



Oregon Law Institute  
of Lewis & Clark Law School

# *Effective Collection of Judgments*

**I**n this period of recession, lawyers are spending more of their time collecting money for their clients. Prime considerations include how we can do it effectively with minimum wasted time and minimum litigation. Attend this program to learn about pre-litigation strategies, drafting and entering a judgment, attorney fees, the effect of a bankruptcy on a creditor's claim against a debtor, and much more.

**FRIDAY,  
NOVEMBER 12, 2010**

Oregon Convention Center  
777 NE Martin Luther King Jr. Blvd.  
Portland, Oregon

6.5 General or Practical Skills MCLE Credits

# SCHEDULE

- 8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTION
- 8:30–9:00 **Pre-litigation Strategies and Pre-filing Considerations (Or, Can You Get the Money Without a Lawsuit)**
- The demand letter (or, can you scare them into paying)
  - Attorney fees under ORS 20.082 and the demand
  - Is suit worth filing? (or, can you get blood out of a turnip?)
  - Potential claims to maximize judgment
  - Can you reduce that nasty filing fee?
  - Pleading attorney fees in complaint, prayer and answer on counterclaim  
– *Pamela E. Yee*
- 9:00–10:00 **Drafting and Entering the Judgment; Judgment Liens**
- Forms of judgments
  - Filing the judgment with the court
  - Notice requirements
  - When does a judgment create a lien and on what?  
– *Mark B. Comstock*
- 10:00–10:15 BREAK
- 10:15–10:45 **Judgment Collection**
- Judgment debtor’s exam
  - Interrogatories
  - Post-judgment attorney fees  
– *Kimberley Hanks McGair*
- 10:45–11:15 **Court-Mandated Arbitration**
- Qualification and selection of arbitrators
  - Motions and hearings
  - Awards and fees
  - Appeals to circuit court  
– *Hon. Edward J. Jones*
- 11:15–12:00 **Attorney Fees**
- When can you recover attorney fees?
  - Drafting and filing the request for attorney fees
  - Applicable timelines
  - Objections to request for attorney fees  
– *Mark A. Peterson*
- 12:00–1:15 LUNCH (on your own)
- 1:15–2:15 **Garnishment and Execution**
- Procedure
  - Methods and uses of garnishments—attorney or court issued and property subject to garnishment
  - Execution procedures
  - Bonds and other costs
  - Exemptions
  - Wages and bank accounts  
– *Daniel L. Steinberg*
- 2:15–2:30 BREAK

# SCHEDULE (cont.)

2:30–3:00

## **Effect of the Fair Debt Collection Practices Act**

- Requirements for the initial communication in collecting a judgment
- When are you a debt collector?
- Prohibited conduct in collecting a judgment
- Damages

– *Keith D. Karnes*

3:00–4:15

## **Just When You Thought You Had 'Em! Bankruptcy's Impact on Collecting on Your Claim**

- Everybody freeze—the automatic stay
- Dealing with the debtor—discharge of claims and lien avoidance
- Getting paid in a bankruptcy—proofs of claim
- Giving up what you've gained—trustee's avoidance powers

– *Ann K. Chapman*

4:15 p.m.

ADJOURN

# Program Faculty

**Ann K. Chapman**  
*Vanden Bos & Chapman, LLP*

**Mark B. Comstock**  
*Garrett Hemann Robertson PC*

**Kimberley Hanks McGair**  
*Farleigh Wada Witt*

**Hon. Edward J. Jones**  
*Multnomah County Circuit Court*

**Keith D. Karnes**  
*Olsen Daines LLC*

**Mark A. Peterson**  
*Lewis & Clark Legal Clinic*

**Richard A. Slottee**  
*Program Planner*  
*Professor of Law and Director*  
*Lewis & Clark Legal Clinic*

**Daniel L. Steinberg**  
*Greene & Markley, PC*

**Pamela E. Yee**  
*Schmidt & Yee, PC*

## LIVE PRESENTATION

**Portland – 11/12/10**  
Oregon Convention Center  
777 NE MLK Jr. Blvd.

## MCLE CREDIT

*Effective Collection of Judgments* will receive **6.5** General or Practical Skills MCLE credits.

## PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase OLI program products at 50% off the full retail price.

## QUESTIONS?

Please call OLI at (503) 768-6580 in Portland or toll-free in Oregon at (800) 222-8213, e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu), or visit our website at <http://.go.lclark.edu/oli>.

## VIDEO REPLAYS

Please register at least one week prior to the replay date.

**Bend – 12/3/10**  
**Replay 8:30 a.m.**  
Bryant Lovlien & Jarvis  
591 Mill View Way

**Eugene – 11/19/10**  
**Replay 8:30 a.m.**  
Harrang Long Gary & Rudnick PC  
360 East 10th Avenue, Ste. 300

**Medford – 11/19/10**  
**Replay 8:30 a.m.**  
Kellington Krack Richmond  
Blackhurst & Glatte LLP  
23 Newtown Street

**Portland – 12/8/10**  
**Replay 9:00 a.m.**  
Oregon Law Institute  
Gus J. Solomon Courthouse  
620 SW Main Street, Ste. 706

# Effective Collection of Judgments

Friday, November 12, 2010

Name \_\_\_\_\_

OSB No. or Profession \_\_\_\_\_

Firm/Organization \_\_\_\_\_

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Please "✓" appropriate box below:

- Live presentation
- Video replay. Location: \_\_\_\_\_ Date: \_\_\_\_\_  
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## TUITION

*(Prices apply to live and video replays.)*

- \$179** Early registration *(received by November 8, 2010)*
- \$139** Early registration for new attorneys (admitted 2008–2010) and legal staff *(received by November 8, 2010)*
- \$90** Legal aid attorneys *(received by November 8, 2010)*
- \$15** OLI Annual Passholder (OLI Pass No. \_\_\_\_\_)
- \$20** Add to above tuition if registration received *after November 8, 2010*

## PRODUCT ORDER

*I am unable to attend. Please send me:*

- \$199** Audio CDs and course book
- \$299** DVDs and course book
- \$59** Course book only
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ENCLOSED IS \$ \_\_\_\_\_ BY:

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Check out our website at <http://go.lclark.edu/oli>  
or e-mail us at [oli@lclark.edu](mailto:oli@lclark.edu).**

**CONFIRMATION:** Confirmation will be sent via e-mail.**CANCELLATION POLICY:** Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Monday, November 8, 2010.**NEED ASSISTANCE:** If you are a person with a disability, please let OLI know in time to make any necessary accommodations for you.**TUITION ASSISTANCE:** A limited number of scholarships are available based on financial need. Contact OLI.