

Consumer Debt Litigation Index

Top Recommendations for Reform in District of Columbia

District of Columbia's Score: 58/100

District of Columbia's National Rank: 1st

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</u> <u>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. Require Government Notice of a Consumer Debt Lawsuit (Benchmark 1)

Why: All too often, process servers hired by debt collectors fail to serve a notice of a complaint to a defendant and then file a false affidavit claiming that the notice has been properly served. This practice—commonly referred to as "sewer service" because sometimes process servers literally throw the notice in the gutter—means that people never get notice that they are being sued. This makes it impossible to respond to the lawsuit and mount a defense. To address this issue, New York requires the court clerk to send to the defendant, by first class mail, an additional notice of a lawsuit arising out of a consumer credit transaction, and provides that default judgment will not be entered if the notice is returned as undeliverable. Washington, D.C., however, allows service by any adult who is not a party to the action, and it does not require supplemental notice from the courts.

How: The District should fix the problem of ineffective or fraudulent ("sewer") service by adopting a law that either (a) requires a public official (such as a sheriff) to complete service; or (b) requires 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. If it does so, its score would increase 5 points.

2. Update Garnishment and Attachment Exemptions (Benchmark 15) and Require Prior Notice of Garnishment (Benchmark 16)

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. Some states have increased garnishment and asset exemptions (Benchmark 15). For example, in consumer debt cases Texas has adopted 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. Some states—including Indiana, Massachusetts, New Jersey, New Mexico, and Ohio—require that notice be sent to a debtor prior to actual garnishment that explains exemptions (Benchmark 16). Washington, D.C, however, has not yet increased its garnishment and attachment exemptions to exempt a car up to value of \$15,000. Washington, D.C. also has not yet required that creditors send notice to the debtor of an impending garnishment or attachment before it begins.

How: Washington, D.C. should update and expand on garnishment and attachment provisions so that it protects a car of value up to at least \$15,000. Further, Washington, D.C. should require advance notice to a debtor before garnishment or attachment begins that explains (a) potential exemptions; (b) how to challenge the order; and (c) how to assert exemptions. If it does so, the Washington, D.C.'s score would increase 10 points.

3. Limit the Frequency of Debtor's Examinations (Benchmark 22)

Why: Often, judgment creditors require defendants to go to court frequently (as often as monthly) to undergo financial examinations intended to establish whether and how much the person can pay. Not only is attendance at these hearings burdensome, requiring time off from work, child care arrangements, costly transportation, etc., but they also can result in undue pressure on the judgment debtor to settle or agree to make payments the debtor cannot afford, and sometimes the possibility of incarceration if a defendant misses a court date. To limit these harms, Maryland limits debtor's examinations to no more than once per year unless the judgment creditor can show good cause for another examination within that time. Illinois does not allow any second or subsequent debtor's examinations unless the court finds, based on affidavits, that there is reason to believe that the judgment debtor has income or assets to which the judgment creditor is entitled — and that the hearing is not for the purpose of harassing the judgment debtor. Washington, D.C., however, does not limit the frequency of such examinations.

How: The District should adopt a law limiting the frequency of debtor's examinations to no more than once per year unless the judgment creditor can show good cause for another examination within that time. If it does so, its score will increase 5 points.

What Would Happen if District of Columbia were to Implement these Recommendations?

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

Complete Consumer Debt Litigation Index Findings for District of Columbia

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

1 - Government Notice of Lawsuits

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?

The District of Columbia ("D.C.") does not meet this benchmark because it does not meet either sub-benchmark 1a or 1b. First, D.C. does not meet sub-benchmark 1a because it permits service by "any person who is at least 18 years of age and not a party" to the action. D.C. Super. Ct. R. Civ. P. 4(c)(2). (The same form of service is permitted under the Small Claims Court Rule. D.C. Super. Ct. Sm. Cl. R. 4.) Second, D.C. does not meet sub-benchmark 1b because it does not require the court to mail supplemental notice of a new consumer debt lawsuit to the defendant or to deny default judgment if that notice is returned as undeliverable. The policy for this sub-benchmark was not found in the state's law.

