - requiring that a public official (e.g. the court or the sheriff) handle service? or, b. Court Supplemental Notice - requiring the court to send the defendant, by first class mail, supplemental notice of a new consumer debt lawsuit and deny default judgment if that notice is returned as undeliverable?

No

Colorado does not meet this benchmark because it does not meet either sub-benchmark 1a or 1b. First, Colorado does not meet sub-benchmark 1a because service can be made by anyone over the age of 18 who is not a party to the action. Colo. R. Civ. P. 4(c). Second, Colorado does not meet sub-benchmark 1b because Colorado does not require that the court mail supplemental notice of a new consumer debt lawsuit to the defendant and deny default judgment if such notice is returned as undeliverable.

2 - Guidance on Finding Help

Score: 0/5

Does the state require that notice to the defendant in a consumer debt lawsuit include guidance on where to seek help, including free legal assistance?

No

Colorado does not meet this benchmark because Colorado does not require that notice in a consumer debt lawsuit provide guidance for defendants on where to find help. See Colo. R. Civ. P. 4(c).

II. Issue Area: Make it easier to respond to a lawsuit.

3 - Simplified Answer

Score: 2/2

Does the state provide a simple Answer process by making available an Answer form for use by unrepresented persons in consumer debt lawsuits?

Yes

Colorado meets this benchmark because it makes available an Answer form. Form 3 - https://www.courts.state.co.us/Forms/PDF/Form3.pdf on the Judicial Branch website at https://www.courts.state.co.us/Forms/By_JDF.cfm (last visited Jan. 29, 2024).

4 - No Notarization Requirement to Answer

Score: 2/2

Does the state make it easier to respond to consumer debt lawsuits by never requiring defendants to have an Answer notarized before filing?

Yes

Colorado meets this benchmark because it does not require a pleading to be verified except when specifically required by rule or statute. See Colo. R.Civ. P. 11(a). No such rule or statute applies to an Answer in a consumer debt litigation.

5 - No Fee to Answer Score: 0/5

Does the state permit the filing of an Answer in consumer debt lawsuits without charging a filing fee?

No

Colorado does not meet the benchmark because defendants submitting answers in small claims court are subject to filings fees of \$26 to \$41, depending on the amount of the money judgment sought, Colo. Rev. Stat. Ann. $\S\S$ 13-32-101(1)(c)(IV)(B), (D), and defendants submitting answers in civil court are subject to filing fees of \$80 to \$130, depending on the amount of the money judgment sought, id. $\S\S$ 13-32-101(1)(c)(111.5)(C), (D), (F). See also Court Filing Fees and Costs, Colorado Courts Website, https://www.courts.state.co.us/Forms/PDF/JDF1.pdf

III. Issue Area: Require the creditor to provide evidence of a valid debt claim.

6 - Pleading Requirement

Score: 0/10

Does the state require consumer debt complaints to allege all of the following: a. Name of original creditor; b. Basis of plaintiff's standing (e.g. chain of ownership of debt); and c. Itemization of amount sought including debt principal, interest, fees, costs, and other charges to date?

No

Colorado does not meet this benchmark because although it requires that complaints involving debt that has been bought include (a) the name of the original creditor and (b) the basis of plaintiffs' standing, see Colo. Rev. Stat. 5-16-111 (Colorado Fair Debt Collection Practices Act), it does not impose these requirements on suits brought by original debt holders and does not meet sub-benchmark (c) itemization of the amount sought for any consumer debt complaints.

7 - Authenticated Records for Default

Does the state require the following be established before a default judgment can be granted: a. Proof of Service b. Validity of debt through authenticated business records (e.g. contract, account statements, or other evidence of obligation); and c. Amount of judgment through authenticated business records, itemizing damages, court fees, attorneys' fees, and interest?

