# THE SYCAMORE INSTITUTE



### **Debt Collection Lawsuits in Shelby County, TN**

January 18, 2024

### **Key Takeaways**

- About 158,600 debt collection cases were filed in Shelby County civil courts between 2016 and March 2023 — 60% of which were by debt collectors and medical providers.
- Plaintiffs in Shelby County debt collection lawsuits are almost always represented by an attorney, while defendants almost never have legal representation.
- The zip codes with the highest lawsuit rates had more black residents and fewer white residents.
- Court data provide a unique look into consumer creditors' collection practices and Shelby County residents' financial security but elicit additional questions to understand more about both.

The ability for businesses to use the courts to collect debts helps ensure they remain financially solvent. Ensuring that people in debt meet their financial obligations can safeguard access to and mitigate increases in the costs of credit (or other services) for others. (1) However, the over- or misuse of lawsuits involves trade-offs for both courts and defendants.

In this report, we explore consumer debt collection lawsuits in Shelby County, Tennessee. Using Shelby County civil court data for January 2016 through March 2023, this study explores how creditors use Memphis courts to collect consumer debt, the kinds of debts most likely to end up in court, and who is most affected. A similar review focused on Davidson County is available <a href="here">here</a>.

### **Summary of Our Methods and Limitations**

#### Methods

We obtained data for over 199,800 civil cases filed in Shelby County Circuit and General Sessions Courts from January 2016 through March 2023 from the Legal Service Corporation, which scraped and cleaned the data from Tennessee Case Finder. In Shelby County, the state's 30<sup>th</sup> Judicial District Circuit Court and the county-level General Sessions courts share jurisdiction over debt collection lawsuits. Debt collections suits are most often brought in General Sessions court, which hears cases with claims of less than \$25,000. (23) (19) Data included filing dates, plaintiff names and addresses, deidentified defendant addresses, plaintiff and defendant legal representation, and outstanding garnishment balances — among other items. We used plaintiff names to identify debt collection cases and debt types. We extracted defendant zip codes and combined them with zip code-level Census data to better understand the resident characteristics of neighborhoods most impacted by debt collection lawsuits. These methods are largely consistent with those used in a similar Michigan study. (10)

#### Limitations

Our analyses are subject to a number of limitations. For example:

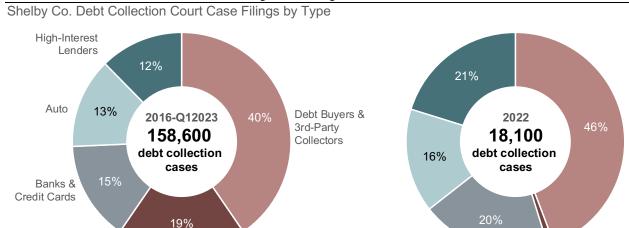
- Much of our coding and categorizing of plaintiffs was done manually and focused largely on plaintiffs filing at least 3 cases, which means we may have missed some relevant plaintiffs.
- We excluded plaintiffs where we could not readily identify their line of business using an internet search, which may have resulted in undercounts of debt collection suits.
- Our analyses assume all plaintiffs included filed lawsuits against customers/clients for unpaid debts, which may have resulted in overcounts of debt collection suits.
- While each case was assigned to a single debt type based on the information available, the
  debt type categories are not mutually exclusive. For example, we included a category for auto
  lenders, but some suits by banks may be for auto loans. Similarly, debt buyers and 3rd-party
  collectors are suing for and sometimes on behalf of other types of debt.
- We used several formulas to extract defendant zip codes, which may not have been fully
  accurate in instances where addresses included multiple zip codes or addresses and/or where
  zip codes were missing.
- Without specific information about each defendant, we relied on data about the characteristics of residents of each zip code as a proxy to understand the demographics, socioeconomic circumstances, etc., of defendants, which is imperfect. To do so, we ran bivariate analyses, which tell us about <u>correlation</u> <u>not causation</u>. While it can tell us, for example, that more cases are filed against residents of neighborhoods with higher proportions of black residents, it does not mean that one causes the other nor does it account for other factors that may be highly correlated with both (e.g., income).

See the **Appendix** for additional information about our methods and findings.

### **Key Findings**

At least 158,600 debt collection cases were filed in Shelby County civil courts between January 2016 and March 2023 (Figure 1) — including about 18,100 in 2022. Between 2016 and 2018, the number of cases steadily climbed (Figure 2) — peaking at almost 28,000 yearly cases. Filings declined precipitously during the pandemic as courts closed or restricted access to courtrooms. (2) As of 2022, the number of debt collection filings was about 35% lower than the peak in 2018. (3)

Figure 1. Debt Buyers and 3<sup>rd</sup>-Party Collectors File the Most Debt Collection Lawsuits in Shelby County



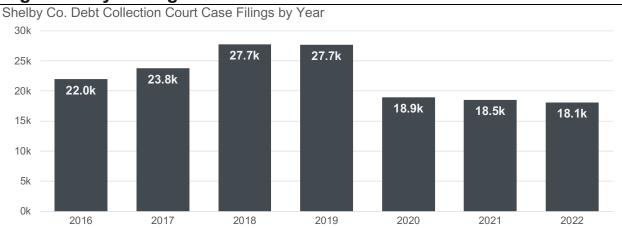
See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

1%

Figure 2. Debt Collection Lawsuits in Shelby County Declined Significantly During and After the COVID-19 Pandemic

Medical



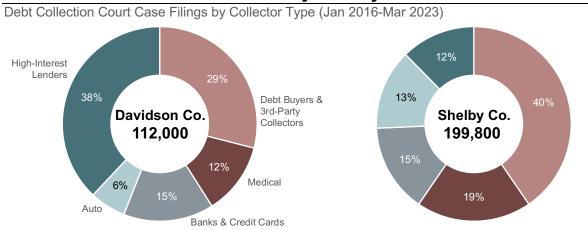
See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

#### **Debt Collector Types**

Debt buyers and 3rd-party collectors filed the most debt collection lawsuits in Shelby County between January 2016 and March 2023 (Figure 1). Over the entire period, they were followed by medical providers, who filed 19% of all suits. By 2022, medical providers all but stopped filing debt collection lawsuits — driving up the shares filed by all other collector types. (3) (See Collector Types text box for additional information on each type of collector.)

