

Top Recommendations for Reform in Massachusetts

Massachusetts's Score: 19/100

Massachusetts's National Rank: 27th

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 break out the 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 complaints to include these key elements. Although Massachusetts already requires that a consumer debt action based on a revolving credit agreement plead both the original creditor and the basis for plaintiff's standing, and for consumer debt actions brought in small claims that the complaint identify the original creditor, it does not meet these pleading requirements for other types of consumer debt actions. Further, it does not require itemization of the amounts sought in either actions regarding revolving credit agreements or actions in small claims court and it does not require the basis of plaintiffs' standing in actions in small claims court.

How: Massachusetts should adopt a law or practice that requires plaintiffs in all consumer debt cases (regardless of type of debt or forum) to allege in the complaint 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 using authenticated business records, promotes fairness, as these required elements deter lawsuits that lack merit and lower the number of unwarranted 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. Although Massachusetts requires that for consumer debt cases brought in a court of general jurisdiction, default judgment may only be entered where the plaintiff has established validity of service, validity of debt and the basis for the amount sought, it does not impose these requirements on cases filed in small claims court.

How: Massachusetts should adopt a law or practice that requires plaintiffs in all consumer debt cases, including those filed in small claims court, 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. 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. Massachusetts, however, does not limit the frequency of such examinations.

How: Massachusetts 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, the state's score will increase 5 points.

What Would Happen if Massachusetts were to Implement these Recommendations?

These three recommendations, if adopted by the state, would substantially increase Massachusetts's score and ranking. For more on how Massachusetts 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 Massachusetts

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

Massachusetts does not meet this benchmark because it does not meet sub-benchmarks 1a or 1b. With respect to sub-benchmark 1a, Massachusetts pursuant to Rules of Civil Procedure 4(c) authorizes service of process in civil actions in the district courts to be served either by a public official or by someone appointed by the court, and it appears that the courts rely on constables. See Motion for Appointment of as Special Process Server and Order of Appointment, https://www.constables-mbca.org/SpecialProcessServerAppt.pdf, [https://perma.cc/Q6H9-MMCL] (form stating: "The undersigned swears that to the best of his (her) knowledge and belief the person to be appointed process server is a Constable who is experienced in the service of process "); cf. Feerick Ctr. for Soc. Just., State-by-State Survey of Process Server Provisions 392 (2009),

https://www.ftc.gov/sites/default/files/documents/public_comments/protecting-consumers-debt-collection-litigation-and-arbitration-series-roundtable-discussions-august/545921-00025.pdf, [https://perma.cc/P7ZE-CDSZ] (""In Massachusetts, civil process is served by sheriffs, deputy sheriffs, and constables."). General Laws Part I, Title VII, Chapter 41, Section 92 (setting forth general authority of constables in Massachusetts), at https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section92. In Massachusetts, the Small Claims Court relies on a different approach that would meet sub-benchmark 1a, but because the approach is limited to Small Claims Court the benchmark is not met. Service in the Small Claims Court is carried out by the clerk in reliance on address information provided by the creditor. Trial Court Rules, Uniform Small Claims Rules, Trial Court Rules, Uniform Small Claims Rule 3: Notice to defendant; Answer to claim, at https://www.mass.gov/trial-court-rules/uniform-small-claims-rule-3-notice-to-defendant-answer-to-claim ("(a) Notice. The clerk shall promptly send to the defendant by first class mail, at the address or addresses supplied by the plaintiff, a copy of the Statement of Claim and Notice form. Such first class mail notice shall be sufficient,

provided that it is not returned to the court undelivered. Service on out-of-state defendants shall be made pursuant to the provisions of G.L. c. 223A. The court may provide for any other means of service in individual cases as is deemed necessary.") Massachusetts does not meet sub-benchmark 1b since there is no rule requiring supplemental service by the clerk in consumer debt matters filed in the district court. Relatedly, there is no such rule in the Small Claims Court, where service is required to be initiated in the first instance by the clerk, but is done by First Class Mail rather than with certified mail.

