

Using WestLaw to Identify Top Collections Litigants

WESLEY WARD

SUMMER 2022

Our Methodology

1. Start with the jurisdiction.
2. Filter by date.
3. Filter by “case type.”
4. Identify the top 20 participants in that case type.
5. Remove unknown parties (*e.g.* Does 1-10).
6. If two parties of the same name appear in the top 20, their totals were added.

Click on Litigation Analytics in Westlaw Edge

The screenshot shows the Westlaw Edge homepage. At the top, there is a section titled "What's new on Westlaw Edge?" with "Show less" and "Show more" buttons. Below this, there are three featured cards: "Litigation Analytics" (circled in red), "Quick Check", and "Jurisdictional Surveys". The "Litigation Analytics" card features an icon of a document with a 48% pie chart. Below the cards, the "THOMSON REUTERS WESTLAW EDGE" logo is on the left, and navigation links for "STATE LEGISLATION", "History", "Folders", "My links", "Notifications", a help icon, a user icon, and a "Sign out" button are on the right. A search bar is located below the navigation, with a dropdown menu set to "All Federal". At the bottom, there is a menu with "Content types" (highlighted with an orange bar), "Federal materials", "State materials", "Practice areas", "My content", and "Tools", along with a settings gear icon.

What's new on Westlaw Edge? Show less Show more

Litigation Analytics
Use Precedent Analytics to craft a more persuasive argument based on past authority cited by judges.

Quick Check
Quickly identify contrary authorities to opposing counsel's arguments or anticipate vulnerability in your own filing.

Jurisdictional Surveys
Retrieve a customized compilation of laws across jurisdictions on a specific topic to expedite the creation of your survey.

THOMSON REUTERS
WESTLAW EDGE

STATE LEGISLATION History Folders My links Notifications ? Sign out

Enter terms, citations, databases, questions, anything ... All Federal Search Tips > Advanced >

Content types Federal materials State materials Practice areas My content Tools

1. Start with the Jurisdiction

Litigation Analytics
Discover relevant, data-driven insights from federal and select state dockets and cases

Attorneys Law Firms Judges **Courts** Damages Case Types

California

- California Superior Court**
- Supreme Court of California
- California Court of Appeal
- United States District Court, S.D. California
- United States District Court, N.D. California

verage

← California Superior Court

Active judges

Experience

Outcomes

Motions

Damages

Expert challenges

! All courts may not be covered. [Learn more](#)

Include multidistrict litigation

Filter by category

Case type +

Court +

Judge +

Date +

Active judges (861)

1-20 of 861 >

Sort: Dockets: highest to lowest ▾



Court summary ⓘ

⋮ = Court averages & medians

Experience

Average dockets

3,122



1. Hon. D. Tyler Tharpe

Judge • State of California Superior Court,
Fresno County

← California Superior Court

Active judges

Experience

Outcomes

Motions

Damages

Expert challenges

! All courts may not be covered. [Learn more](#)

Include multidistrict litigation

Search within results

🔍 Enter search terms here...