Figure 3. Debt Buyers and Medical Providers Are a Much Larger Share of Debt Collection Cases in Shelby County Than in Davidson

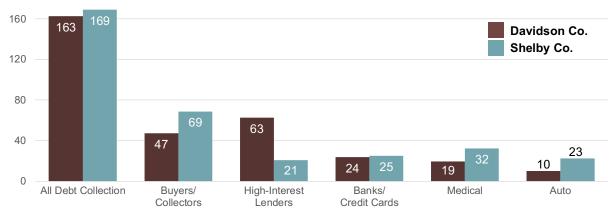


See the Appendix for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Davidson and Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

# Figure 4. Debt Lawsuit Rates Are Similar in Davidson and Shelby Counties but Distributed Differently Across Collector Types

Debt Collection Court Case Filings per 1,000 Residents by Collector Type (Jan 2016-Mar 2023)

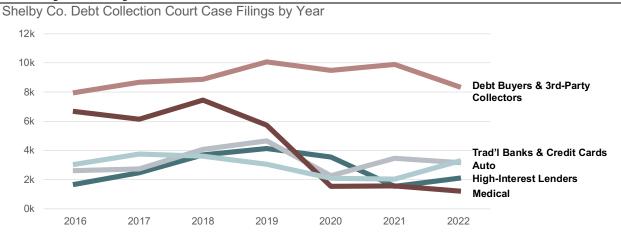


See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Davidson and Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3) (4)

Compared to Davidson County — the only other one for which we have data — Shelby County debt collection filing rates are similar but distributed quite differently across collector types (Figures 3 and 4). While high-interest lenders accounted for 38% of all debt collection cases in Davidson — or about 63 cases per 1,000 residents, they made up only 12% — or 21 cases per 1,000 residents — in Shelby County. Debt buyers/collectors, medical providers, and auto lenders made up larger shares with higher case filing rates in Shelby County than in Davidson. (3) (4)

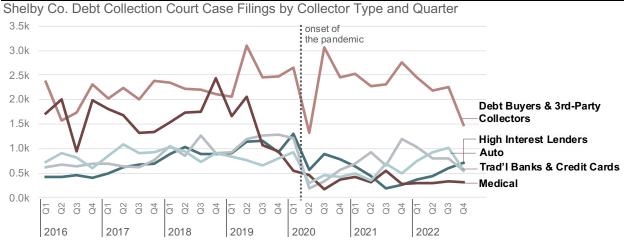
Figure 5. Medical and High-Interest Lender Debt Collection Suits in Shelby County Were Still Below Pre-Pandemic Levels in 2022



See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

Figure 6. After Early Pandemic Declines, Lawsuits by Debt Buyers in Shelby County Jumped Back to Pre-Pandemic Levels Within Months



See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

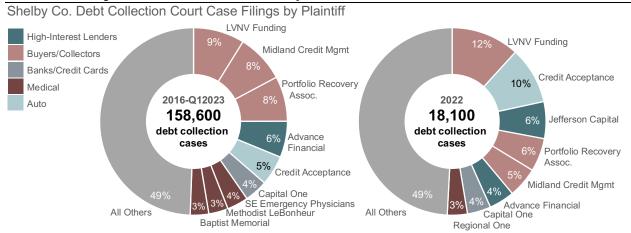
Medical and high-interest lender debt collection suits in Shelby County were still below prepandemic levels in 2022, while other types remained about the same (Figure 5). All types of cases declined significantly at the onset of the pandemic (Figure 6). Those by debt buyers/3rd-party collectors jumped back up to pre-pandemic levels within months. Others more steadily climbed back up, while medical debt suits remained low — consistent with other studies that show a national decline in medical debt during the pandemic. (5)

#### **Top Plaintiffs**

Over half of all debt collection lawsuits in Shelby County were filed by fewer than 10 companies (Figure 7). Between January 2016 and March 2023, three debt buyers/3rd party collectors — LVNV Funding, Midland Credit Management, and Portfolio Recovery Associates — filed about one-quarter of all debt collection cases. In 2022, LVNV remained the top filer, but auto loan lender Credit Acceptance became the second highest filer — making up 10% of all cases. (3)

A few plaintiffs also account for most lawsuits within almost every debt type (Figures 8 and 9). For example, between 2016 and March 2023, the top three plaintiffs in each category brought 69% of all high-interest lender cases, 62% of debt buyer cases, 61% of auto lender cases, 53% of medical debt cases, and 49% of bank and credit card suits. All debt types remained relatively similarly concentrated among a few specific plaintiffs in 2022. (3)

Figure 7. Over Half of All Debt Collection Lawsuits in Shelby County Are Filed by Fewer Than 10 Companies



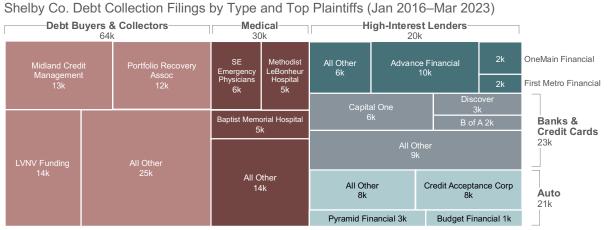
See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

### **Collector Types**

- High-Interest Lenders include creditors that offer short-term, high-cost loans often to consumers
  with poor credit. According to estimates, interest and fees on these loans can add up to a nearly
  500% annual percentage rate in Tennessee, on average. (21) (22)
- **Debt Buyers and 3rd-Party Collectors** are companies that either purchase debts from or contract with creditors to collect unpaid debts. Buyers often purchase large debt portfolios at a discount sometimes pennies on the dollar. These debts can also be bought and sold by collectors multiple times. (20)
- Banks and Credit Cards include traditional banking institutions and credit card issuers.
- Medical includes medical providers like hospitals, physician groups, imaging companies, and individual health care providers. See our past work on medical debt here.
- Auto includes car dealers and lenders that specialize in financing vehicle purchases.

# Figure 8. Between 2016-2023, A Few Plaintiffs Accounted for Most of the Collection Lawsuits for Some Debt Types in Shelby County

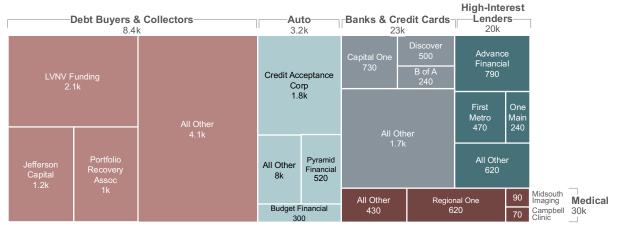


See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

# Figure 9. In 2022, A Few Plaintiffs Accounted for Most of the Collection Lawsuits for Some Debt Types in Shelby County

Shelby Co. Debt Collection Court Case Filings by Plaintiff (2022)

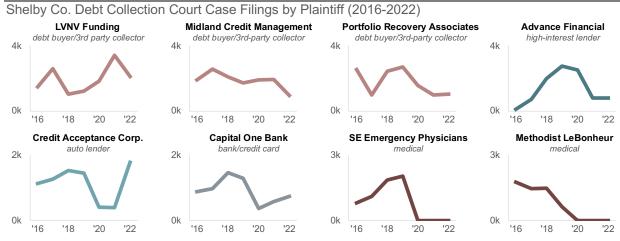


See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

The number of lawsuits filed by top plaintiffs has varied significantly over time (Figure 10). For example, both Southeastern Emergency Physicians and Methodist LeBonheur Hospital stopped filing lawsuits altogether in 2020. Advance Financial rapidly increased the number of lawsuits they filed between 2016 and 2020, but that number has come back down since.

