detail in our said prior letter, the present New York statute which provides for a percentage, specifically, 10%, rather than a fixed amount.

The undersigned is an attorney who has been specializing in collection law, and particularly wage garnishments, for approximately fifteen years and for this reason claims to possess familiarity with the actual workings of various day-to-day problems in the field of credit and salary attachment.

In our prior letter dated August 14, 1967, we placed some emphasis on the fact that the economy of the United States today is a credit-oriented economy and that almost the entire population, including in particular those in the lower income brackets, has a strong desire to participate in the repeated extension and obtaining of credit.

On the subject of the proposal made recently regarding the limiting of garnishment of wages to the excess over what might be considered to be a living wage and similar proposals to set some type of minimum, we wish to make a strong recommendation that no man's salary be exempted completely from wage garnishment in order to avoid cutting that particular man off from all possible procurement of credit in the future. The same goal can be reached in a much more desirable manner by limiting the amount of the weekly deduction to a very small amount, thereby at least avoiding having legitimate creditors cut off with no repayment at all and simultaneously keeping each individual including all individuals in the very low income brackets eligible for at least some credit.

We suggest as ideal the present New York statue which provides that exactly 10% of the salary of the judgment debtor shall be deducted by his employer. This is, of course, a very small percentage, leaving the other 90% of the weekly salary exempt from execution. It possesses the feature of treating all judgment debtors in all income brackets the same because a percentage rather than a fixed amount is deducted. A judgment debtor earning a very small weekly salary needs to pay only a few dollars weekly, and it might be observed that at least his creditors are not cut off without any repayment while such an individual continues to qualify for at least some credit. A judgment debtor earning a fairly substantial weekly salary experiences the same 10% deduction, which in his case is a larger monetary amount. This percentage arrangement permits all members of the public from the lowest to the highest income brackets to participate in qualifying for credit in proportion to their incomes, and even those in the lowest income brackets qualify for at least some credit. The proposed system of exempting a certain amount of salary and permitting attachment only of the excess over a certain minimum amount, would, unfortunately, disqualify all members of the public whose income would fall within the exemption, and such persons would not be able to obtain any credit. Under the system of deducting a straight 10%, an individual earning $125 a week is left with $112.50 per week over and above the deduction; it is submitted that anyone capable of living on $125 weekly could, if pressed, live on $112.50 weekly, and of course, the payment of just debts is a proportionate reason for bringing some pressure upon the judgment debtor. Members of the electorate earning as little as $50 weekly still qualify for a proportionate amount of credit because, assuming a default on their part, the creditors are not cut off without any repayment. When a wage garnishment in New York is issued against a person earning only $50 weekly, a mere $5 weekly is deducted, and the individual continues to qualify for at least some credit. The New York statutes also provide that in cases of unusual circumstances, the judgment debtor may apply to the Court for a reduction of the normal 10%. A total of 10% is the most that can be deducted because the relevant statutes provide that in the event that more than one wage garnishment is levied against the salary of any one debtor, the various wage garnishments must wait on line, one behind the other.

A very important provision of the New York statute which took effect in January, 1967, prohibits any employer from discharging any employee because of a wage garnishment. Experience during the seven months or so during which this new statute has been operative has been extremely favorable. Although some people originally had doubts about its practical application, actual experience has been extremely favorable, and a few employers around New York City, who formerly made it a practice to discharge upon service of a wage garnishment, have simply reversed their policies and now accept wage garnishments as a routine matter.

The present New York statute also requires that the Sheriff forward a copy of the wage garnishment instrument to the home address of the judgment debtor,