

Consumer Debt Litigation Index

Top Recommendations for Reform in Minnesota

Minnesota's Score: 14/100

Minnesota's National Rank: 39th

Consumer debt lawsuits dominate civil court dockets across the country. In an overwhelming number of cases—more than 70% in many places—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 Consumer Debt Litigation Index 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. Minnesota, however, does not yet have these key pleading requirements in place.

How: Minnesota should adopt a law or practice that requires all consumer debt complaints to allege the basis for plaintiff's standing and 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 Minnesota requires that for consumer debt cases brought by plaintiffs other than the original creditor, default judgment may only be entered where the plaintiff has established validity of the debt and the basis for the amount sought, it does not impose these requirements on cases brought by the original creditor. Further, it does not require, in any case, authenticated records establishing validity of service.

How: Minnesota 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. Minnesota, however, does not have self-executing bank account exemptions, and it has not increased garnishment and attachment exemptions sufficiently.

How: Minnesota should make bank account exemptions self-executing. Further, the state should update and expand on garnishment and attachment provisions so that they also 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 and (b) a car valued up to at least \$15,000. If it does so, the state's score would increase 7 points.

What Would Happen if Minnesota were to Implement these Recommendations?

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

Complete Consumer Debt Litigation Index Findings for Minnesota

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

Minnesota does not meet this benchmark because it does not meet either sub-benchmark 1a or 1b. First, sub-benchmark 1a is not met because Minnesota law permits service of process by "anyone not less than 18 years of age." See Minn. R. Civ. P. 4.02. Second, Minnesota does not meet sub-benchmark 1b because Minnesota does not require that the court provide supplemental notice of a consumer debt lawsuit, and that default judgment be denied if that 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

Minnesota does not meet this benchmark because Minnesota does not require that notice in a consumer debt lawsuit provide guidance to defendants on where to find help. See Minn. R. Civ. P. 4.01.

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

Minnesota meets this benchmark because it provides fillable forms for the Answer and Affidavit of Service that can be used by a consumer debt defendant. See Forms Packet: Responding to a Civil Lawsuit, Minnesota Judicial Branch, <https://www.mncourts.gov/GetForms.aspx?c=7&p=36>.

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

Minnesota meets this benchmark because it does not require that a pleading be verified except when specifically required by rule or statute. See Minn. R. Civ. P. 11.01. 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

Minnesota does not meet the benchmark because each plaintiff and each defendant in a civil case is required to pay a fee, the amount of which varies by county. MN ST GEN PRAC Rule 506 (2023). See also Form CIV301, Instructions - Answer or Answer and Counterclaim, Minnesota Judicial Branch ("At the time you file your Answer and Affidavit of Service, you are required to pay a filing fee. This fee varies by county."). <https://www.mncourts.gov/mncourtsgov/media/CourtForms/CIV301.pdf?ext=.pdf> (last visited April 4, 2023).

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

Minnesota does not meet this benchmark because it does not have special pleading requirements for consumer debt complaints that includes: (a) the name of the original creditor, (b) the basis of plaintiffs' standing, or (c) an itemization of the amount sought. See Minn. R. Civ. P. 8.01 (establishing requirements for a pleading that contains a claim for relief).

7 - Authenticated Records for Default**Score: 0/10**

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**

Minnesota does not meet this benchmark or any sub-benchmarks, except for cases brought by debt buyers. In all other consumer debt cases, Minnesota courts may grant default judgments pursuant to Minnesota Rule of Civil Procedure 55 but that rule does not impose any of the requirements in sub-benchmarks (a) to (c). Minn. R. Civ. P. 55. M.S.A. § 548.101 requires that where default judgment in a consumer debt case is sought by a party other than the original creditor, it must be accompanied by admissible evidence establishing the validity of the debt and the amounts sought. However, in all other cases, the Minnesota Rules of Civil Procedure do not require authenticated business records to be submitted to obtain default judgment in a consumer debt lawsuit.

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**

Minnesota does not meet this benchmark because the statutes and rules of Minnesota 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 the claim accrued, or (c) the date that the statute of limitations expires. See Minn. R. Civ. P. 8.03 (establishing the statute of limitations as an affirmative defense).