Filter by category

Case type +

Court +

Judge +

Party +

Law firm +

Attorney +

Date +

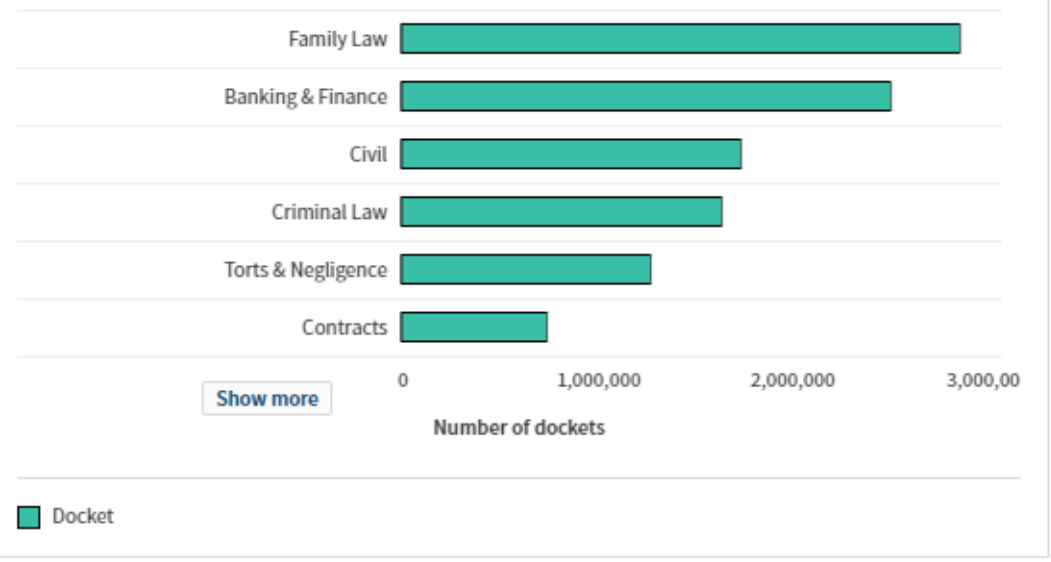
[Advanced filtering options](#)

Docket analytics ?



Case type **Participants** Judge Year

Chart Table



Dockets (15,592,175)

2. Filter by Date

If you are using this tool, place date restrictions first. WestLaw occasionally times out due to the number of cases being processed.