No

Score: 0/10

Colorado does not meet the benchmark because it does not meet any of the sub-benchmarks. It imposes proof requirements for default judgments only on "debt buyers" and not on other potential plaintiffs. See Colo. Rev. Stat. § 5-16-111 (2021) (imposing requirements on "debt buyers," a term the statute defines to mean "a person who engages in the business of purchasing delinquent or defaulted debt for collection purposes, whether it collects the debt itself, hires a third party for collection, or hires an attorney for litigation in order to collect the debt"); Colo. Rev. Stat. § 5-16-103(8)(b) (2021). In all other cases, default judgment is governed by Colo. R. Civ. P. 55 which permits entry of default without proof of the underlying debt or amount sought. The law provides that "the court may require such supporting evidence as it may deem helpful to the disposition of the issues in addition to an affidavit and may, upon its own motion, require that a formal hearing be held to determine any and all issues presented by the pleadings." Co. Rev. Stat. Ann. § 13-63-101(2).

IV. Issue Area: Require consumer debt collection actions to be brought within a reasonable time of non-payment.

8 - Burden on Plaintiff to Allege Timeliness

Score: 0/2

Does the state place the pleading burden on the consumer debt plaintiff to allege in the Complaint the timeliness of each claim, including each of the following: a. applicable statute of limitations; b. date that claim accrued; and c. date that statute of limitations expires?

No

Colorado does not meet this benchmark because the statutes and rules of Colorado do not place the burden of pleading timeliness on the plaintiff and do not require that a debt collection complaint include (a) the applicable statute of limitations, (b) the date that the claim accrued, or (c) the date that the statute of limitations expires. See Colo. R. Civ. P. 8(c).

9 - Four Year Statute of Limitations

Score: 0/5

Does the state require 4-year (or shorter) statute of limitations for the causes of action most commonly used to pursue consumer debt collection: breach of contract (written or oral), open account, account stated, unjust enrichment, conversion, bad check?

No

Colorado does not meet this Benchmark because it does not impose a 4-year (or shorter) statute of limitations for all consumer debt claims. In particular, Colorado has the following limitations periods: • breach of oral or written contract: 3 or 6-year limitations period (CO Code § 13-80-101 (2022) In Colorado, the general breach of contract statute of limitation, whether the contract is oral or written, is three years as per CO Code § 13-80-101 (2022). However, if a contract is for a "liquidated debt" or for an "unliquidated determinable amount," it is subject to a six-year limitations period as per CO Code \$ 13-80-103.5 (2022). • open account: 6-year limitations period (CO Code § 13-80-103.5 (2022)); • account stated ("an action for any article charged on an account in a

store"): 6-year limitations period (CO Code § 13-80-103.5 (2022)); \bullet unjust enrichment: 3-year limitations period (CO Code § 13-80-101(1)(a) (2022)); \bullet conversion: 3-year limitations period (CO Code § 13-80-101 (2022)); and \bullet passing a bad check: 6-year limitations period (CO Code § 13-80-103.5 (2022))

10 - Prohibit Revival of Time-Barred Claims

Score: 0/2

Does the state prohibit revival of time-barred consumer debt claims, even where defendant makes subsequent payment toward a debt?

No

Colorado does not meet this Benchmark because it makes consumer debt claims subject to revival even after the statute of limitations has run, when, for instance, "a debtor voluntarily makes a payment, the payment constitutes a promise to pay the remaining debt and operates to restart the statute of limitations period." See, e.g., Hickerson v. Vessels, 316 P.3d 620, 625 (Colo. 2014) (recognizing that Colorado's partial payment doctrine "has been part of our common law jurisprudence since at least 1883").

V. Issue Area: Prohibit attorneys' fee shifting, and cap interest.

11 - Prohibit Attorneys' Fees Shifting

Score: 0/3

Does the state prohibit attorneys' fee shifting in consumer debt lawsuits regardless of contractual provision or reciprocity in fee shifting?

No

Colorado does not meet this benchmark because it does not prohibit fee shifting regardless of contractual provisions. Colorado allows consumer credit agreements to include a provision for the consumer's payment of attorneys fees, capping them at 15% of the unpaid debt or "as may be directed by the court." Colo. Rev. Stat. § 5-5-112(1).

12 - Interest Caps Score: 0/3

Does the state cap interest in consumer debt lawsuits (regardless of any contractual provision) as follows: a. Prejudgment interest for debt buyers capped at an annual rate of 7% (or less); and b. Post-judgment interest for all creditors capped at 5% (or less) of the judgment?