| 2 - Guidance on Finding Help | Score: 5/5 |
|--|------------|
| 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? | Yes |
| The District of Columbia meets this benchmark because it requires that the Complaint or Statement of Claim in a consumer debt lawsuit include a statement in bold 12-point font (or larger) providing "the current phone number or phone numbers for civil legal service providers in debt collecting cases as published by the Superior Court of the District of Columbia." D.C. CODE § 28-3814(q)(7)(A)-(B). | |

Score: 0/5

No

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 |
| | The District of Columbia meets this benchmark because its court website provides a pro se answer form for an unrepresented person that can be used by a consumer debt defendants. See Answer of Defendant, D.C. Super. Ct., https://www.dccourts.gov/sites/default/files/2020-08/Pro-Se-Answer-Form-Civil-08-03-2020_1.pdf (last visited Nov. 10, 2023). Also, in DC's Small Claims Court, the parties are not required to file an answer in a Small Claims case pursuant to Super. Ct. Sm. Cl. R. 5 ("No party is required to file an answer"). | |
| | 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 |
| | The District of Columbia meets this benchmark because it does not require a pleading to be verified except when specifically required by rule or statute. See D.C. Super. Ct. Rule 11. No such rule or statute applies to an Answer in a consumer debt litigation. Additionally, the pro se answer form provided on the courts' website does not require verification or notarization. See D.C. SUPER. CT., PRO SE ANSWER FORM: CIVIL, https://www.dccourts.gov/sites/default/files/2020-08/Pro-Se-Answer-Form-Civil-08-03-2020_1.pdf (citing Super. Ct. SC R. 5). | |
| | 5 - No Fee to Answer | Score: 5/5 |
| | Does the state permit the filing of an Answer in consumer debt lawsuits without charging a filing fee? | Yes |
| | The District of Columbia meets the benchmark because there is no published requirement on the D.C. Courts list of Civil Action Filing Fees that requires paying a filing fee when submitting an answer to a lawsuit in either district court. See District of Columbia Courts, Civil Action Filing Fees (disclosing filing fees to file a complaint in district court but not to file an answer), and small claims court (disclosing filing fees to file a complaint, crossclaim or counterclaim in small claims courts but not to file an answer). https://www.dccourts.gov/services/civil-matters/filing-fees | |
| III. Issue Area: Require the creditor to provide evidence of a valid debt claim. | | |
| | 6 - Pleading Requirement | Score: 10/10 |

Yes

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?

The District of Columbia meets the benchmark because a debt collection plaintiff must set forth the "current owner of the consumer debt and a chronological listing of the names of all prior owners of the consumer debt and the date of each transfer of ownership, beginning with the original creditor," satisfying sub-benchmarks (a) and (b); and "[a]n itemized accounting of the amount claimed to be owed," satisfying sub-benchmark (c). See D.C. Code secs. 28-3814(b)(5), (q), (m)(1).

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?

The District of Columbia meets this benchmark based on the Rules of Civil Procedure for the Superior Court of the District of Columbia and the Code of the District of Columbia (D.C. Code) Section 28–3814's provisions governing, respectively, default judgments generally, and debt judgments specifically. D.C. courts may grant default judgments pursuant to Rule 55 of the Rules of Civil Procedure for the Superior Court of the District of Columbia. D.C. Super. Ct. R. Civ. P. 55. Rule 4 of the Rules of Civil Procedure states that plaintiffs are responsible for valid service via mail through one of the stated service of process methods outlined in Rule 4, satisfying subbenchmark (a) (proof of service). D.C. Super. Ct. R. Civ. P. 4. See also D.C. Super. Ct. Sm. Cl. R. 4 (governing service of process for claims that are less than \$10,000). The state meets sub-benchmarks (b) (validity of debt through authenticated business records) and (c) (amount of judgment through authenticated business records) based on the Protecting Consumers from Unjust Debt Collection Practices Amendment Act of 2022, as codified in the D.C. Code, requiring proof of the validity of the debt, that the defendant is the debtor, and reliance on authenticated business records establishing the basis for the amount of the judgment sought, and title/ownership of the debt. D.C. Code Ann. §§ 28–3814(q), (r) (West 2023).

