

Acting Administrative Director Michael J. Blee
Administrative Office of the Courts
Attn: Rules Comments
Hughes Justice Complex; P.O Box 037, Trenton, NJ 08625

**Public Comment on the New Jersey Supreme Court’s Civil Practice Committee’s
Proposed Rule Changes**
Submitted by Eshaan Kawlra, Senior Associate, The Pew Charitable Trusts
901 E St NW, Washington, DC 20004

The Pew Charitable Trusts appreciates the opportunity to provide public comment on the New Jersey Supreme Court’s Civil Practice Committee’s proposed rule changes. Pew is an independent non-partisan organization that conducts research and provides technical assistance to advance data-driven policy solutions. The Courts & Communities project at Pew partners with state and local court systems to ensure that people can meaningfully participate in their court cases and to reduce unnecessary harms and disparities perpetuated by court involvement. Since 2019, our team has done extensive work with state courts to examine both how debt collection and landlord-tenant lawsuits show up in their dockets and impact their communities.

For this comment, we identified areas where some of the proposed amendments seem to lack clarity for existing practices and procedures. We also offer substantive recommendations related to procedures in consumer debt collection lawsuits that research show would benefit all parties in these cases, should the Court widen the scope of the proposal.

A few of the proposed changes to Part VI of the New Jersey Court Rules reduce procedural clarity.

Our team reviewed [proposed rule changes](#) to Part VI of the New Jersey Court Rules, which governs the Special Civil Part. Overall, the revisions accurately restructured and reworded existing language to make the rules easier to comprehend. However, there are some areas where the proposed amendments may have eliminated relevant information that helps parties understand key processes. The table below highlights these sections:

Rule and page in proposal	Proposed change	Potential significance
6:1-1(c) Caption Page 72	Removes requirement that the amount in controversy be provided in a case caption.	Removing the amount from the caption may make it more onerous for already overburdened clerks to review

		and verify the accuracy of the claim.
6:1-2(b) Cognizable Matters Page 77	Clarifies when cases would be heard as Special Civil (DC) actions, Small Claims (SC) action, and Landlord Tenant (LT) actions.	As written, it may not be immediately clear to parties how a case should be filed. For example, what type of action would be filed if a tenant was trying to sue a landlord in a habitability case?
6:3-1(b)(7) Applicability of Rules Page 98	Current rule states that if the name of a party in the pleading is incorrect, the court may correct the error upon providing notice to all parties. The amended rule states that this notice only needs to be provided to the party requesting the change.	This may cause issues to arise if the plaintiff amends the name of the consumer(s) they are suing or the creditor they are suing on behalf of, but the consumer(s) is/are not aware of these changes.
6:3-3 (b)(2) Waiver of Oral Argument Page 107	The proposed amendment removes pertinent information that clarifies when an oral argument in a contested motion will be granted.	It is not clear what the procedure or timelines are for requesting oral arguments and how the court determines whether to grant oral arguments.
6:3-3(d) Transfer to Landlord/Tenant Action; Enforcement of Discovery Orders and Information Subpoenas Page 110	The proposed amendments eliminate prior sections of this rule related to transfer of landlord/tenant actions and enforcement of discovery orders and information subpoenas and does not seem to replace with a similar section.	Is the intent of this deletion because these processes will no longer occur? If so, then there is no issue. But otherwise, it is unclear which rules would govern these processes moving forward.

Additional procedural amendments would improve engagement with civil courts for all parties.

Many states have made efforts in recent years to create fairer processes and improve engagement in civil lawsuits. The following recommendations highlight evidence-based policy changes that New Jersey could take to help consumers understand when/why they are being sued and how to actively participate in their cases to get their debts resolved. They would also ensure

that consumers and are not thrust into needless financial distress because of their cases. Those recommendations include:

1. Increasing information on pleadings and summons
2. Requiring GPS coordinates and a timestamp to complete service of process
3. Lengthening the time consumers have before an appearance is scheduled in small claims
4. Eliminating answer requirements in the Special Civil Part
5. Creating automatic bank garnishment protections
6. Prohibiting the issuance of capias warrants

Recommendation #1: Ensure that consumers easily understand the pleading and summons, and that those documents include the information needed to help them recognize the debt that plaintiffs claim they owe.

