Report of the Committee on Garnishment and Attachment

Minn. L. Rev. Editorial Board

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the State of Minnesota, which the members of said Foundation
by a two-thirds vote thereof may at any time designate.'"
In the April issue of Bench and Bar, there appeared the following dis-
play prepared by the Committee

"MINNESOTA STATE BAR FOUNDATION
A corporate agency affording the lawyers of Minnesota an
opportunity to contribute to the development of a permanent
trust fund to be used for the maintenance, advancement and support
of the interests and purposes of the Minnesota State Bar Associa-
tion.
Gifts to Minnesota State Bar Foundation, whether in the form of
WAR BONDS
or otherwise, constitute a proper deduction from the taxpayer's
net income under the United States Income Tax Law."
During the past year five members of the Association have donated
money to the Foundation.
In order to become the efficient instrument toward the progress and
development of jurisprudence and the administration of justice which its
founders envisaged, the Minnesota State Bar Foundation needs a greater
collaboration on the part of friends, lawyers and laymen who are interested
in these supreme objectives. The impact of the global war upon our legal,
social and economic institutions, and the certainty of great disturbances
in the aftermath of war, make it imperative that the organized bar receive the
support necessary to enable it to continue effectively to contribute to the
stability of the constitutional bases of our government.
Respectfully submitted,

BERGMANN RICHARDS, Chairman
Stan D. Donnelly Clarence J. Hartley
Hon. Charles P Hall Horace W Roberts

REPORT OF COMMITTEE ON FEDERAL AGENCY
COUNSEL — UNLAWFUL PRACTICE
No written report was filed by this committee.

Milton P Firestone, Chairman

REPORT OF THE COMMITTEE ON GARNISHMENT
AND ATTACHMENT
To the Minnesota State Bar Association
Your Committee recommends

RECOMMENDATIONS
1. That the Association cause to be submitted to the Legislature
a bill amending and revising the garnishment laws of the state to
cover the following matters:
   (1) Elimination of the requirements that the creditor
       file an affidavit for garnishment.
(2) Continuation of the present requirement that a garnishment proceeding be commenced by filing the complaint and by delivery of the summons to an officer for service prior to the issuance of a garnishee summons.

(3) Requirement that the garnishee summons advise the garnishee as to the amount claimed to be owing to the creditor and provision for the automatic release of excess money or property in the possession of the garnishee.

(4) Provision that garnishment disclosure may be made by serving and filing a statement of the amount due or property held by the garnishee, thus abolishing oral disclosure except upon order of the court; provision granting the garnishee the right to interplead third party claimants.

(5) A provision authorizing the garnishment of all municipal and state employees. Elimination of the special procedure for state and municipal garnishment and provision for disclosure on behalf of the state and public corporations in the same manner as individuals and private corporations.

(6) Provisions in the law providing specific penalties for abuse of process for use of garnishment or of repeated garnishment.

(7) Provision authorizing the court to provide, by rule, as to the manner and form of garnishment disclosure.

(8) Provision providing specifically as to the duties of garnishee in preserving property in his hands after receipt of the garnishee summons and requiring the creditor to reimburse the garnishee for expenses thus incurred.

(9) Provision providing specifically as to the garnishment of property subject to mortgages or other liens, and authorizing property to be sold after judgment subject to prior claims or liens.

2. That the above changes be submitted to the Association at its annual meeting for separate consideration by the membership.

3. That the special committee, except as to personnel, be continued with instructions to draft an act in accordance with the foregoing recommendations for submission at the next session of the Legislature.

REPORT

Your Committee reports that we find that there is general agreement among the lawyers of the state that the present garnishment statute should be drastically revised. Most lawyers desire that garnishment procedure be retained, but that the statute be simplified and the undue burdens on the garnishee be eliminated. The present North Dakota and Wisconsin procedure is substantially in accordance with the recommendations of the Committee. It may be advisable to adopt the Wisconsin statute rather than to remodel the present Minnesota statute. The Committee believes that the present affidavit of garnishment serves no useful purpose. It involves extra trouble and expense, results in technical defenses and delays and wastes the time of the court without added protections to the defendant or the garnishee.

All of the proposed changes could be embodied in a single act, except the proposal that municipal and state employees be subject to garnishment. Because of opposition from this special group, it would be well to submit