Figure 10. The Number of Debt Collection Lawsuits for Each of the Top Plaintiffs in Shelby County Has Varied Significantly Over Time



See the **Appendix** for a full discussion of our methods.

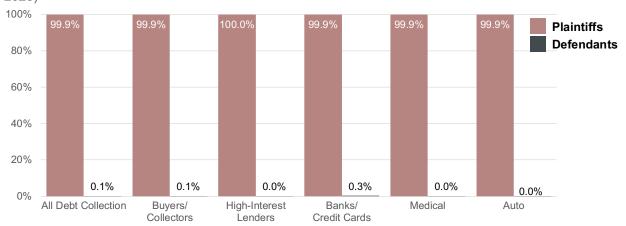
Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

#### Representation

An attorney almost always represents plaintiffs in Shelby County debt collection lawsuits, while defendants rarely have legal representation (Figure 11). Across all collector types, plaintiffs had representation about 99% of the time and defendants about 0.1%. These rates varied little across collector types. (3)

Figure 11. Plaintiffs in Shelby County Debt Collection Lawsuits Almost Always Have an Attorney, Defendants Rarely Do

Shelby Co. Debt Collection Cases with Named Representation by Party/ Debt Type (Jan 2016-March 2023)



See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

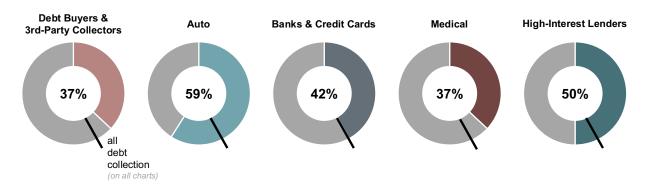
#### **Garnishment**

Settlements come in many ways — including garnishment, in which debts are deducted straight from a defendant's paycheck or bank account. For example, cases can be dismissed, delayed, or settled between the parties without any court action. If a court rules in a plaintiff's favor, it determines a settlement that can include the debt, court costs, attorney's fees, and interest. With approval from the court, collectors can use wage garnishments and asset seizures to recoup these settlements.

About 42% of debt collection lawsuits in Shelby County between January 2016 and September 2019 involved a garnishment. Garnishment data were only available for this period. These rates varied across debt types. Auto lender cases were most likely to lead to garnishment, and 59% of those lawsuits during this period did so (Figure 12). (3)

### Figure 12. About 42% of All Debt Collection Cases in Shelby County Involved a Garnishment — Varying Across Collector Type

Shelby Co. Debt Collection Cases Involving a Garnishment by Collector Type (Jan 2016-Sept 2019)



See the **Appendix** for a full discussion of our methods.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

#### **Affected Neighborhoods**

Defendants in eight Shelby County zip codes accounted for half of all debt collection lawsuits against county residents between January 2016 and March 2023 (Figure 13). These zip codes only accounted for 36% of the county's population. Many of these zip codes also had the highest rates of debt collection lawsuits per 1,000 residents (Figures 14 and 15). The rate of debt collection lawsuits against defendants in 38125 (Southwind) – 270 cases per 1,000 residents – was about eleven times higher than for 38139 (Germantown), where it was just 25 cases per 1,000. (3) (4)

Use the dashboard at SycamoreTN.org to explore debt case burdens and neighborhood characteristics by zip codes.

**Debt collection lawsuit rates across zip codes varied more for some debt types than others** (**Figures 16-21**). For example, the rate of debt buyer/3rd-party collector lawsuits varied from a high of almost 120 cases per 1,000 residents in 38125 (Southwind) to a low of no cases in 38002 (Collierville). However, the range was much tighter for bank and credit card lawsuits – 48 cases per 1,000 residents in 38125 compared to less than 1 case per 1,000 in 38017 (Collierville). These variations likely reflect the extent to which different populations access different types of credit options — with banks and credit cards more universally accessed than high-interest lenders. (3) (4)

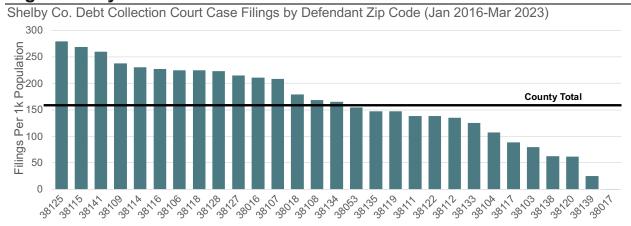
Figure 13. Defendants in Eight Zip Codes Account for Over Half of All Debt Collection Lawsuits Against Shelby County Residents

Shelby Co. Debt Collection Court Case Filings by Defendant Zip Code (Jan 2016-Mar 2023)



Notes: Counts are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. **See Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation (3)

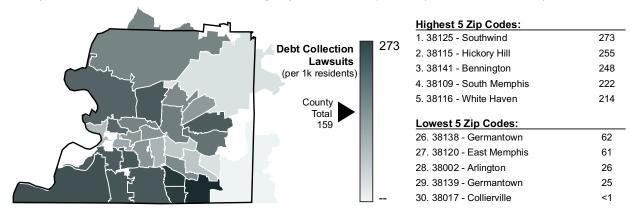
Figure 14. Residents in Some Shelby County Zip Codes Face Significantly More Debt Collection Lawsuits Than Others



Notes: Counts are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

### Figure 15. Debt Collection Lawsuit Rates Vary Between 270 per 1K Residents in Southwind to Less Than 1 per 1K in Collierville

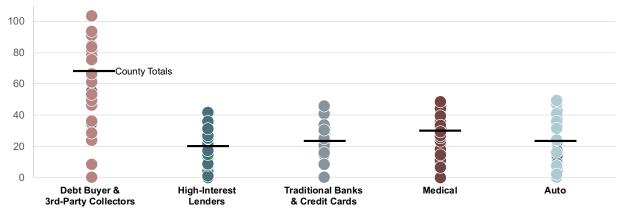
Shelby Co. Debt Collection Court Case Filings by Defendant Zip Code (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