Date

Date range ▾

Start End

mm/dd/yyyy mm/dd/yyyy

1/1/2021 12/31/2021

Go

Docket analytics ⓘ

Case type Participants Judge Year

Chart Table

Parties Attorneys Firms

An error occurred. Try refreshing the page.

3. Filter by Case Type

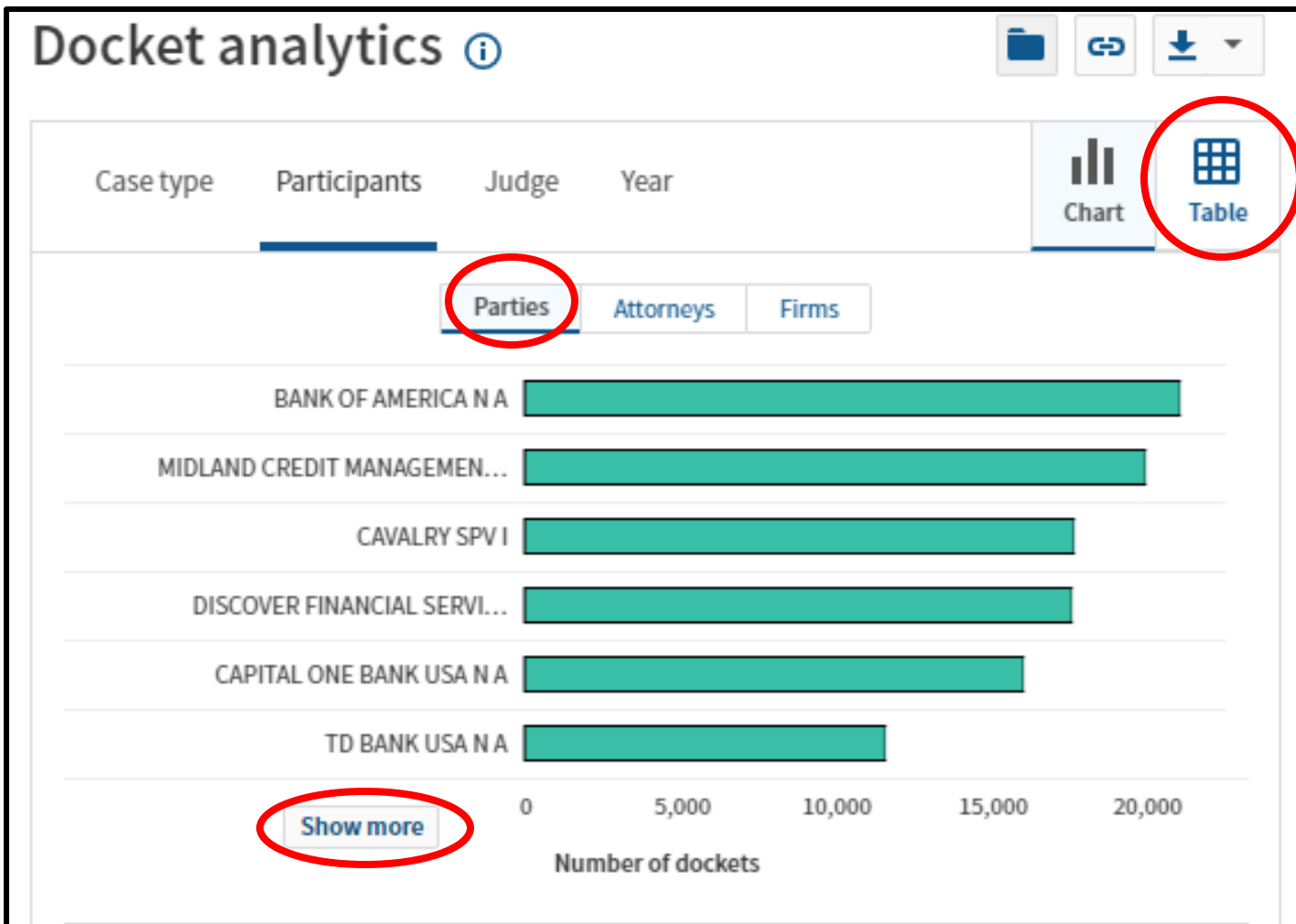
“Civil” cases may not contain all civil cases, but is a catch-all category.