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 |
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| 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 |
| The District of Columbia does not meet this benchmark because, although the District of Columbia requires the plaintiff to allege that the suit is filed within the applicable statute of limitations and further provides that a debt collector may not "initiate[e] a cause of action to collect a consumer debt when the debt collector knows or reasonably should know that the applicable statute of limitations period has expired," D.C. law does not explicitly require the plaintiff to (a) include what the applicable statute of limitations is, (b) plead the date the claim accrued, or (c) specify the date the statute of limitations expires. See D.C. Code Ann. §§ 28-3814(q)(6), (f)(10). Note: The District of Columbia at DC Code sec. 28-3814(q)(6) requires, more generally, "[t]hat the suit is filed within the applicable statute of limitations period". | |
| 9 - Four Year Statute of Limitations | Score: 5/5 |
| | |

https://ncaj.org/state-rankings/consumer-debt

Score: 10/10

Yes

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?

The District of Columbia meets this benchmark because DC Code Sec. 28-3814(o) specifies that "[a]ny action for the collection of a consumer debt that is commenced on or after September 1, 2021, shall only be commenced within 3 years of accrual. This period shall apply whether the legal basis of the claim sounds in contract, account stated, open account, or other cause, and notwithstanding the provisions of any other statute of limitations unless that statute provides for a shorter limitations period. This time period also applies to contracts under seal."

| | 10 - Prohibit Revival of Time-Barred Claims | Score: 2/2 |
|----|--|------------|
| | Does the state prohibit revival of time-barred consumer debt claims, even where defendant makes subsequent payment toward a debt? The District of Columbia meets this Benchmark because, once the statute of limitations has run on a consumer debt claim, D.C. does not permit revival of expired claims related to "consumer debt," even by "subsequent payment toward or written or oral affirmation of such consumer debt." D.C. Code § 28–3814(l) states in full: "(l) Notwithstanding any other provision of law, when the applicable statute of limitations period for an action to collect consumer debt has expired, any subsequent payment toward or written or oral affirmations period." Consumer debt is defined as "money or its equivalent, or a loan or advance of money, which is, or is alleged to bepast due and owingas a result of a purchase, lease, or loan of goods, services, or real or personal property for personal, family, medical, or household purposes. The term consumer debt does not include an extension of credit secured by a mortgage. D.C. Code § 28–3814(l)(b)(2). | Yes |
| 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 |
| | The District of Columbia does not meet this benchmark because it does not prohibit attorneys' fee shifting regardless of a contractual provision. The District of Columbia Code allows for the prevailing plaintiff to recover attorneys' fees if there is a contractual provision authorizing attorneys' fees. See D.C. Code § 28-3814(v). | |
| | 12 - Interest Caps | Score: 0/3 |
| | Does the state cap interest in consumer debt lawsuits (regardless of any contractual provision) as follows: a. Pre-judgment 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? | |
| | The District of Columbia does not meet this benchmark because it does not satisfy the requirements of sub-bench (a) or (b). D.C. does not meet sub-benchmark (a) (pre-judgment interest rate) because it sets the rate at 6% and does rates that are contained in contracts. See D.C. Code §28–3302(a)("the rate of interest in the District upon the loan o | s not cap |

forbearance of money, goods, or things in action in the absence of expressed contract, is 6% per annum"). Thus, because

the law does not cap interest regardless of any contractual provision, the District of Columbia does not meet benchmark (a). D.C. law does not meet sub-benchmark (b) (post -judgment interest). D.C. law caps post-judgment interest at 70% of the Treasury rate. D.C. Code §28–3302(b)-(c). The Treasury's rate for underpayments of tax, as of 4th Quarter 2023, is 8%. See "Interest Rates Increase in 4th Quarter 2023", IRS, at https://www.irs.gov/newsroom/interest-rates-increase-for-the-fourth-quarter-

2023#:~:text=For%20individuals%2C%20the%20rate%20for,a%20corporate%20overpayment%20exceeding%20%2410%2C000. Thus, 70% of 8% would result in a post-judgment interest rate of 5.6% for DC. This would exceed the requirement for 14(b) (post judgment interest below 5%).