# Figure 16. Debt Collection Lawsuit Rates Across Zip Codes in Shelby County Varied More for Some Debt Types Than Others

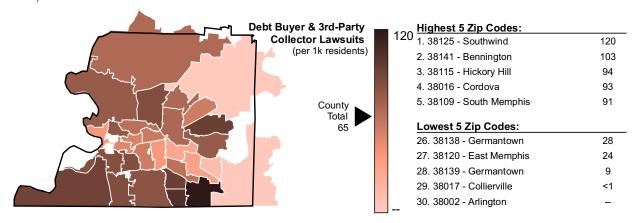
Shelby Co. Debt Collection Lawsuit Filings by Debt Type & Zip Code (per 1k residents) (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

### Figure 17. Debt Buyer Lawsuit Rates Vary from 120 per 1K Residents in Southwind to None in Arlington

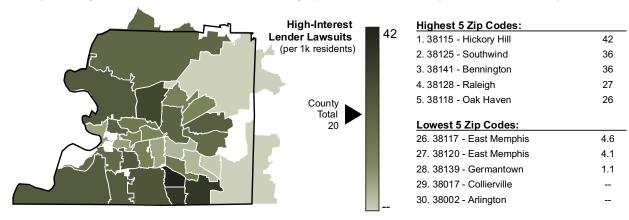
Shelby Co. Debt Buyer/3rd-Party Collector Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

# Figure 18. High-Interest Lender Lawsuit Rates Varied from 42 per 1K Residents in Hickory Hill to None in Arlington and Collierville

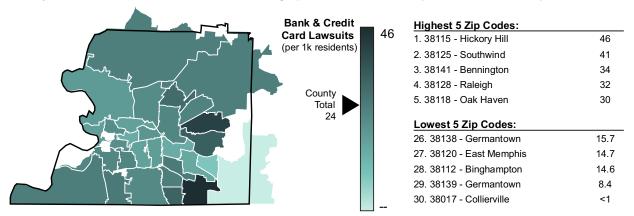
Shelby Co. High-Interest Lender Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

### Figure 19. Bank Lawsuit Rates Vary from 46 per 1K Residents in Hickory Hill to Less Than 1 per 1K in Collierville

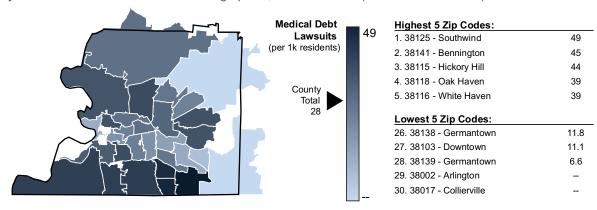
Shelby Co. Bank/Credit Card Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

### Figure 20 Medical Debt Lawsuit Rates Vary from 49 per 1K Southwind Residents to None in Arlington and Collierville

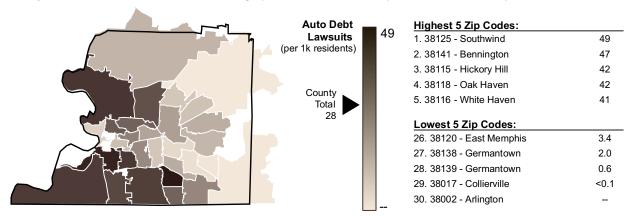
Shelby Co. Medical Debt Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

### Figure 21 Auto Lender Lawsuit Rates Vary from 49 per 1K Residents in Southwind to None in Arlington

Shelby Co. Auto Lender Court Case Filings per 1,000 Residents (Jan 2016-Mar 2023)



Notes: Rates are based on the number of court filings against defendants with addresses in each zip code. This may include duplicate resident counts if they are defendants in multiple filings. Includes 30 zip codes with populations over 10K and primarily located in Shelby County. See the **Appendix** for a full discussion of our methods. Source: The Sycamore Institute's analysis of de-identified case information from Shelby County Circuit and General Sessions Courts, obtained from the Legal Services Corporation, and the U.S. Census Bureau (3) (4)

Among nearly 40 neighborhood characteristics we explored, only a few emerged as having meaningful associations with debt collection case filing rates. We looked at 39 zip code-level metrics representing demographics, family structures, economic well-being, educational achievement, workforce and jobs, transportation, housing, use of services and supports, population changes, and health. Some – but not all – were associated with higher rates of debt collection lawsuits filed against defendants living in those zip codes. (3) (4) (6) (7) (8) See the **Appendix** for a full list of the metrics we explored, definitions, sources, and results.

The Shelby County zip codes with the highest lawsuit rates had more black residents and fewer white residents (Table 1). These findings are consistent with prior similar studies from other states. (9) (10) Only race had a meaningful association for all debt collection suits and those by debt buyers and collectors, high-interest lenders, and medical providers. Higher auto debt suit rates were also associated with more poverty and single-parent families, lower education levels and household income, higher housing costs and use of food stamps, and worse health. Bank and credit card case rates had no meaningful associations with the characteristics we explored.

### **Table 1. Only a Few Shelby County Neighborhood Characteristics** Were Meaningfully Associated with Debt Collection Lawsuit Rates Features of Shelby Co. Zip Codes w/ Most/Least\* Debt Case Filings Per 1K People (Jan 2016-Mar 2023)

		Zip (	Code Avera			
	Bivariate	All	w/ Most	w/ Least		
All Debt Collection Filing	Results gs		Lawsuits	Lawsuits		
% white	-0.89	42%	8%	82%	Most Least	
% black	0.89	50%	87%	9%	Most Least	
Buyers & 3rd-Party Co	ollectors					
% white	-0.84	42%	15%	82%	Most Least	
% black	0.82	50%	78%	9%	Most Least	
High-Interest Lenders						
% white	-0.86	42%	10%	82%	Most Least	
% black	0.83	50%	81%	9%	Most Least	
Medical						
% white	-0.85	42%	9%	78%	Most Least	
% black	0.82	50%	83%	14%	Most Least	

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7in Code Averages

	Zip Code Averages				
	Bivariate	All	w/ Most	w/ Least	
	Results	All	Lawsuits	Lawsuits	
Auto					
% white	-0.95	42%	6%	82%	Most Least
% black	0.91	50%	91%	9%	Most Least
% single-parent families	0.84	12%	19%	5%	Most Least
Median household income	-0.82	\$59,977	\$29,624	\$116,601	Most Least
Poverty	0.85	19%	34%	4%	Most Least
Child poverty	0.88	27%	52%	5%	Most Least
% w/ SNAP	0.93	16%	31%	2%	Most Least
% 25+ w/ bachelor's+	-0.87	33%	13%	61%	Most Least
Housing costs as a % of income	0.89	24%	31%	17%	Most Least
% adult diabetes	0.92	14%	21%	9%	Most Least
% poor physical health	0.91	16%	21%	11%	Most Least
% poor mental health	0.82	17%	20%	11%	Most Least

Note: All correlation coefficients were statistically significant with p-values <0.001 analyzing data across 30 zip codes with populations over 10K and primarily located in Shelby County. Of 39 neighborhood characteristics analyzed, those shown had the strongest statistically significant associations (i.e., with coefficients above 0.80 or below -0.80). See the **Appendix** for additional information. For each bar chart, the minimum value is 0 and the maximum is the highest of the two values shown. \*Most/Least lawsuit categories represent the 5 zip codes with the highest rates and tie 5 with the lowest in case filings per 1k total population.