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

Massachusetts does not meet this benchmark because Massachusetts does not require that notice in a consumer debt lawsuit contain guidance for defendants on where to find help. See Mass. R. Civ P 4(d)

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

3 - Simplified Answer

Score: 0/2

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

No

Massachusetts does not meet this benchmark because, although its court website includes certain forms, Massachusetts does not provide an Answer form that can be used by a consumer debt defendant. See https://www.mass.gov/lists/court-forms-for-civil-matters.

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

Massachusetts meets this benchmark because it does not require that a pleading be verified except when specifically required by rule or statute. See Mass. 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: 5/5

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

Yes

Massachusetts meets the benchmark because it uses a uniform fee schedule for both small claims under \$7,000 and civil claims over \$7,000, both of which only set forth filing fees to file a petition or complaint, but not to file an answer. See Superior Court filing fees, Mass.gov (noting fees required to file a complaint but not to file an answer); Boston Municipal Court and District Court filing fees, Mass.gov. https://www.mass.gov/info-

details/superior-court-filing-fees https://www.mass.gov/info-details/boston-municipal-court-and-district-court-filing-fees (last visited April 4, 2023) (noting fees required to file a complaint but not to file an answer)

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

6 - Pleading Requirement

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

Score: 0/10

Massachusetts does not meet the benchmark because although it requires (a) the name of the original creditor and (b) the basis of plaintiffs' standing in actions where the plaintiff seeks to collect a debt incurred pursuant to a "revolving credit agreement," see Mass. R. Civ. P. Rule 8.1(b), (c)(3), (c)(10), (d)(2) and (a) the name of the original creditor in actions in small claims court, see Mass. Uniform Small Claims R. 2(b), it does not apply these sub-benchmarks to other consumer debt actions. Further, it does not require (c) an itemization of the amounts sought in either actions regarding revolving credit agreements or actions in small claims court and does not require (b) the basis of plaintiffs' standing in actions in small claims court.

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

Massachusetts would meet this benchmark but for the rules in small claims court because the Massachusetts Rules of Civil Procedure require a debt buyer to show validity of service, validity of debt, and the basis for the amount of judgment sought. Mass. R. Civ. P. 55.1 (referencing Rule 8.1). However, the rules in small claims court only require that certain information be included in the description of the claim. MA R SM CL Rule 2(b).

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

Massachusetts does not meet the benchmark because although it places the burden of pleading (a) the applicable statute of limitations and (c) the date the statute of limitations expires on the plaintiff in consumer

debt cases involving debts arising out of the use of a revolving credit agreement, it does not apply these requirements more generally and does not explicitly require (b) the date the claim accrued. See Mass. R. Civ. P. 8.1(a)-(c), (f).

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

Massachusetts 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, Massachusetts has the following limitations periods: ● breach of written contract: 6-year limitations period (Mass. Gen. Laws Ann. ch. 260, § 2 (1948)); ● breach of oral contract:6-year limitations period (Mass. Gen. Laws Ann. ch. 260, § 2 (1948)); ● open account: 6-year limitations period (Mass. Gen. Laws Ann. ch. 260, § 2 (1948)); ● account stated: 6-year limitations period (Mass. Gen. Laws Ann. ch. 260, § 2 (1948)); ● unjust enrichment: 6-year limitations period (see Suffolk Const. Co. v. Benchmark Mech. Sys., Inc., 475 Mass. 150, 156, 56 N.E.3d 138, 143-44 (2016) ("The claims [of reimbursement for money mistakenly paid and fraudulently retained, money had and received, and restitution for money paid by mistake] are quasicontractual, and are subject to the six-year statute of limitations applicable to contracts.")); ● conversion: 3-year limitations period (Mass. Gen. Laws Ann. ch. 260 § 2A) (1973), see also Megna v. Marriott Hotel, No. CA9403757, 1995 WL 808632, at *3 (Mass. Super. Apri. 6, 1995) (noting that "[c]onversion is a tort under Massachusetts law" that is subject to 3-year statute of limitations); and ● passing a bad check: 6-year limitations period (Mass. Gen. Laws Ann. ch. 106, § 3-118(a) (1998)).

