

these states were California, as discussed above, and New York.⁶⁰ Increases were enacted particularly often in states where the exemption is (or had been) tied to dollar amounts.⁶¹ Dollar figures in such statutes—even as maxima or minima—tend to get out of date; during an inflationary period, such as the one following World War II, they rapidly become inadequate. Thus they require continuous legislative attention, and even then revision tends to lag. When revision is not forthcoming, the exemption sometimes approaches meaninglessness, as in Kentucky where the ceiling is 67.50 dollars a month.⁶² Some years ago a writer observed that when the Kentucky statute was first enacted its effect was to grant a one hundred per cent exemption for most employees; at the time he wrote it amounted to about a twenty-five per cent exemption.⁶³ To eliminate this problem several states shifted from dollar to percentage exemptions.⁶⁴ The latter type of exemption has the added advantage that its computation is simple and uniform, regardless of whether an employee is paid on a weekly, monthly, or other basis. When an exemption statute is framed wholly or partially in dollar amounts, extra computation, often involving an element of uncertainty, is required whenever the pay period is not identical to the period which the statute uses in formulating the exemption.

3. General

Features occurring in several state exemption statutes require additional comment.

As already noted some states, such as Michigan and Massachusetts, do not permit wage garnishments prior to judgment. This reflects a recognition that garnishment, with its possible serious consequences for the debtor,⁶⁵ is less justifiable before the merits of the creditor's claim are established than once a judgment has been obtained.

In a number of states, among them Connecticut, Delaware, Illinois, Kansas, Louisiana, New York, and West Virginia, only one judgment

⁶⁰ Compare N.Y. CIV. PRAC. LAWS & RULES § 5231, with N.Y. CIV. PRAC. ACT § 684. See also commentary following § 5231.

⁶¹ E.g., Alaska, Connecticut, Georgia, Hawaii, Illinois, Maine, Massachusetts, Michigan, New Mexico, North Dakota, Ohio, Oregon, Virginia, Vermont, and West Virginia. Compare Abrahams & Feldman, *supra* note 58, at 157, 161, with Appendix A *infra*.

⁶² KY. REV. STAT. §§ 427.010(2), (3) (1962).

⁶³ Note, *Garnishment in Kentucky—Some Defects*, 45 Ky. L.J. 322, 329 (1956-57).

⁶⁴ Illinois, Maryland (in part), Vermont, and West Virginia. Compare Abrahams & Feldman, *supra* note 58, at 157, with Appendix A *infra*. Iowa, again contrary to trend, shifted the other way. See note 59 *supra*. Exemptions generally remained unchanged in states specifying percentages except where the percentages are combined with dollar amounts. Colorado raised its flat percentage exemption from 60 to 70% (for heads of families; bachelors are required to get along on 35%).

⁶⁵ See text commencing at note 85 *infra*.