Source: The Sycamore Institute's analysis of case information from Shelby County Circuit and General Sessions Courts (obtained from the Legal Services Corporation), the U.S. Census Bureau, and the U.S. Centers for Disease Control and Prevention (3) (4) (6) (7) (8)

#### What It Could Mean

These findings give us some imperfect insights into both debt collection practices and financial security.

Our analyses may give us some insights about who in Shelby County may be most affected by different types of debt, variations in access to credit, and overall financial security. For example, these data suggest that the black residents of Shelby County may be more burdened by debt and debt collectors — and the downstream consequences that come with those burdens. Additionally, lawsuits by

banks/credit cards and debt buyers/collectors seem to have a comparatively more widespread impact across neighborhood characteristics — likely reflecting the latter as a traditional credit option that could be for any number of expenses (including those covered by other debt types) and the former as encompassing all debt types. Meanwhile, a similar review of Davidson County cases showed predictable associations that did not exist for Shelby County – for example, between debt lawsuits and income, education levels, and health. Further research would be necessary to better understand why results differed across these jurisdictions.

Debt collection lawsuits may tell as much about business models and debt collection practices as they do about delinquent debt and financial security. There are no uniform standards for when a creditor may file a lawsuit and no requirements for what types of efforts most creditors must exhaust before suing someone (except certain hospitals). As a result, these findings may partially reflect the degree to which different kinds of collectors rely on courts as a routine collection mechanism that allows them to garnish wages and assets directly. Prior studies show that certain collector types are more likely to take debtors to court than others. (11) (9)

Regardless of what may be driving the lawsuits, they can create challenges for both courts and the people being sued. While the window covered by our data shows a decline in cases, reports at a national and state level indicate an increasing reliance on courts for debt collection. (10) (9) This can overwhelm courts and divert resources from other types of civil cases. (11) National studies also highlight several aspects of debt collection lawsuits that adversely impact those that are sued, including:

- Notification Individuals may never receive clear or proper notification of a lawsuit. As debts
  can be sold or contracted out to collectors, plaintiff names may not be familiar and get
  disregarded.
- Unchallenged Lawsuits Nationally, most debt lawsuits go unchallenged. In a 2015 Consumer Financial Protection Bureau survey, about 15% of Americans contacted by a debt collector in the past year reported being sued. Of those, only about 26% attended the court proceeding. (12) Some reasons people may not attend include lack of notice or legal representation, receiving incorrect or misleading information, confusion about the alleged debt, resignation to an adverse outcome, and income, job, or travel constraints. (13) (14) When people don't show up, courts often issue default judgments ruling in favor of the plaintiff without any substantive review of the facts or defendant circumstances. (13) (11)
- Legal Representation There is no guaranteed right to legal representation in civil suits, and
   — as our data show many people who do challenge them are unrepresented. (14) (13) This
   often gives debt collectors an advantage, as non-lawyers may not have the expertise to challenge
   the plaintiff's allegations. (14) (11) Plaintiffs often drop cases when defendants have
   representation. (13)
- Inaccuracies Some studies have reported that suits can be brought based on inaccurate or incomplete information about the debt. (13) (14) For example, suits may be brought to collect on debts against the wrong individual or on amounts that have already been paid off. A 2009 review

by the Federal Trade Commission found that only about 6% of purchased debt nationally came with any documentation. (15)

Added Costs — On top of the original debt and any fees and interest that accrue pre-lawsuit, court settlements often add attorney's fees, court costs, other reimbursable expenses, and post-judgment interest. Any settlement in Tennessee is subject to a pre-determined post-judgment interest rate set by state law — currently at 10.25%. (16) In default judgments, interest can significantly inflate this new total without the defendant's awareness. (11) These settlements can drag on for years as Tennessee has no time limit for enforcing civil judgments, but they must be renewed by a judge every 10 years. (17)

### **Parting Words**

Debt collection lawsuits are a legitimate business practice that helps ensure people meet their financial obligations and businesses stay afloat. However, when lawsuits are over- or misused, it can create tradeoffs for the court system and those people lawsuits. Court data provide a unique look into consumer creditors' collection practices and Shelby County Residents' financial security. These insights conjure additional guestions to understand more about both.

#### THE SYCAMORE INSTITUTE

The Sycamore Institute is an independent, nonpartisan public policy research center for Tennessee. Sign up for email alerts at **SycamoreTN.org**.

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### **Appendix**

#### **Our Data**

We obtained civil court filing data for Davidson and Shelby Counties from the Legal Services Corporation (LSC) under a March 2023 data use agreement. All information was scraped from Tennessee Case Finder, which includes information on civil cases filed in Circuit and General Sessions Courts. LSC verified total county-level case counts using separate data sources and/or information requests and standardized a limited number of fields for our analysis, including:

- A unique case I.D.
- Court record system case number
- The dates on which the case was filed, closed, and disposed
- Plaintiff names and addresses
- Defendant addresses
- Names of plaintiff and defendant attorneys

### Cleaning and Analyzing the Data

Our methods largely mirror those of a similar study conducted using Michigan court data:

**Michigan Justice for All Commission.** Advancing Justice for All in Debt Collection Lawsuits. <a href="https://www.courts.michigan.gov/4ac33d/siteassets/reports/special-initiatives/justice-for-all/jfa\_advancing\_justice\_for\_all\_in\_debt\_collection\_lawsuits.pdf">https://www.courts.michigan.gov/4ac33d/siteassets/reports/special-initiatives/justice-for-all/jfa\_advancing\_justice\_for\_all\_in\_debt\_collection\_lawsuits.pdf</a>

The data included nearly 200,000 unique case filings for Shelby County and over 158,000 for Davidson. We identified nearly 159,000 and over 112,000 debt collection cases, respectively, by identifying institutional plaintiffs (i.e. not individuals) with at least three case filings over the analyzed period and determining if they fit into one of the following categories:

- Bank or credit card carrier
- Debt buyer or third-party collector
- High-interest consumer lender
- Auto dealer or lender
- Medical service provider

To ready the data for analysis, we had to standardize plaintiff names so that a single plaintiff's name was spelled and formatted the same across all filings. The data is based on manually entered information that could, for example, include typos or the same plaintiff's name entered dozens of ways. For example, Advance Financial (a high-interest lender) was entered at least 115 different ways, including:

- harpeth financial services IIc dba advance financial
- harpeth financial services, llc dba advance financial
- harpeth financial services, llc d/b/a advance financial
- harpeth financial srvcs llc dba advance financial
- harpeth financial services llc
- harpeth financial services

We then assigned each plaintiff identified as relevant to one of the categories above. Some plaintiff names were self-explanatory (e.g., Bank of America), while others required internet research to determine their category. Additionally, we identified and coded additional medical providers with fewer than three filings using key search terms like medical, hospital, anesthesia, radiology, imaging, dds, health, healthcare, emergency, etc.