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 |
| The District of Columbia meets the benchmark because the law provides that, for post-judgment attachment, "No judgment against a garnishee under D.C.Code § 16-556 or -575 (2012 Repl.) will be entered except by court order." D.C. Super Ct. Civ. R. 69-I. | |
| 14 - Bank Account Garnishment Exemptions Are Self Executing | Score: 2/2 |
| Does state law require in consumer debt lawsuits that garnishment exemptions for bank accounts are self- executing? | Yes |
| The District of Columbia meets this benchmark because it requires financial institutions to protect money deposited in bank accounts. Specifically, the writ of attachment directs that "No funds shall be attached or garnished from an account that consists solely of direct deposited benefits that are exempt under federal or District of Columbia law, including Social Security, Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Veterans' Benefits, Civil Service Retirement, Black Lung, Railroad Retirement, Disability, Unemployment, Public Assistance/TANF benefits or Worker's Compensation," and further directs that under federal law, a financial institution must exempt certain benefits deposited into an account during the last 2 months, even if co-mingled with other funds. See https://www.dccourts.gov/sites/default/files/2022-09/Writ-of-Attachment-Non-Wages-Fillable.pdfD.C. Code Ann. § 15-501(a)(3) (West 2023). However, the notice of non-wage attachment provided to a judgment debtor does not inform the debtor that the financial institution will automatically apply the exemptions, but rather, instructs the debtor that they must seek court intervention to assert exemptions. See https://www.dccourts.gov/sites/default/files/pdf-forms/NoticeOfExemptionBeforeNewRule.pdf. | |
| 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 |

The District of Columbia does not meet the benchmark because sub-benchmark (c) (car) is not met. D.C. law provides as follows: (a) Income: D.C. meets sub-benchmark (a) because it exempts 75% of a person's weekly disposable wages or 40 times the district minimum hourly wage in effect when the person is paid, whichever is greater, subject to a certain limited exception. D.C. Code § 16–572(1)(A) (exemptions may be greater if a person files a claim of undue financial hardship in court). Forty times the D.C. minimum wage (\$17 per hour in 2023) is \$680 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: D.C. meets sub-benchmark (b) because it

exempts a home of a person or a person's dependent regardless of value as long as a person is the "head of a family or householder residing in the District of Columbia" or "a person who earns the major portion of his livelihood in the District of Columbia, being the head of a family or householder, regardless of his place of residence." D.C. Code § 15–501(a)(14). (c) Car: D.C. does not meet sub-benchmark (c) because one car is exempt only up to a value of \$2,575 subject to a certain limited exception. D.C. Code § 15–501(a)(1). 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

No

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?

The District of Columbia does not meet this benchmark because it does not require prior notice of garnishment exemptions or how to assert them. Rather a judgment creditor is only required to mail a copy of the writ of attachment and notice to a judgment debtor on the same day that the writ of attachment is served on an employer-garnishee. See D.C. Code Ann. § 16-572.02 (West 2023). Further, no similar notice is required for garnishment of a judgment debtor's non-wages. Id.

VII. Issue Area: Eliminate debtors' prison.

| 17 - Prohibit Incarceration for Failure to Obey a Court Order to Pay Consumer Debt | Score: 5/5 |
|--|------------|
| Does the state prohibit incarceration for contempt for failure to obey a court order to pay all or part of a consumer debt judgment? | Yes |
| The District of Columbia meets this benchmark because it does not permit imprisonment for failure to obey a court order to pay a consumer debt. Effective August 27, 2022, the Protecting Consumers from Unjust Debt Collection Practices Amendment Act of 2022 prohibits imprisonment for failure to pay a debt: "Notwithstanding any other law or court rule, no person shall be imprisoned or jailed for failure to pay a consumer debt, nor shall any person be imprisoned or jailed for contempt of court or otherwise for failure to comply with a court order to pay a consumer debt in part or in full." D.C. Code Ann. §28–3814(y) (West 2023). | |
| 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 |