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**

Minnesota 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, Minnesota has the following limitations periods: • breach of written contract: 6-year limitations period (Minn. Stat. § 541.05(1) (2015)); • breach of oral contract: 6-year limitations period (Minn. Stat. § 541.05(1) (2015)); • open account: 6-year limitations period (Minn. Stat. § 541.053 (2013)); • account stated: 4-year limitations period (see *Trebelhorn v. Agrawal*, 905 N.W.2d 237 (Nov. 20, 2017) (noting that 4-year statute of limitations under UCC applies to account stated claim rather than 6-year limitations under breach of contract); • unjust enrichment: 6-year limitations period (see *Cordes v. Holt and Anderson, Ltd.*, No.A08-1734, 2009 WL 2016613 (Minn. Ct. App. July 14, 2009) (unjust enrichment claims subject to 6-year limitations period); • conversion: 3-year limitations period (Minn. Stat. § 336.3-118(g) (1992));

and • passing a bad check: 3-year or 10-year limitations period (see relevant law section) (Minn. Stat. § 336.3-118(c) (1992)).

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

Minnesota 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 *Bottum v. Jundt*, No. A09-797, 2009 WL 5092747, at *4 (Minn. Ct. App. Dec. 29, 2009) (" 'An acknowledgement of a debt tolls the statute of limitations on the debt and starts it running anew on the date of the acknowledgement.' . . . However, in order to toll the limitations period, the acknowledgement of a debt, and the promise to pay, must generally be embodied in a signed writing."), citing *Windschitl v. Windschitl*, 579 N.W.2d 499, 501 (Minn.App. 1998) ("An acknowledgement of a debt tolls the statute of limitations on the debt and starts it running anew on the date of the acknowledgement."). In addition, Minnesota Code states, "No acknowledgement or promise shall be evidence of a new or continuing contract sufficient to take the case out of the operation of this chapter unless the same is contained in some writing signed by the party to be charged thereby . . ." Minn. Stat. § 541.17 (2008).

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

Minnesota does not meet the benchmark because its courts allow for, or require, shifting of attorney's fees pursuant to certain statutes relating to consumer debt litigation. See Minn. Stat. Ann. § 336.9-607(d) (granting a secured party the right to deduct from collateral collections reasonable expenses, including attorney's fees and legal expenses incurred by the secured party).

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

Minnesota does not meet this benchmark because it does not satisfy the requirements of sub-benchmarks (a) or (b). Regarding prejudgment interest, Minnesota law has conflicting lines of decisions from the Court of Appeals and conflicting statutes. The rate of interest applicable to claims that are unliquidated or not readily ascertainable is governed by Minn. Stat. § 549.09, Subd. 1(c)(1)(i) and Subd. 1(c)(2). If the judgment is for more than \$50,000, Minn. Stat. § 549.09, Subd. 1(c)(2) provides a 10% rate for calculating prejudgment interest. If a judgment or award is \$50,000 or less, Minn. Stat. § 549.09, Subd. 1(c)(1)(i) provides: "The interest rate shall be based on the secondary market of one year United States Treasury bills, calculated on a bank discount basis as provided in this section."

However, Minn. Stat. § 334.01 states that "the interest for any legal indebtedness shall be at the rate of \$6 upon \$100 for a year, unless a different rate is contracted for in writing." One line of Court of Appeals decisions provides that the 6% rate of Minn. Stat. § 334.01 used at common law continues to be used to calculate prejudgment interest on damages that are liquidated or readily ascertainable. In *Woods v. K. R. Komarek Inc.*, Civil No. 15-4155, 2017 WL 2312868 (D. Minn. May 26, 2017) the U.S. District Court for the District of Minnesota held that the 6% interest rate of Minn. Stat. § 334.01, rather than the 10% rate of Minn. Stat. § 549.09, applies to awards of prejudgment interest in cases where money damages are liquidated or readily ascertainable. Conversely, in *Nelson v. Illinois Farmers Insurance Co.*, 567 N.W.2d 538 (Minn. Ct. App. 1997), the court held the 10% interest rate of Minn. Stat. § 549.09 applies to awards of prejudgment interest in cases involving liquidated or readily ascertainable damages. That said, even if Minn. Stat. § 334.01 is applied, Minn. Stat. § 334.01 states that the interest shall be 6% "unless a different rate is contracted for in writing." Further, the statute continues to state, "No person shall directly or indirectly take or receive in money, goods, or things in action, or in any other way, any greater sum, or any greater value, for the loan or forbearance of money, goods, or things in action, than \$8 on \$100 for one year." Thus, Minnesota would still fail to meet to the benchmark even if Minn. Stat. § 334.01 is applied. Regarding post-judgment interest, Minnesota law states: "If the judgment is for more than \$50,000, Minn. Stat. § 549.09, Subd. 1(c) (2) provides a 10 percent rate for calculating prejudgment interest." If a judgment or award is \$50,000 or less, it provides that the "interest rate shall be based on the secondary market of one year United States Treasury bills, calculated on a bank discount basis as provided in this section." Minn. Stat. § 549.09, Subd. 1(c)(1)(i) and Subd. 1(c) (2).