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

Massachusetts 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 makes a subsequent payment toward the debt, explicitly acknowledges the debt, or expresses a new promise to pay the debt. See Reg'l Rehab. Assocs. Mgmt. Corp. v. Pilgrim Ins. Co., 2012 Mass. App. Div 182 (Dist. Ct. 2012) ("It is well established, however, that partial payment of an amount owed removes the bar of the statute of limitations on the theory that the payment is an acknowledgment of the existence of the indebtedness and raises an implied promise at that time to pay the balance.").

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

Massachusetts does not meet the benchmark because it does not prohibit attorney fee shifting. Under Massachusetts law, a borrower may be liable for attorney's fees (if the contract provides for them), so long as

the fee amount is fair and reasonable. Citizens Bank of Massachusetts v. Travers, 69 Mass. App. Ct. 174, 177, 866 N.E.2d 974, 976 (2007).

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?

No

Massachusetts does not meet this benchmark because it does not satisfy the requirements of sub-benchmarks (a) or (b). Regarding prejudgment interest, Massachusetts law states that, "In all actions based on contractual obligations, upon a verdict, finding or order for judgment for pecuniary damages, interest shall be added by the clerk of the court to the amount of damages, at the contract rate, if established, or at the rate of twelve per cent per annum from the date of the breach or demand..." Mass. Gen. Laws Ann. ch. 231, § 6C. Massachusetts law also states that, "Whoever in exchange for either a loan of money or other property knowingly contracts for, charges, takes or receives, directly or indirectly, interest and expenses the aggregate of which exceeds an amount greater than twenty per centum per annum upon the sum loaned or the equivalent rate for a longer or shorter period, shall be guilty of criminal usury and shall be punished by imprisonment..." Mass. Gen. Laws Ann. ch. 271, § 49. Thus, Massachusetts does not limit prejudgment interest on debt to 7% or less (as is required to meet sub-benchmark (a)). Regarding post-judgment interest, Massachusetts law states that "Every judgment for the payment of money shall bear interest from the day of its entry at the same rate per annum as provided for prejudgment interest in such award, report, verdict or finding." Mass. Gen. Laws Ann. ch. 235, § 8. Thus, Massachusetts 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

Massachusetts meets the benchmark because attachment is only available via court order after the plaintiff files with the court an affidavit and a motion for approval. Mass. R. Civ. P. Rule 4.1; Mass. Gen. Laws. Ann. ch. 223, \S 20; Mass. Gen. Laws Ann. ch. 246, \S 20. Post judgment garnishment derives from a trustee process and falls under the same rules as attachment, which requires a court order. Mass. Gen. Laws Ann. ch. 246, \S 1, 28. Small claims procedures for garnishment and attachment are substantially the same as district courts. Mass. Gen. Laws Ann. ch. 218, \S 21.

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

Massachusetts meets the benchmark because it provides, "Twenty-five hundred dollars of any natural person in an account in a trust company, savings bank, cooperative bank, credit union, national banking association or other banking institution doing business in the commonwealth shall be exempt from attachment by trustee process. A trustee summons served on any such institution shall describe the exemption with reference to this section. Upon service of a trustee summons, the trustee shall answer as subject to attachment only so much money of the defendant that exceeds \$2,500." Ma. Stat. 246 § 28A.

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

Massachusetts does not meet the benchmark because sub-benchmarks (b) (home) and (c) (car) are not met. Massachusetts law provides as follows: (a) Income: Massachusetts meets sub-benchmark (a) because it exempts 85% of a person's weekly gross wages or 50 times the federal or state minimum hourly wage, whichever is greater, in effect when the person is paid. Mass. Ann. Laws. ch. 235, § 34. Fifty times the state minimum wage (\$15 per hour in 2023) is \$750. State Minimum Wage Laws, U.S. Dep't of Labor (Sept. 30, 2023), https://www.dol.gov/agencies/whd/minimum-wage/state. (b) Home: Massachusetts does not meet subbenchmark (b) because one home is exempt only up to a value of \$500,000 if a person formally declares this homestead exemption, subject to certain limited exceptions. Mass. Ann. Laws. ch. 188, § 1 (otherwise exempting a home only up to a value of \$125,000 automatically). The median home price in Massachusetts is more than \$600,000. See Colin A. Young, Median home price in Massachusetts tops \$600,000 for the first time, CBS News Boston (Jul. 19, 2022), https://www.cbsnews.com/boston/news/median-home-price-massachusetts-600k/. (c) Car: Massachusetts does not meet sub-benchmark (c) because one car is exempt only up to a wholesale resale value of \$7,500, subject to a certain limited exception. Mass. Ann. Laws. ch. 235, § 34. 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: 5/5