For California, debt collection cases appeared primarily in the “Collections” category, but this was not perfect. For some counties, WestLaw placed most civil cases in the “Civil” category.

The image displays two screenshots of a 'Case type' filter interface. The left screenshot shows a list of case types with 'Banking & Finance' selected, indicated by a red arrow. The right screenshot shows the same list with 'Collections' selected, also indicated by a red arrow.

Case type	Count
<input checked="" type="checkbox"/> Administrative & Government	4,281
<input type="checkbox"/> Antitrust	577
<input checked="" type="checkbox"/> Arbitration	19,722
<input checked="" type="checkbox"/> Banking & Finance	2,508,331
<input checked="" type="checkbox"/> Bankruptcy	637
<input checked="" type="checkbox"/> Business Organizations	5,442
<input type="checkbox"/> Civil	1,739,661
<input checked="" type="checkbox"/> Civil Rights	380,762
<input type="checkbox"/> Class Action	863
<input checked="" type="checkbox"/> Consumer Protection	1,713
<input checked="" type="checkbox"/> Contracts	748,436
<input checked="" type="checkbox"/> Criminal Law	1,646,292
<input checked="" type="checkbox"/> Collections	2,437,556
<input type="checkbox"/> Confession of Judgment	5,234
<input type="checkbox"/> Promissory Note	44,646

4. Identify Top 20 Participants



Participants	Total
BANK OF AMERICA N A	21,107
MIDLAND CREDIT MANAGEMENT	19,949
CAVALRY SPV I	17,680
DISCOVER FINANCIAL SERVICES	17,612
CAPITAL ONE BANK USA N A	16,051
TD BANK USA N A	11,599
LVNV FUNDING LLC	10,054
PORTFOLIO RECOVERY ASSOCIATES LLC	9,776
CITIBANK N A	9,137
AMERICAN EXPRESS NATIONAL BANK	7,836
JPMORGAN CHASE BANK N A	7,112

Docket analytics ⓘ



Case type Participants Judge Year

Chart Table

Parties **Attorneys** Firms

Participants	Total
Robert Scott Kennard	10,748
Keri L. Salet	6,979
Kevin Brendon Bulza	5,955
Chris D. Mandarich	5,738
Christina Arnold	5,732
Thomas J. Sebourn	5,498
Flint C. Zide	5,150
Adam L. Kidd	5,118
John Paul Kenosian	4,125

You can also see top attorneys as well as parties.

