

# Issue Areas, Benchmarks, Weights, Trends

## [Consumer Debt Litigation Index](#)

National Center for Access to Justice

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Benchmark Number	Benchmarks	Weights	Trends (No. of States)
<b>Issue I: Help People Know When they are Being Sued and Where to Find Help.</b>			
1	Government Notice of Lawsuits: a) Public Official Service, or b) Court Supplemental Notice?	5	1
2	Guidance on Finding Help?	5	5
<b>Issue II: Make it Easier to Respond to a Lawsuit.</b>			
3	Simplified Answer?	2	25
4	No Notarization Requirement to Answer?	2	48
5	No Fee to Answer?	5	36
<b>Issue III. Require the Creditor to Provide Evidence of a Valid Debt Claim.</b>			
6	Pleading Requirement: a) Name of original creditor; b) Basis of plaintiff's standing; and c) Itemization of amount sought?	10	4
7	Authenticated Records for Default: a) Proof of Service b) Validity of debt; and c) Amount of judgment?	10	6
<b>Issue IV. Require Consumer Debt Collection Actions to be Brought within a Reasonable Time of Non-payment.</b>			
8	Burden on Plaintiff to Allege Timeliness: a) applicable statute of limitations; b) date that claim accrued; and c) date that statute of limitations expires?	2	0
9	Four Year Statute of Limitations?	5	9
10	Prohibit Revival of Time-Barred Claims?	2	10
<b>Issue V. Prohibit Attorneys' Fee Shifting, and Cap Interest.</b>			
11	Prohibit Attorneys' Fees Shifting.?	3	5

12	Interest Caps: 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?	3	1
<b>Issue VI. Reduce the Likelihood that Consumer Debt Collection Actions Leave People Homeless, or Perpetuate Debt.</b>			
13	Require Court Order to Garnish or Attach?	5	45
14	Garnishment Exemptions Are Self Executing?	2	11
15	Essential Exemptions: 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?	5	2
16	Require Prior Notice of Garnishment and Attachment that explains: a) potential exemptions? b) how to challenge the garnishment order? c) how to assert exemptions?	5	5
<b>Issue VII. Eliminate debtors' prison.</b>			
17	Prohibit Incarceration for Failure to Obey a Court Order to Pay Consumer Debt?	5	20
18	Prohibit Incarceration for Failure to Obey a Court Order to Appear at a Debtor's Examination, Unless Nonappearance was Willful?	5	16
19	Provide Right to Counsel Where Incarceration?	5	27
<b>VIII. Prevent government from undue intervention on behalf of creditor.</b>			
20	Prohibit Collaboration Between Creditors and Prosecutors?	2	1
21	Prohibit Paying Bail/Bond to Creditor?	2	0
22	Limit Frequency of Examinations, to one per year?	5	2
<b>Issue IX. Collect data to improve the system.</b>			
23	Data Collection: Number of Lawsuits?	3	4
24	Data Collection: Dispositions of Lawsuits?	2	1
		Total Weight = 100	