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?

Yes

Massachusetts meets the benchmark because the state only permits garnishment following a special proceeding called a supplementary process action, at which the debtor may object to the garnishment, assert objections or argue that he or she cannot afford to pay the debt through garnishment. The separate, pregarnishment proceeding meets the prior notice requirement of the benchmark, and the active court supervision of garnishment provides some assurance that only non-exempt assets will be garnished and that the judgment debtor will have a sufficient opportunity to assert exemptions and challenge the order. See Mass. Gen. Laws Ann. chs 224, 246, (West 2023).

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

Massachusetts does not meet the benchmark because the Supreme Court has upheld incarceration for contempt for nonpayment of debt after a judge concludes by "clear and convincing evidence that the petitioner is presently able to pay the judgment, in whole or in part." In re Birchall, 454 Mass. 837, 853 (Mass. 2009).

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

Massachusetts does not meet the benchmark because a person's failure to obey a court order to appear need not be willful to constitute contempt. The law provides that if a judgment debtor fails to appear for a debtor's examination "without reasonable excuse" it constitutes contempt of court, punishable by incarceration for up to 30 days. Mass. Gen. Laws Ann. Ch. 224 §§ 14, 18. The courts have held that a finding of contempt must "be supported by clear and convincing evidence of disobedience of a clear and unequivocal command," but it need not be "willful." See In re Birchall, 454 Mass. 837, 852–853 (2009); City of Worcester v. College Hill Properties, LLC, 80 Mass. App. Ct. 757, 764 n.20, 956 N.E.2d 1222 (2011).

19 - Provide Right to Counsel

Score: 0/5

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?

No

Massachusetts does not meet the benchmark because it does not provide a right to counsel in contempt cases in which incarceration is possible. See Mass. Gen. Laws Ch. 211D, § 6; Mass. R. Civ. P. 65.3

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

Massachusetts does not meet this benchmark because there is no statutory or judicial prohibition on relationships or financial arrangements between prosecutors and debt collectors. See Mass. Gen. Laws ch. 266, § 37.

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

Massachusetts does not meet the benchmark because its laws authorize release from custody upon payment in full to a creditor. Mass. Gen. Laws Ann. ch. 224, § 21.

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

Massachusetts does not meet this benchmark because a judgment debtor may be examined under oath regarding his ability to pay the debt. The statute does not limit the frequency of such exams. Mass. Gen. Laws ch. 224, $\S15$

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

Massachusetts does not meet the benchmark because it does not publish data on the number of consumer debt lawsuits or types of dispositions of consumer debt lawsuits. While Massachusetts state courts offer helpful data and statistics through the Massachusetts Trial Court, Department of Research and Planning, there is insufficient information on consumer debt for the courts to meet the benchmark. See Commonwealth of Massachusetts, Court Data, Metrics & Reports (last visited Mar 20, 2023)). See https://www.mass.gov/court-data-metrics-reports.

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

Massachusetts does not meet the benchmark because it does not publish data on the number of consumer debt lawsuits or types of dispositions of consumer debt lawsuits. While Massachusetts state courts offer helpful data and statistics through the Massachusetts Trial Court, Department of Research and Planning, there is insufficient information on consumer debt for the courts to meet the benchmark. See Commonwealth of Massachusetts, Court Data, Metrics & Reports (last visited Mar 20, 2023)). See https://www.mass.gov/court-data-metrics-reports.

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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