Participants

5. Remove unknown parties. (yellow)

- “Does 1 10 John”
- “ABC”
- “XYZ”

6. Combine parties with the same name. (green)

- “Bank of America” with “Bank of America NA”
- “Capital One Bank” with “Capital One Bank USA NA”

Participants	Total
LVNV FUNDING LLC	33,984
IN C MIDLAND CREDIT MANAG EMENT	22,832
ABC	9,585
DISCOVER BANK	9,027
DOES 1 10 JOHN	8,104
CAPITAL ONE BANK	5,278
CAVALRY SPV I	4,084
CAPITAL ONE BANK USA N A	3,954
DOE 1 10 JOHN	3,396
CITIBANK N A	3,141
BANKNORTH GROUP INC/ME	3,138
DOES 1 5 JOHN	2,697

Most Frequent Private Litigants in Collection Lawsuits in 16 California Counties (2021)

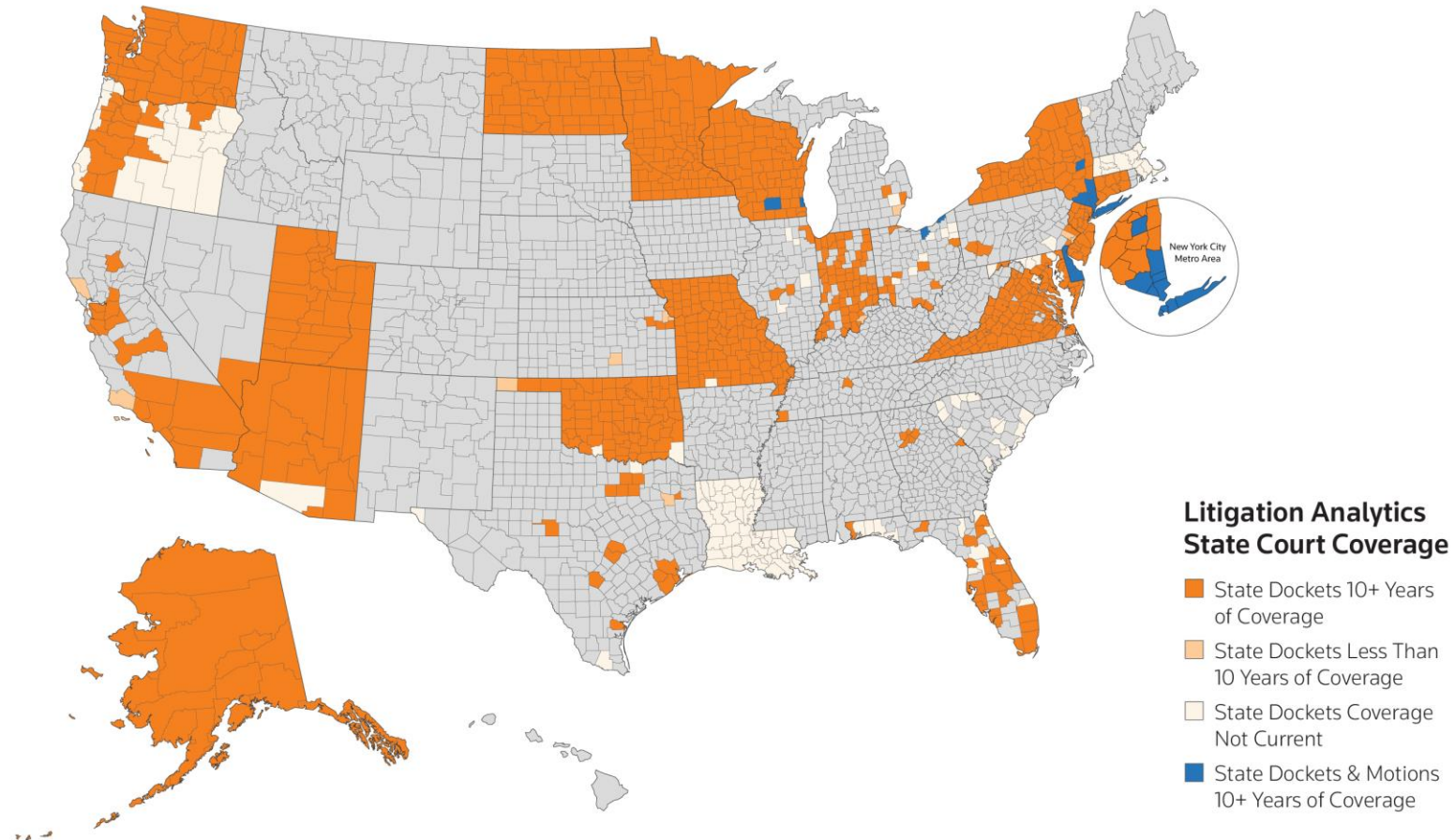
	Private Litigants	Number of Cases	Percent of Total Collections Cases
1	Bank of America	24,662	10.9%
2	Midland Credit Management	19,949	8.8%
3	Capital One Bank USA	19,077	8.5%
4	Cavalry SPV I	17,680	7.8%
5	Discover Financial Services	17,611	7.8%
6	TD Bank USA	11,599	5.1%
7	LVNV Funding	10,054	4.5%
8	Portfolio Recovery Associates	9,776	4.3%
9	Citibank	9,137	4.1%
10	American Express	7,839	3.5%
11	JPMorgan Chase Bank	7,112	3.2%
12	Synchrony Bank	6,798	3.0%
13	Debt Management Partners	4,399	1.9%
14	United Holding Group	3,101	1.4%
15	Velocity Investments	3,069	1.4%
	Top 15 Participants	171,863	76.2%
	Credit Card Issuers	103,835	46.0%
	Debt Buyers	68,028	30.2%
	Total Collections Cases in 2021	225,582	