No

Colorado does not meet this benchmark because it does not satisfy the requirements of sub-benchmarks (a) or (b). Regarding (a)(prejudgment interest), Colorado law states: "If there is no agreement or provision of law for a different rate, the interest on money shall be at the rate of eight percent per annum, compounded annually." Colo. Code § 5-12-101 (2021); see also id. §5-12-102(1)(b) ("when there is no agreement as to the rate thereof, creditors shall receive interest as follows: . . . Interest shall be at the rate of eight percent per annum compounded annually for all moneys or the value of all property after they are wrongfully withheld or after they become due to the date of payment or to the date judgment is entered, whichever first occurs."). Thus, Colorado does not limit prejudgment interest on debt to 7% or less (as is required to meet sub-benchmark (a)). Regarding (b)(post-judgment interest), Colorado law states that "creditors shall be allowed to receive interest on any judgment recovered before any court authorized to enter the same within this state from the date of entering said judgment until satisfaction thereof is made either: a) At the rate specified in a contract or instrument in writing which provides for payment of interest at a specified rate until the obligation is paid; except that if the contract or instrument provides for a variable rate, at the rate in effect under the contract or

instrument on the date judgment enters; or (b) In all other cases where no rate is specified, at the rate of eight percent per annum compounded annually." Colo. Code § 5-12-102(4) (2021). Thus, Colorado does not limit post-judgment interest to 5% or less of the judgment (as is required to meet sub-benchmark (b)).

VI. Issue Area: Reduce the likelihood that consumer debt collection actions leave people homeless, or perpetuate a cycle of debt.

13 - Require Court Order to Garnish or Attach

Score: 5/5

Does the state in consumer debt lawsuits require a court order for garnishment and attachment?

Yes

Colorado meets the benchmark because the law provides that the clerk of the court shall issue a writ of continuing garnishment for continuing garnishment of the earnings of a judgment debtor. Colo. R. Civ. P. 102(1)(c). Similarly, in the case of garnishment on personal property other than earnings, the law provides that the clerk of the court shall issue a writ of garnishment with notice of exemption and pending levy. Colo. R. Civ. P. 102(2)(c). In small claims actions, execution and the proceedings subsequent to judgment are the same as in a civil action in the county court, which are substantially the same as in the Colorado Supreme Court, any court of appeals and any district court. Colo. R. Civ. P. 518(b)(1).

14 - Bank Account Garnishment Exemptions Are Self Executing

Score: 0/2

Does state law require in consumer debt lawsuits that garnishment exemptions for bank accounts are self-executing?

No

Colorado does not meet the benchmark because it does not require financial institutions to protect money deposited in bank accounts unless a judgment debtor asserts an exemption. Colo. Rev. Stat. § 13-54-104 prescribes the monetary amount of certain exemptions from earnings, which the Colorado Supreme Court has long held applies to money placed in a bank account. Rutter v. Shumway, 16 Colo. 95, 26 P. 321 (1891).

15 - Essential Exemptions

Score: 0/5

Does the state prevent people from becoming impoverished, unhoused, or unable to work by exempting income and assets from attachment and garnishment, as follows: a. Income of at least \$576.92 per week, the minimum to keep a family of four above the federal poverty level, as defined by the U.S. Federal Poverty Guidelines in 2023; b. Home, regardless of value, or at least the median price of a home in the state; and c. Car value, state exemption for, at least, the first \$15,000 in value?

No

Colorado does not meet the benchmark because sub-benchmarks (a) (income) and (b) (home) are not met. Colorado law provides as follows: (a) Income: Colorado does not meet sub-benchmark (a) because it exempts the greater of 80% of a person's weekly disposable earnings, 40 times the federal minimum hourly wage in effect when the person is paid, or 40 times the state minimum hourly wage in effect when the person is paid, subject to certain limited exceptions. Colo. Rev. Stat. Ann. \S 13-54-104(2)(a)(I)(D) (greater court-granted exemptions if a person's disposable earnings support the person or the person's family). Forty times the Colorado minimum wage (\$13.65 per hour in 2023) is only \$546 per week. State Minimum Wage Laws, U.S. Dep't of Labor (Sept. 30, 2023), https://www.dol.gov/agencies/whd/minimum-wage/state. (b) Home: Colorado does not meet sub-