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: 0/5

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

No

Minnesota does not meet the benchmark because a judgment creditor may issue a garnishment summons and serve it upon the garnishee. Minn. Stat. § 571.72.

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

Minnesota 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. Minn. Stat. Ann. § 550.37(13) specifies the amount that may be exempted with respect to disposable earnings, if traceable, for 20 days after deposit.

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

No

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?

Minnesota does not meet this benchmark because sub-benchmarks (a) (income) and (c) (car) are not met. Minnesota law provides as follows: (a) Income: Minnesota does not meet sub-benchmark (a) because it exempts the lesser of 75% of a person's weekly disposable earnings or 40 times the federal or state minimum hourly wage, whichever is greater, in effect when the person is paid, subject to a certain limited exception. Minn. Stat. Ann. §§ 571.922(a), 571.925 (West 2023) (100% exemption of a person's weekly disposable earnings if the person receives need-based assistance, has received need-based assistance within the last six months, or was an inmate of a correctional institution within the last six months). Forty times the state minimum wage (\$10.85 per hour in 2024) is only \$434. State Minimum Wage Laws, U.S. Dep't of Labor (Sept. 30, 2023), <https://www.dol.gov/agencies/whd/minimum-wage/state>. (b) Home: Minnesota meets sub-benchmark (b) because a home, including its land of not more than 160 acres, is exempt up to a value that is at least the median price of a home in the state. Minn. Stat. Ann. §§ 510.02, 550.37(12) (West 2023) (a manufactured home that is inhabited as a home by a person is entirely exempt). (c) Car: Minnesota does not meet sub-benchmark (c) because one car is exempt only up to a value of \$5,200 subject to a certain limited exception. Id. at § 550.37(12a) (as adjusted from time to time consistent with an index compiled by the United States Department of Commerce). 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

Minnesota does not meet this benchmark for wage garnishment because, even though it requires ten days advanced notice to the judgment debtor prior to garnishment, see Minn. Stat. Ann. §§ 571.924–571.925, the notice to the judgment debtor does not satisfy the sub-benchmarks (a) and (c) See <https://www.revisor.mn.gov/statutes/cite/571.925> is not required to indicate the manner in which to challenge the order. See Minn. Stat. Ann. §§ 571.924–571.925 (West 2023). Specifically, the state does not meet sub-benchmark (a) (potential exemptions), because the required notice only identifies the bases for total exemption from wage garnishment (for recipients based on need and those recently returning from incarceration) and explains for others only that a portion of wages are exempt from garnishment, placing responsibility on the employer to explain how the garnishment amount was calculated. See Minn. Stat. Ann. §§ 571.924–571.925. See also <https://www.revisor.mn.gov/statutes/cite/571.925>. The state does not meet sub-benchmark (c) (how to assert exemptions), because, although the required notice contains a form to assert complete exemption from wage garnishment based on receipt of public assistance based on need or based on recent incarceration, it does not explain how to claim the specific exemptions available to all earners. The state meets sub-benchmark (b) (how to challenge the order) because the required notice informs the debtor that they have the right to request a hearing to claim the garnishment is incorrect. See id. Minnesota also does not meet this benchmark for garnishment of property held by a financial institution even though Minnesota provides for prior notice to the judgment debtor before property or money held by a bank is delivered to the judgment creditor, because the notice it requires does not meet sub-benchmark (b), requiring notice to the debtor on how to challenge the order. Specifically, Minnesota law provides that an exemption notice be provided to the debtor, along with a copy of the garnishment summons, within 5 days of service on the financial institution, but before a writ of execution is served on the financial institution. Id. at §§ 571.912, 571.72. The required exemption notice meets sub-benchmark (a) (potential exemptions) and sub-benchmark (c) (how to assert exemptions), because it provides a list of exemptions that can be checked-off on the form and instructions about how to submit the form. The state does not meet sub-

benchmark b (how to challenge the order) because it does not explain how to assert a challenge to the garnishment itself. See https://law.justia.com/codes/minnesota/1997/570-583/571/571_912.html