We extracted zip codes from the defendant address field to analyze information about defendants. To calculate lawsuit rates, we divided the total number of cases for each category that included a defendant with an address in each zip code by a 2016-2020 5-year estimate of the zip code's population obtained from the American Community Survey.

All cleaning was checked several times with an examination of various data summaries and anomaly checks. **Table A1** includes summary statistics about our cleaned/analyzed data set.

### **Comparing Data with Neighborhood Characteristics**

We supplemented the court data with other sources to examine neighborhood (i.e. zip code) characteristics. **Table A2** identifies all characteristics we explored, their definitions, and data sources. **Table A3** includes the results of our bivariate analyses between these neighborhood characteristics and lawsuit filing rates.

#### Limitations

The following represents some identified limitations of our methods and/or findings. We believe that each of these may create minor distortions or inaccuracies mitigated by the sheer number of data points in the data set

- Much of our coding and categorizing plaintiffs was done manually and focused largely on plaintiffs filing at least 3 cases, which means we may have missed some relevant plaintiffs.
- We excluded plaintiffs where we could not readily identify their line of business using an internet search, which may have resulted in undercounts of debt collection suits.
- Our analyses assume all plaintiffs included filed lawsuits against customers/clients for unpaid debts, which may have resulted in overcounts of debt collection suits.
- While each case was assigned to a single debt type based on the information available, the debt
  type categories are not mutually exclusive. For example, we included a category for auto lenders,
  but some suits by banks may be for auto loans. Similarly, debt buyers and 3rd-party collectors are
  suing for and sometimes on behalf of all the other types of debt.
- We used several formulas to extract defendant zip codes, which may not have been fully accurate in instances where addresses included multiple zip codes, addresses, and/or missing zip codes.
- We assigned all cases against defendants in a zip code to Shelby County when any part of the zip code crossed into Shelby. However, in our neighborhood analysis, we excluded any of these zip codes predominantly in other counties.
- Without specific information about each defendant, we relied on data about the characteristics of residents of each zip code as a proxy for understanding the defendants' demographics, socioeconomic circumstances, etc., which is imperfect. To do so, we ran bivariate analyses,

which tell us about <u>correlation</u> — <u>not causation</u>. While it can tell us, for example, that more cases are filed against residents of neighborhoods with higher proportions of black residents, it does not mean that one causes the other — nor does it account for other factors that may highly correlate with both (e.g., income).

- Most of the data for neighborhood characteristics are estimated for the Census Bureau's Zip Code Tabulation Areas (ZCTAs), which are very similar to but not precisely the same as zip codes.
- Any zip code representative of P.O. Boxes may not accurately represent where a defendant lives. The Census Bureau also does not provide data on zip codes associated with P.O. Boxes.
- We excluded analysis of zip codes with population estimates of fewer than 10,000 due to the large margins of error associated with these zip code-level estimates.
- Rates are based on the number of court filing rows in the data set with a defendant address that
  includes each zip code. This may include duplicate resident counts if they are defendants in
  multiple filings. A single case may also include multiple defendants. For example, there were
  about 3,800 cases that involved multiple defendants.
- Total judgments for cases were not consistently available in an easy-to-extract format.
- Our estimates of legal representation may underestimate the extent to which defendants have legal counsel. Cases in the data set that have not yet been heard or are still open may not include defendant representation if the defendant has not yet responded to the filing to record representation with the court.

**Table A1. Summary of Data** 

	Davidson Co.	Shelby Co.
Total Cases	158,487	199,826
Total Defendant Observations	170,228	219,009
Total Plaintiff Observations	159,753	201,537
Total Cases with Garnishments	44,135	47,040**
Total Debt Collection Cases	112,337	158,573
Total Debt Collection Defendant Observations	116,129	165,239
w/ Tennessee addresses	113,440	159,719
w/ Davidson Co. addresses*	96,463	n/a
w/ Shelby Co. addresses*	n/a	149,038
w/ out-of-state addresses	2,275	4,729
w/ missing addresses	414	791
Total Debt Collection Plaintiff Observations	112,388	158,837
Total Debt Collection Cases w/ Garnishment Judgments	35,651	39,869**

Source: The Sycamore Institute's analysis of case information from Davidson and Shelby County Circuit and General Sessions Courts (obtained from the Legal Services Corporation) for Jan 2016-Mar 2023 \*included any zip code predominantly in each county. \*\*Shelby County's garnishment data only covered January 2016-September 2019. Note: Defendant and plaintiff counts are not unduplicated counts.

# **Table A2.** Neighborhood Characteristic Metrics, Definitions, and Data Sources

oources		
Neighborhood Characteristics	Definition	Source
Demographics		
% white	% of population that is white alone (2016-2020)	1
% black	% of population that is black or African-American alone (2016-2020)	1
% Hispanic	% of population that is Hispanic (2016-2020)	1
Median age	Median age of population (2016-2020)	1
% under 18	% of population ages >18 (2016-2020)	1
% over 65	% of population ages 65+ (2016-2020)	1
% working age	% of population ages 18-64 (2016-2020)	1
% civilian veterans	% of population that are civilian veterans (2016-2020)	1
% of households w/ minors	% of all households that include an individual 18 or under (2016-2020)	1
% speak a language other than English at home	% of population that lives in a household where a language other than English is spoken at home (2016-2020)	1
% foreign-born	% of population that was born in a foreign country (2016-2020)	1
Families		
% of households w/ minors	% of all households with one or more people under 18	1
% families w/ children	% of all households that are families with children (2016-2020)	1
% single-parent families	% of all households that are families headed by an unmarried parent (2016-2020)	1
Educational Achievement		
% 25+ w/ bachelor's+	% of residents 25+ with at least a bachelor's degree (2016-2020)	1
Economic Well-Being		
Median household income	Median household income (2016-2020)	1
% child poverty	% of children under 18 in households with incomes under the federal poverty level (2016-2020)	1
% poverty	% of population in households with incomes under the federal poverty level (2016-2020)	1
Workforce/Job Market		
Labor force participation	% of population ages 16+ working or looking for work (2016-2020)	1
% full-time, year-round workers	% of population ages 16-64 working 35+ hours per week for 48+ weeks per year (2016-2020)	1
2016-to-2019 change in employment	% change in the number of employees from 2016 to 2019 (2016-2020)	2
2016-to-2019 change in establishments	% change in the number of business establishments from 2016 to 2019	2