benchmark (b) because a home that is used as a person's or a dependent of a person's residence is exempt only up to an actual cash value of \$250,000 subject to certain limited exceptions. Colo. Rev. Stat. Ann. § 38-41-201(1) (exempting up to an actual cash value of \$350,000 if the home is occupied by a person, a person's spouse or a person's dependent who is elderly or disabled). (c) Car: Colorado meets sub-benchmark (c) because up to two cars that are used by a person, a person's spouse or a person's dependent are exempt up to an aggregate value of \$15,000, subject to a certain limited exception. Colo. Rev. Stat. Ann. § 13-54-102(j) (exempting up to an aggregate value of \$25,000 if the car(s) is used by a person, a person's spouse or a person's dependent who is elderly or disabled). For more information on garnishment exemptions see Michael Best and Carolyn Carter, No Fresh Start 2023, National Consumer Law Center (Dec. 2023), https://www.nclc.org/wp-content/uploads/2023/12/2023_Report_No-Fresh-Start-3.pdf.

16 - Require Prior Notice of Garnishment

Score: 0/5

Does the state require notice to debtor prior to actual garnishment that explains all of the following: a. potential exemptions? b. how to challenge the order? and c. how to assert exemptions?

No

Colorado does not meet the benchmark for garnishment of wages because it does not provide prior notice of exemptions and how to assert them. A judgment debtor may receive notice of wage garnishment up to seven days after a garnishee is served with a writ of continuing garnishment (and the writ of continuing garnishment creates a lien and continuing levy against the nonexempt earnings of the judgment debtor). See Colo. R. Civ. P. 103(1)(h), 103(1)(f). Additionally, even if notice was served prior to wage garnishment, Colorado would not meet sub-benchmark (a) (potential exemptions) because the notice to the judgment debtor is not required to list all exemptions; sub-benchmark (b) (how to challenge the order) because the notice is not required to provide the manner in which to contest the order (although it does describe an objection mechanism with respect to the garnishee); or sub-benchmark (c) (how to assert exemptions) because the notice is not required to provide the manner in which to assert exemptions. See Colo. R. Civ. Form 26 app. § 1-17A. Colorado also does not meet the benchmark for garnishment of personal property other than wages because a judgment debtor need only receive notice of such a garnishment as soon as practicable after a garnishee is served with a writ of garnishment (and the writ of garnishment causes any property of the judgment debtor held by the garnishee to be subject to the process of garnishment). See Colo. R. Civ. P. 103(2)(c)-(d). Although the notice contains what it refers to as a "partial list of exemptions," it enumerates 23 separate categories of exemptions and would thus satisfy subbenchmark (a) if served in advance. It would not satisfy sub-benchmarks (b) because it does not explain how to challenge the garnishment order, but it would satisfy sub-benchmark (c) because it does explain how to assert exemptions. Colo. R. Civ. P. 84 app. § 1–17A; see Colo. R. Civ. Form 26 app. § 1–17A; Colo. R. Civ. Form 29 app. § 1– 17A.

VII. Issue Area: Eliminate debtors' prison.

17 - Prohibit Incarceration for Failure to Obey a Court Order to Pay Consumer Debt

Score: 0/5

Does the state prohibit incarceration for contempt for failure to obey a court order to pay all or part of a consumer debt judgment?

No

Colorado does not meet the benchmark because, although Article II, section 12 of the Colorado Constitution prohibits imprisonment for debt, the Colorado Rules of Civil Procedure authorize incarceration for contempt for failure to obey a court order, including an order to pay a debt judgment. Specifically, the law states that "if

the contempt consists of the failure to perform an act in the power of the person to perform and the court finds the person has the present ability to perform the act so ordered, the person may be fined or imprisoned until its performance." Colo. R. Civ. Proc. R. 107 (d)(2). There are no non-family law cases that hold that contempt for failure to obey an order to pay debt violates the constitutional bar on imprisonment for debt.

18 - Prohibit Incarceration for Failure to Obey a Court Order to Appear at a Debtor's Examination, Unless Nonappearance Was Willful

Score: 0/5

Does the state prohibit arrest and/or incarceration for contempt for failure to appear at a debtor's examination (i.e. a judgment enforcement proceeding), unless the person's failure to appear was willful?