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

Minnesota meets the benchmark because the Minnesota Supreme Court has held that it is a violation of the state constitution's prohibition on imprisonment for debt to incarcerate a person for contempt for failure to comply with a court order to pay creditors. See *Wojahn v. Halter*, 229 Minn. 374, 382 (1949). The Minnesota Supreme Court held, "If, as respondents contend, failure to obey a court's order requiring a debtor to pay an ordinary debt could be made the basis for a sentence of imprisonment on the ground that the debtor was guilty of contempt, little would remain of our constitutional protection against imprisonment for debt. A lawful order or decree presupposes authority on the part of the court to make it. Where such authority is lacking, the order is not lawful, and failure to obey it cannot be made the basis for a finding of contempt." *Id.* See also Minnesota. Const. Art. I, § 12 ("No person shall be imprisoned for debt in this state.").

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

Score: 5/5

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?

Yes

Minnesota meets the benchmark because a person's failure to appear at a debtor's examination must be willful to constitute contempt. The law provides that a person is guilty of misdemeanor contempt if they engage in "willful disobedience to the lawful process or other mandate of a court." Minn. Stat. Ann. § 588.20.

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

Minnesota does not meet the benchmark because it does not provide a right to counsel in contempt cases in which incarceration is possible. See Minn. Stat. §§ 611.14; 588.09.

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

Minnesota does not meet this benchmark because it explicitly allows prosecutors to lend authority to private entities in "bad check" collection cases through pre-trial diversion. Minn. Stat. § 628.69.

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

Minnesota does not meet the benchmark because it explicitly authorizes the use of bail to pay a creditor. Minn. Stat. § 550.011.

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

Minnesota does not meet this benchmark because when a judgment is "returned unsatisfied, in whole or in part, the judgment creditor is entitled to an order from the judge" requiring the judgment debtor "to appear and answer concerning the property, at a time and place specified in the order, before a judge or a referee therein named." The law does not limit the frequency of such examinations. Minn. Stat. § 575.02. See also Minn. Stat. § 575.05.

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

Minnesota does not meet the benchmark because it does not collect and publish data on the number of consumer debt lawsuits or on the types of dispositions of consumer debt lawsuits. There is no indication that there is a law requiring collection or publication of such data. Note: Minnesota does publish an annual report on certain court statistics, and while the Report mentions consumer credit as a major civil case type, it does not appear to make available any data specific to consumer credit cases. MINNESOTA JUDICIAL BRANCH, ANNUAL REPORT 2021, (last visited May 2, 2023). In addition, Minnesota publishes a 5 year trend report of statistics for the District Court, which includes a total number of court filings by case type, including consumer credit as a "Major Civil" case type. DISTRICT COURT CASE DATA (last visited Apr. 4, 2023). See <https://mncourts.gov/mncourtsgov/media/PublicationReports/MJB-Annual-report-2021.pdf> and <https://www.mncourts.gov/Help-Topics/Court-Statistics/District-Court-Filings.aspx>.

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

Minnesota does not meet the benchmark because it does not collect and publish data on the number of consumer debt lawsuits or on the types of dispositions of consumer debt lawsuits. There is no indication that there is a law requiring collection or publication of such data. Note: Minnesota does publish an annual report on certain court statistics, and while the Report mentions consumer credit as a major civil case type, it does not appear to make available any data specific to consumer credit cases. MINNESOTA JUDICIAL BRANCH, ANNUAL REPORT 2021, (last visited May 2, 2023). In addition, Minnesota publishes a 5 year trend report of statistics for the District Court, which includes a total number of court filings by case type, including consumer credit as a "Major Civil" case type. DISTRICT COURT CASE DATA (last visited Apr. 4, 2023). See <https://mncourts.gov/mncourtsgov/media/PublicationReports/MJB-Annual-report-2021.pdf> and <https://www.mncourts.gov/Help-Topics/Court-Statistics/District-Court-Filings.aspx>.

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