While Rule 6:3-2(b) and (c) require plaintiffs to provide the name of the original creditor, the current assignee / owner of the debt, the last four digits of the account number, the last three digits of the consumer’s Social Security number, and the full chain of assignment, many states have expanded on these requirements further. New Jersey could take the opportunity to help consumers understand more about why they are being sued by including these additional requirements:

Information Provided to the Consumer	States with this Requirement (Including DC) ¹
Information on last payment	18
The date of charge off / default	7
The amount of outstanding balance	23
An itemization of charges	15
Evidence to show the case is being filed within the statute of limitations	9
An agreement between the creditor and the consumer	18

In addition to being adopted in several states, these requirements are memorialized in the Uniform Law Commission’s [Consumer Debt Default Judgment Act](#). That 2023 act was drafted in collaboration with consumer groups, the debt buying industry, the courts, academics, and more. In addition to requiring inclusion in the pleadings, the Act requires courts to verify this information before entering in a default judgment.

¹ “State/Territory Debt Collection Litigation Laws.” Temple University Law Atlas. <https://lawatlas.org/datasets/debt-collection-litigation-laws?g0=14182>

Recommendation #2: Require GPS coordinates and a timestamp and update who is notified so that all parties can meaningfully engage in cases

Rule 6:2-3 outlines different methods of service to be used, including personal service, service by mail, service by publication, or service by posting a copy of the summons and complaint on the door of the unit. Research from around the country shows that personal service is correlated with the highest participation rates in cases – in Oregon, default judgment rates were 15% lower when service was completed in person rather than just by mail. Further, Washington DC and California require that service be complete with GPS coordinates, photo verification, and a time stamp, which increases the verifiability of delivery, deters falsified information, and increases meaningful participation. This recommendation has also been endorsed by Receivables Management Association International, a national trade association for debt collection companies.²

Similarly, Rule 6:6-3(e) states the notices that the clerk must provide to the plaintiff and/or their attorney when a default judgment is entered. However, if the court is entering a default judgment, this means that the consumer up until this point has not engaged in the case after receiving previous notices from the plaintiff. In this circumstance, because plaintiff efforts to provide notices to the consumer have not led to successful engagement, the court should be responsible for providing notice of default judgment to consumers to improve the chances that they can understand what this means for their case.

Recommendation #3: Ensure Consumers Have Adequate Time to Respond to Their Cases

The more consumers participate in their lawsuits, the better the outcomes for everyone involved, including debt collectors. Consumers are more likely to get their cases resolved, and creditors see higher cost recovery rates.³

However, as written, Rule 6:2-1 requires an appearance date to be set within 5 days from date of service for small claims cases. This may create an unnecessary barrier to consumers who may have an affirmative defense but may not be able to take time off work, arrange for transportation, or coordinate childcare to come to court within that period of time. Notably, Rule 6:3-1 states that consumers who are sued in Special Civil Part have 35 days to respond to a lawsuit against them – this timeline should also be used in small claims.

² Bird, Lester and Casey Chiappetta. 2026. "What Courts Can Learn From Package Delivery Companies." The Pew Charitable Trusts. <https://www.pew.org/en/research-and-analysis/articles/2026/02/04/what-courts-can-learn-from-package-delivery-companies>

³ Chiappetta, Casey and Eshaan Kawlra. 2026. "How Paperwork Prevents Consumers From Participating in Lawsuits." The Pew Charitable Trusts. <https://www.pew.org/en/research-and-analysis/articles/2026/03/16/how-paperwork-prevents-consumers-from-participating-in-lawsuits>; Consumer Financial Protection Bureau. 2025. "The Consumer Credit Card Market." (pg. 97) https://files.consumerfinance.gov/f/documents/cfpb_consumer-credit-card-market-report_2025.pdf

Recommendation #4: Eliminate Written Answer Requirements in the Special Civil Part

To that end, one of the most significant barriers to participation is having to file a written answer to participate in a debt case. Data shows that in places where there is no formal answer required, there are lower default judgment rates and higher resolution rates.⁴