No

Colorado does not meet the benchmark because the law provides that, at any time after a final money judgment, a judgment creditor may request a subpoena "requiring the judgment debtor to appear before the court, master or referee with requested documents at a specified time obtained from the court to answer concerning property." Colo. R. Civ. Proc. R. 69. If the person fails to appear after being properly served, "the court upon motion of the judgment creditor shall issue a bench warrant commanding the sheriff of any county in which the judgment debtor may be found, to arrest and bring the judgment debtor forthwith before the court for proceedings under this Rule." Id.

19 - Provide Right to Counsel

Score: 5/5

Does the state provide a lawyer without charge in any contempt or other proceeding in which incarceration is a potential outcome in a consumer debt lawsuit?

Yes

Colorado meets the benchmark because the Colorado Rules of Civil Procedure provide that in indirect contempt proceedings where punitive sanctions may be imposed, a person shall be advised of the right to an attorney and, if indigent and incarceration is possible, the court will appoint counsel. Colo. R. Civ. P. 107(d)(1). The courts have also held that when "a contempt proceeding is initiated by a governmental entity and where a jail sentence is an available remedial sanction, an alleged contemnor who is indigent has the right to court-appointed counsel." In re A.C.B., 507 P.3d 1078 (Colo. App. 2022)

VIII. Issue Area: Prevent government from undue intervention on behalf of creditor.

20 - Prohibit Collaboration Between Creditors and Prosecutors

Score: 0/2

Does the state prohibit relationships (including financial relationships) in which prosecutors lend the authority of their offices to facilitate the activities of debt collectors (e.g. payments by creditors to prosecutors who threaten or bring criminal prosecutions in bad check cases)?

No

Colorado does not meet this benchmark because its bad check statute explicitly allows a district attorney to "have a person under contract" to conduct bad check collection. There is no prohibition against contracting with private entities for such purposes. C. R. S. 18-5-512(6).

21 - Prohibit Paying Bail/Bond to Creditor

Score: 0/2

Does the state prohibit use of bail to pay the creditor in all contempt proceedings, or in other proceedings in a consumer debt lawsuit in which incarceration is a possible outcome?

No

Colorado does not meet the benchmark because the Colorado rules of civil procedure expressly permit that "bond may be paid to the aggrieved party" in indirect contempt proceedings. Colo R. Civ. P 107(c).

22 - Limit Frequency of Examinations

Score: 0/5

Does the state in consumer debt litigation schedule or otherwise limit financial examinations to no more than once per year?

No

Colorado does not meet this benchmark because, after the entry of a final money judgment, the judgment creditor may, at any time, serve written interrogatories upon the judgment debtor, cause a subpoena requiring the judgment debtor to appear before court, and take depositions of any person including the judgment debtor. The Rule does not limit the frequency of examinations. Colo. R. Civ. P. 69.

IX. Issue Area: Collect data to improve the system.

23 - Data Collection: Number of Lawsuits

Score: 0/3

Do state courts at least annually collect and publish statewide data on number of consumer debt lawsuits?

No

Colorado does not meet the benchmark because while Colorado does collect and publish statewide data on the number of "money" cases in the district and county courts, it does not collect and publish statewide data on the number of dispositions of consumer debt collection lawsuits. Colorado defines a "Money" case as a "civil case in which the plaintiff claims a demand for money owed". Note also that there is no requirement for the state court administrator to specifically track and publish this data. See

https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep.

24 - Data Collection: Disposition of Lawsuits

Score: 0/2

Do state courts at least annually collect and publish statewide data on types of dispositions of consumer debt lawsuits?

No

Colorado does not meet the benchmark because while Colorado does collect and publish statewide data on the number of "money" cases in the district and county courts, it does not collect and publish statewide data on the number of dispositions of consumer debt collection lawsuits. Colorado defines a "Money" case as a "civil case in which the plaintiff claims a demand for money owed". Note also that there is no requirement for the state court administrator to specifically track and publish this data. See

https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep.

To learn more about the Consumer Debt Litigation Index, including how other states fared, visit https://ncaj.org/state-rankings/consumer-debt.

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