Washington, D.C. does not meet the benchmark because if a judgment debtor who was personally served fails to appear for an oral examination in court, "the court may, on plaintiff's request, issue a bench warrant for the person's arrest." D.C. R. Sup. Ct. Civ. Proc. 69-I.

| 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 |
| The District of Columbia meets the benchmark because courts have held that people have a right to counsel when they face a possible jail sentence for contempt of court. See, e.g., Thompson v. Thompson, 559 A.2d 311, 314 (D.C. Ct. App. 1989); Brooks v. United States, 686 A.2d 214 (D.C. 1996). | |

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 |
| The District of Columbia does not meet this benchmark because there is no statutory or judicial prohibition on relationships or financial arrangements between prosecutors and debt collectors. See D.C. Code §§ 22-1510; 28-3814(f)(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 |
| The District of Columbia does not meet the benchmark because its laws do not include an express prohibition on the use of bail or bond to pay a creditor. D.C. law provides that for an oral examination in court, "If the person summoned was personally served but fails to appear, the court may, on plaintiff's request, issue a bench warrant for the person's arrest." D.C. Super. Ct. R. Civ. P. 69-I. The law is silent with regard to whether a judge may use bail in such cases to pay the creditor. | |
| 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 |
| The District of Columbia does not meet this benchmark because its Rules of Civil Procedure provide that "[t]he plaintiff may summon the defendant and, on leave of court, any other person to appear in court on a date certain and submit to oral examination respecting execution of any judgment rendered. Any person so summoned may, | |

on leave of court, be required to produce papers, records, or other documents at the examination." D.C. Super. Ct. R. 69-1 (b). The law does not limit the frequency of such examinations. Id.

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

No

Score: 0/3

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

The District of Columbia does not meet this benchmark because D.C. courts do not collect or publish data on the number of consumer debt lawsuits or dispositions of consumer debt lawsuits. Note: While D.C. does not report consumer debt lawsuit data, it does report the number and disposition of civil and small claims cases generally. Annual Reports and Documents, District of Columbia Courts, https://www.dccourts.gov/about/organizational-performance/annual-reports (last visited Jan. 24, 2024). It also reports the number of calls that their D.C. Debt Collection Defense Hotline receives. The reported case data contains the following categories: civil (civil actions, landlord & tenant, small claims); criminal (felony, misdemeanors U.S., misdemeanors D.C., traffic); domestic violence (intrafamily, misdemeanors U.S., extreme risk protection orders, anti-stalking orders); family court operations (abuse & neglect, adoption, divorce/custody/miscellaneous, juvenile, mental health, mental habilitation, parentage & child support); probate division (conservatorships, decedent's estates, foreign proceedings, guardianship of minors, intervention proceedings, small estates, trusts); tax (civil, criminal). While one of the categories is small claims, the annual reports do not specify if this includes consumer debt lawsuits. (2021 Annual Report - Narrative, pp. 18, 38).

24 - Data Collection: Disposition of Lawsuits

Score: 0/2

No

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

The District of Columbia does not meet this benchmark because D.C. courts do not collect or publish data on the number of consumer debt lawsuits or dispositions of consumer debt lawsuits. Note: While D.C. does not report consumer debt lawsuit data, it does report the number and disposition of civil and small claims cases generally. Annual Reports and Documents, District of Columbia Courts, https://www.dccourts.gov/about/organizational-performance/annual-reports (last visited Jan. 24, 2024). It also reports the number of calls that their D.C. Debt Collection Defense Hotline receives. The reported case data contains the following categories: civil (civil actions, landlord & tenant, small claims); criminal (felony, misdemeanors U.S., misdemeanors D.C., traffic); domestic violence (intrafamily, misdemeanors U.S., extreme risk protection orders, anti-stalking orders); family court operations (abuse & neglect, adoption, divorce/custody/miscellaneous, juvenile, mental health, mental habilitation, parentage & child support); probate division (conservatorships, decedent's estates, foreign proceedings, guardianship of minors, intervention proceedings, small estates, trusts); tax (civil, criminal). While one of the categories is small claims, the annual reports do not specify if this includes consumer debt lawsuits. (2021 Annual Report - Narrative, pp. 18, 38).

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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