Neighborhood Characteristics	Definition	Source
Housing		
% renters	% of housing units that are rented (2016-2020)	1
Housing costs as a % of income	Median monthly housing costs annualized as a % of annual median household income (2016-2020)	1
Owner housing costs as a % of income	Same as above among owned housing units (2016-2020)	1
Renter housing costs as a % of income	Same as above among rented housing units (2016-2020)	1
Supports/Services		
% uninsured	% of population without health insurance (2016-2020)	1
% w/ cash assistance	% of population that received public assistance at some point during the prior year (2016-2020)	1
% w/ SNAP	% of population that received supplemental nutrition assistance benefits (SNAP) at some point during the prior year (2016-2020)	1
% w/ broadband	% of all households with broadband access that includes cable, fiber optic, or DSL (excludes cell plans, satellite service, and those with no internet) (2016-2020)	1
Transportation		
Mean travel time to work	Average travel time to work among workers ages 16+ in minutes (2016-2020)	1
% driving alone to work	% of workers ages 16+ driving alone to work (2016-2020)	1
Population Changes		
10-year population trend	% change in total population from 2010 to 2020	3
% moved in the last year	% of population ages 1+ who moved into zip code in the prior year (from another county, state, or country) (2016-2020)	1
Health		
% w/ a disability	% of civilian noninstitutionalized population that has a disability (2016-2020)	1
Crude cancer prevalence	Model-based estimate for crude prevalence of cancer (excluding skin cancer) among adults ages 18+ (2019)	4
% adult annual check-up	Model-based estimate for crude prevalence of visits to a doctor for routine check-ups within the past year among adults ages 18+ (2019)	4
% adult diabetes	Model-based estimate for crude prevalence of diagnosed diabetes among adults ages 18+ (2019)	4
% poor physical health	Model-based estimate for crude prevalence of physical health not good for 14+ days among adults ages 18+ (2019)	4
% poor mental health	Model-based estimate for crude prevalence of mental health not good for 14+ days among adults ages 18+ (2019)	4
Sources:	-	

#### Sources:

- U.S. Census Bureau's American Community Survey 5-Year Estimates for 2016-2020 (4)
   U.S. Census Bureau's County Business Patterns Economic Survey data for 2016 and 2019 (6)
   U.S. Census Bureau's Decennial Census for 2010 and 2020 (7)
   U.S. Centers for Disease Control and Prevention's PLACES data for 2019 (8)

# **Table A3.** Bivariate Associations Between Frequency of Debt Collection Lawsuits and Neighborhood Characteristics

Debt Collection Filings Per 1,000 Residents by Debt Type (Jan 2016-Mar 2023)

All statistically significant correlations are highlighted based on the strength of the associations:

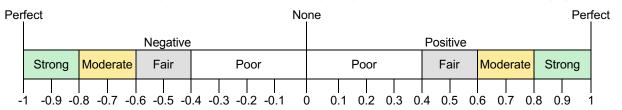
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	Total	Buyers & 3rd-Party Collectors	High- Interest Lenders	Banks & Credit Cards	Medical	Auto
Demographics						
% white	<b>-0.89*</b>	<b>-0.84*</b>	<b>-0.86*</b>	<b>-0.43*</b>	<b>-0.85*</b>	<b>-0.95*</b>
	P<0.001	P<0.001	P<0.001	P=0.017	P<0.001	P<0.001
% black	<b>0.87*</b> P<0.001	<b>0.82*</b> <i>P</i> <0.001	<b>0.83*</b> P<0.001	<b>0.42*</b> P=0.020	<b>0.82*</b> <i>P</i> <0.001	<b>0.94*</b> P<0.001
% Hispanic	0.06	0.04	0.07	<0.01	0.11	0.03
	P=0.074	P=0.814	P=0.703	P=0.996	P=0.564	P=0.856
Median age	<b>-0.56*</b>	<b>-0.51*</b>	<b>-0.63*</b>	-0.25	<b>-0.55*</b>	<b>-0.58*</b>
	P=0.001	P=0.004	P<0.001	P=0.179	P=0.002	P=0.001
% under 18		0.18 P=0.347	0.31 P=0.092	0.03 P=0.868	0.28 P=0.139	0.36 P=0.051
% over 65	<b>-0.44*</b>	<b>-0.42*</b>	<b>-0.52*</b>	-0.34	<b>-0.43*</b>	-0.32
	P=0.014	P=0.021	P=0.003	P=0.063	P=0.018	P=0.083
% working age	0.06	0.11	0.06	0.20	0.03	-0.12
	P=0.756	P=0.550	P=0.770	P=0.292	P=0.876	P=0.528
% civilian veterans	-0.25	-0.23	-0.22	0.10	<b>-0.24</b>	<b>-0.43*</b>
	P=0.178	P=0.230	P=0.241	P=0.610	P=0.196	P=0.018
% speak a language other than English at home	-0.12	-0.10	-0.11	-0.06	-0.06	-0.21
	P=0.516	P=0.590	P=0.569	P=0.770	P=0.770	P=0.259
% foreign born	-0.36	0.32	-0.31	-0.27	-0.27	<b>-0.48*</b>
	P=0.052	P=0.083	P=0.091	P=0.142	P=0.142	P=0.007
Families						
% of households w/ minors	0.05	<-0.01	0.14	0.07	0.07	0.03
	P=0.806	P=0.992	P=0.464	P=0.727	P=0.723	P=0.880
% families w/ children	-0.17	-0.21	-0.06	-0.06	-0.14	-0.18
	P=0.369	P=0.258	P=0.752	P=0.761	P=0.448	P=0.338
% single-parent families	<b>0.64*</b> P<0.001	<b>0.66*</b> P<0.001	<b>0.78*</b> <i>P</i> <0.001	0.27 P=0.147	<b>0.72*</b> P<0.001	<b>0.84*</b> P<0.001
Educational Attainment						
% 25+ w/ bachelor's+	<b>-0.75*</b> P<0.001	<b>-0.70*</b> P<0.001	<b>-0.74*</b> P<0.001	-0.31 P=0.093	<b>-0.72*</b> P<0.001	<b>-0.84*</b> P<0.001