Like New Jersey, Minnesota allows debt cases to be filed in different venues, with consumer credit transactions below \$4,000 going to Conciliation Court and cases above that threshold being heard on the District Court docket. In Conciliation Court, where appearances are automatically scheduled, data from 2018-2021 shows that default judgment rates were around 54%, whereas in District Court, where consumers must file an answer and pay a fee, default judgment rates were around 82%.⁵ Further, an analysis done by January Advisors, a data science consulting firm, estimated that if California were to eliminate their answer requirement, between 2.1 – 3.7x more people would show up to court. This means that between 5,000 and 12,400 more people would participate in their lawsuits to resolve their debts and dispute bad debts.⁶

In alignment with this data and research, the New Jersey Supreme Court should consider eliminating the formal answer requirement in the Special Civil Part in R. 6:3-1(b)(8) and R. 6:3-3(c)(4).

Recommendation #5: Increase and Automate Bank Garnishment Protections

New Jersey has the weakest garnishment protections in the country, with the state's exemptions ranked as an "F" by the National Consumer Law Center.⁷ There is no state or federal protection for bank accounts, meaning that New Jersey consumers can have the entirety of their bank accounts seized to satisfy a debt. This has extremely destabilizing effects, as consumers may have been relying on that money to put food on their table or gas in their car.

While R.6:7-1(b) exempts all funds deposited into a consumer's account within the last 90 days, 13 states have gone farther to create bank garnishment protections that automatically apply without consumers having to come to court to claim exemptions. Most states, including New York, have done this through legislative change, but one state, Pennsylvania, does this through court

⁴ January Advisors. 2025. "How Eliminating Answer Requirements Could Boost Participation and Access to Justice in California Debt Collection Cases." <https://januaryadvisors.shinyapps.io/answer-dashboard/>

⁵ Minnesota State Bar Association. 2023. "Minnesota Consumer Debt Litigation: A Statewide Access to Justice Report", <https://mnbars.org/?pg=debt-litigation-report>

⁶ January Advisors. "How Eliminating Answer Requirements Could Boost Participation and Access to Justice in California Debt Collection Cases."

⁷ Carter, Carolyn, et. al. 2025. "No Fresh Start: Will States Protect Families from Wage and Asset Seizures as Debt Levels Soar? (2025)." National Consumer Law Center. <https://www.nclc.org/resources/no-fresh-start/>

rule. PA. R. Civ. P. 3111.1 automatically protects \$300 in a consumer's bank account.⁸ The New Jersey Supreme Court might consider a similar provision at this time.

Recommendation #6: Eliminate the Ability to Issue Capias Warrants

New Jersey court rules allow for capias warrants when a consumer has not responded to a discovery request or an information subpoena. This recommendation cautions against the use of capias warrants in consumer debt cases, as they are often used as a practice by debt collectors to coerce payments.⁹ Data from Virginia also shows racial disparities in who was likely to have a capias warrant issued against them, mirroring trends in debt collection lawsuit filings.¹⁰ The New Jersey Supreme Court should consider eliminating this practice entirely.

If the New Jersey Supreme Court wants to engage on any of these recommendations, Pew is ready to assist with technical assistance and data support.

In summary, this review of the Court Rules presents the New Jersey Supreme Court with an opportunity to implement additional amendments that would substantively change current practices for the benefit of both courts and parties to debt collection lawsuits. If the Court wishes to proceed in such a manner, Pew is available to support in ensuring that changes focus on fairness of processes and engagement for the parties involved.

⁸ Best, Michael and Carolyn Carter (2026). "Safe Deposits: How to Protect Family Bank Accounts from Debt Collectors." The National Consumer Law Center. <https://www.nclc.org/resources/safe-deposits/>

⁹ Best, Michael and Carolyn Carter (2026). "Model Family Property and Income Protection Act." The National Consumer Law Center. <https://www.nclc.org/resources/model-family-property-and-income-protection-act/>

¹⁰ Speer, Jay and Joanna Darcus (2025). "Analyses of Virginia Debt Collection Lawsuit Court Data, 2019-2024." <https://debtcollectionlab.org/research/virginia-debt-collection-lawsuits>