Participants	Total
BANK OF AMERICA N A	21,107
MIDLAND CREDIT MANAGEMENT	19,949
CAVALRY SPV I	17,680
DISCOVER FINANCIAL SERVICES	17,612
CAPITAL ONE BANK USA N A	16,051
TD BANK USA N A	11,599
LVNV FUNDING LLC	10,054
PORTFOLIO RECOVERY ASSOCIATES LLC	9,776
CITIBANK N A	9,137
AMERICAN EXPRESS NATIONAL BANK	7,836
JPMORGAN CHASE BANK N A	7,112
SYNCHRONY BANK	6,798
DEBT MANAGEMENT PARTNERS LLC	4,399
BANK OF AMERICA	3,555
DOES 1 10	3,449
UHG I LLC	3,101
VELOCITY INVESTMENTS LLC	3,069

Limitations of the Tool

Limitations to Litigation Analytics

Coverage is limited in state courts.



Tagging “case type” is inconsistent.

Depending on the jurisdiction and coding, results may vary.

- Debt collection lawsuits could appear under “Collections” or “Contracts” or “Civil.”
 - May be different for different years? Or different counties?
- “Civil” does not necessarily include all civil cases.

Case Type Tagging Varies by Jurisdiction

Case type		
Start typing to find Case type		
<input checked="" type="checkbox"/>	Administrative & Government	4,281
<input type="checkbox"/>	Antitrust	577
<input checked="" type="checkbox"/>	Arbitration	19,722
<input checked="" type="checkbox"/>	Banking & Finance	2,508,331
<input checked="" type="checkbox"/>	Bankruptcy	637
<input checked="" type="checkbox"/>	Business Organizations	5,442
<input type="checkbox"/>	Civil	1,739,661
<input checked="" type="checkbox"/>	Civil Rights	380,762
<input type="checkbox"/>	Class Action	863
<input checked="" type="checkbox"/>	Consumer Protection	1,713
<input checked="" type="checkbox"/>	Contracts	748,436
<input checked="" type="checkbox"/>	Criminal Law	1,646,292

California

Case type		
Start typing to find Case type		
<input checked="" type="checkbox"/>	Administrative & Government	2,113
<input type="checkbox"/>	Antitrust	2
<input checked="" type="checkbox"/>	Arbitration	112
<input checked="" type="checkbox"/>	Banking & Finance	2,944
<input checked="" type="checkbox"/>	Bankruptcy	9
<input checked="" type="checkbox"/>	Business Organizations	1,610
<input type="checkbox"/>	Civil	137,465
<input checked="" type="checkbox"/>	Civil Rights	30,504
<input type="checkbox"/>	Class Action	2
<input checked="" type="checkbox"/>	Consumer Protection	17,848
<input checked="" type="checkbox"/>	Contracts	8,081,050
<input checked="" type="checkbox"/>	Criminal Law	3

New Jersey

Case type		
Start typing to find Case type		
<input checked="" type="checkbox"/>	Administrative & Government	7,935
<input checked="" type="checkbox"/>	Admiralty & Maritime	299
<input checked="" type="checkbox"/>	Arbitration	84,685
<input checked="" type="checkbox"/>	Banking & Finance	5,093
<input checked="" type="checkbox"/>	Business Organizations	31,085
<input type="checkbox"/>	Civil	3,181,328
<input checked="" type="checkbox"/>	Civil Rights	7,490
<input type="checkbox"/>	Class Action	2
<input checked="" type="checkbox"/>	Consumer Protection	7,442
<input checked="" type="checkbox"/>	Contracts	710,075
<input checked="" type="checkbox"/>	Energy & Environment	62

New York

Litigation Analytics

Discover relevant, data-driven insights from federal and select state dockets and cases

Attorneys Law Firms Judges Courts Damages **Case Types**

civil

Civil

Federal dockets: 304,414 • State dockets: 17,808,115

Civil Rights

Federal dockets: 753,767 • State dockets: 903,749

Prosecutorial Conduct - Civil Rights

Federal dockets: 2,855 • State dockets: 169

ADA - Non-employment (NOS 446) - Civil Rights

Federal dockets: 104,688 • State dockets: 9

Freedom of Speech - Constitutional Rights - Civil Rights

More ▾

Important to start with “Court” tab, not “Case Type.”

Case type

Start typing to find Case type

- Administrative & Government 71
- Banking & Finance 52
- Civil 1,861,710
- Civil Rights 120
- Contracts 11

“Civil” cases filtered to California trial courts (all-time)

WestLaw Provides County-Level Data

- If you need a smaller geographic region than state-wide, WestLaw allows you to filter on a countywide basis.
- Data accuracy varies depending on whether WestLaw can successfully read filings of a particular jurisdiction.

We observed differences between counties in:

- The ability to read participant names, leading to more errors
- How collections cases were tagged

Limitations in Participant Data

Precision vs. Replicability

- To ensure that you capture every member of the top 20 accurately, you can take additional steps.
 - You can search top participants by county, then add the values for each county.
 - You can search the top participants by name to look for duplicates that did not make the top 20 list.
- Each additional step may make results more difficult to replicable.

Participant does not mean “filer” or “plaintiff.”

- Westlaw only categorizes as “Participant” and does not provide data for common “plaintiffs” or “defendants.”
- Without further analytical work, we cannot confirm that members of the top 20 filed all of the cases.