	Total	Buyers & 3rd-Party Collectors	High- Interest Lenders	Banks & Credit Cards	Medical	Auto
Economic Well-Being						
Median household income	<b>-0.73*</b> P<0.001	<b>-0.69*</b> P<0.001	<b>-0.67*</b> P<0.001	-0.31 P=0.093	<b>-0.69*</b> P<0.001	<b>-0.82*</b> P<0.001
% poverty	<b>0.53*</b> P=0.002	<b>0.46*</b> P=0.010	<b>0.47*</b> P=0.009	-0.04 P=0.852	<b>0.50*</b> P=0.005	<b>0.85*</b> <i>P</i> <0.001
% child poverty	<b>0.59*</b> P=0.001	<b>0.51*</b> P=0.004	<b>0.53*</b> P=0.003	0.01 P=0.963	<b>0.57*</b> P=0.001	<b>0.88*</b> P<0.001
Workforce/Job Market						
Labor force participation	-0.03 P=0.878	<0.01 P=0.987	0.06 P=0.741	0.35 P=0.054	<0.01 P=0.992	<b>-0.38*</b> P=0.036
% full-time year-round workers	<b>-0.42*</b> P=0.021	<b>-0.38*</b> P=0.040	-0.33 P=0.071	0.14 P=0.447	<b>-0.40*</b> P=0.030	<b>-0.73*</b> P<0.001
2016-to-2019 change in employment	-0.25 P=0.197	-0.23 P=0.229	-0.21 P=0.265	-0.07 P=0.712	-0.23 P=0.236	-0.32 P=0.082
2016-to-2019 change in establishments	-0.09 P=0.637	-0.09 P=0.641	0.02 P=0.901	-0.05 P=0.790	-0.10 P=0.623	-0.16 P=0.412
Housing						
% renters	<b>0.58*</b> P=0.001	<b>0.54*</b> P=0.002	<b>0.57*</b> P=0.078	0.15 P=0.422	<b>0.53*</b> P=0.002	<b>0.70*</b> <i>P</i> <0.071
Housing costs as a % of income	<b>0.67*</b> P<0.001	<b>0.60*</b> P<0.001	<b>0.65*</b> <i>P</i> <0.001	0.15 P=0.420	<b>0.63*</b> P<0.001	<b>0.89*</b> <i>P</i> <0.001
Owner housing costs as a % of income	<b>0.62*</b> P<0.001	<b>0.59*</b> P=0.001	<b>0.70*</b> P<0.001	<b>0.49*</b> P=0.006	<b>0.63*</b> P<0.0001	<b>0.45*</b> P=0.012
Renter housing costs as a % of income	<b>0.36*</b> P=0.049	0.28 P=0.133	0.30 P=0.113	-0.08 P=0.662	0.33 P=0.079	<b>0.070*</b> P<0.001
Services/Supports						
% uninsured	<b>0.61*</b> P<0.001	<b>0.55*</b> P=0.001	<b>0.54*</b> P=0.002	0.14 P=0.462	<b>0.60*</b> P<0.001	<b>0.80*</b> P<0.001
% w/ cash assistance	<b>0.57*</b> P<0.001	<b>0.52*</b> P=0.003	<b>0.50*</b> P=0.005	0.18 P=0.351	<b>0.58*</b> P=0.001	<b>0.69*</b> P<0.001
% w/ SNAP	<b>0.60*</b> P<0.001	<b>0.53*</b> P=0.002	<b>0.54*</b> P=0.002	0.02 P=0.907	<b>0.57*</b> P=0.001	<b>0.89*</b> P<0.001
% w/ broadband	<b>-0.49*</b> P<0.001	<b>-0.44*</b> P=0.016	<b>-0.40*</b> P=0.029	0.01 P=0.966	<b>-0.44*</b> P=0.016	<b>-0.79*</b> P<0.001

	Total	Buyers & 3rd-Party Collectors	High- Interest Lenders	Banks & Credit Cards	Medical	Auto
Transportation						
Mean travel time to work	0.03 P=0.882	0.04 P=0.822	0.04 P=0.844	0.30 P=0.104	-0.03 P=0.869	-0.12 P=0.519
% driving alone to work	-0.02 P=0.930	0.02 P=0.914	0.03 P=0.885	0.31 P=0.099	-0.01 P=0.969	-0.30 P=0.106
Population Changes						
10-year population trend	<b>-0.39*</b> P=0.039	-0.07 P=0.730	-0.30 P=0.111	0.04 P=0.841	-0.36 P=0.053	<b>0.68*</b> P<0.001
% moved in the last year	-0.06 P=0.752	-0.32 P=0.089	0.01 P=0.957	-0.03 P=0.889	-0.08 P=0.682	-0.08 P=0.676
Health						
% w/ a disability	<b>0.38*</b> P=0.038	0.36 P=0.053	0.31 P=0.090	-0.02 P=0.933	0.35 P=0.061	<b>0.57*</b> P=0.001
Crude cancer prevalence	<b>-0.54*</b> P=0.002	<b>-0.52*</b> P=0.003	<b>-0.59*</b> P=0.001	<b>-0.36*</b> P=0.049	<b>-0.50*</b> P=0.005	<b>-0.48*</b> P=0.008
% adult annual check-up	<b>0.54*</b> P=0.002	<b>0.49*</b> P=0.006	<b>0.47*</b> <i>P=0.009</i>	0.11 P=0.561	<b>0.51*</b> P=0.005	<b>0.73*</b> <i>P</i> <0.001
% adult diabetes	<b>0.54*</b> P=0.002	<b>0.48*</b> P=0.007	<b>0.45*</b> P=0.013	0.01 P=0.972	<b>0.50*</b> P=0.005	<b>0.84*</b> P<0.001
% poor physical health	<b>0.54*</b> P=0.002	<b>0.47*</b> P=0.008	<b>0.47*</b> P=0.009	-0.01 P=0.948	<b>0.50*</b> P=0.005	<b>0.83*</b> <i>P</i> <0.001
% poor mental health	<b>0.63*</b> P<0.001	<b>0.57*</b> P=0.001	<b>0.60*</b> P<0.001	0.10 P=0.590	<b>0.60*</b> <i>P</i> <0.001	<b>0.85*</b> P<0.001

Note: Statistically significant associations\* are those with a p-value of 0.05 or less. Correlation coefficients range from -1.0 to + 1.0. Association strengths are based on the following categorizations of correlation coefficients (18):



Source: The Sycamore Institute's analysis of data from the Shelby County Circuit and General Sessions Court, obtained from the Legal Services Corporation, the U.S. Census Burea, and the U.S. Centers for Disease Control and Prevention (3) (4) (7) (6) (8)