



Oregon Law Institute
of Lewis & Clark Law School

Judgments and Collecting Judgments in Oregon

Avoiding the Pitfalls

This seminar will cover the essential elements and procedural steps for obtaining a judgment and keeping the judgment alive. Among other topics, it will address how to calculate interest, what the court considers in determining attorney fees, post judgment collection and asset location techniques and procedure, what forms are required for garnishment and execution, how to avoid liability under the Fair Debt Collection practices Act, and the effect of bankruptcy on judgment collection.

Friday, March 2, 2007

**Oregon Convention Center
777 NE Martin Luther King, Jr. Blvd.
Portland, Oregon
6.75 MCLE Credits**

SCHEDULE

- 8:00 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTION
- 8:30 - 8:45 **Tax Issues**
- General rule: cancellation of indebtedness is income
 - Exclusions: when is cancellation of indebtedness excluded from income
– *Jan R. Pierce*
- 8:45 - 9:15 **Judgment Forms: The Correct Form for the Correct Judgment**
- Limited, general, and supplemental
 - Requirements as to form
 - Procedures for getting judgments approved and entered
– *Mark A. Peterson*
- 9:15 - 9:45 **Judgments and Interest: How to Calculate Interest**
- Are you providing free loans
 - We aren't in Texas; simple interest only
 - Application of payments to judgments
– *Pamela E. Yee*
- 9:45 - 10:00 BREAK
- 10:00 - 10:45 **Judgments and Attorney Fees: What Does the Court Consider in Determining an Attorney Fee Award**
- The type of work for which fees are recoverable
 - How specific do you need to be as to work and time expended
 - The applicable time requirements for submission and objections
 - The appropriate forms suggested by the UTCRs
– *Hon. Ronald E. Cinniger*
- 10:45 - 11:25 **Post Judgment Collection — Asset Location Techniques and Procedure**
- Effective informal post-judgment asset location techniques
 - Asset location procedures authorized by statute
 - Typical forms and costs for asset location procedures
– *Mark B. Comstock*
- 11:25 - 12:00 **Exemptions, Tracing Proceeds, and Bank Account Balances**
- Exemptions and their impact on collections
 - Specific issues relating to bank accounts
 - Tracing methodologies and examples
– *Kathryn E. Eaton*
- 12:00 - 1:00 LUNCH BREAK (optional lunch at live program)
- 1:00 - 1:45 **Garnishment and Execution: Forms, Fees, and Procedure**
- What forms are required
 - Who gets what form and when
 - Don't have a blank stare
– *Pamela E. Yee*

SCHEDULE (cont.)

- 1:45 - 2:30 **Settlements and the Fair Credit Reporting Act:
How Can a Settlement Affect a Debtor's Consumer
Credit Report**
- Changes for furnishers under FACTA
 - Re-aging accounts
 - Updating account info after settlement
 - Civil liability under the FCRA
– *Justin M. Baxter*
- 2:30 - 2:45 BREAK
- 2:45 - 3:30 **Judgment Collection and the Fair Debt Collection
Practices Act — Traps to Be Aware of**
- The obvious traps
 - The not-so-obvious traps
 - A practical approach
– *Russell D. Garrett*
- 3:30 - 4:15 **“Bankruptcy Wars”**
- Episode I – “The Bankruptcy Menace” –
Notice of case and effect of automatic stay
 - Episode II – “Attack of the Creditor” –
Moving for dismissal and relief from stay
 - Episode III – “Revenge of the Debtor” –
Avoiding judgment liens
 - Episode IV – “A New Hope” – Filing a proof of claim
 - Episode V – “The Creditor Strikes Back” –
Contesting dischargeability
 - Episode VI – “Return of the Judgment” –
Post discharge collection
– *James Ray Streinz*
- 4:15 ADJOURN

Program Faculty

Justin M. Baxter
Baxter & Baxter LLP

Hon. Ronald E. Cinniger
Multnomah County Circuit Court

Mark B. Comstock
*Garrett, Hemann, Robertson, Jennings,
Comstock & Trethewey P.C.*

Kathryn E. Eaton
M. Caroline Cantrell & Associates P.C.

Russell D. Garrett
Bullivant Houser Bailey P.C.

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Lewis & Clark Legal Clinic

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Lewis & Clark Legal Clinic*

James Ray Streinz
McEwen Gisvold LLP

Pamela E. Yee
Schmidt & Yee PC

LIVE PRESENTATION

Portland – 3/2/07
Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

*Judgments and Collecting Judgments
in Oregon: Avoiding the Pitfalls* will
receive **6.75** General MCLE credits.

PROGRAM PRODUCTS

Even if you cannot attend, you can still get the program on audiotapes, videotapes, CDs or DVDs. Use the order form in this brochure to order your set today! OLI Annual Passholders may purchase the tapes 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; or visit our Web site at www.lclark.edu/org/oli.

VIDEO REPLAYS

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

Bend – 3/16/07
Replay 8:30 a.m.
Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 3/9/07
Replay 8:30 a.m.
Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 3/9/07
Replay 8:30 a.m.
Kellington Krack Richmond
Blackhurst & Glatte, LLP
23 Newtown Street

Portland – 3/21/07
Replay 9:00 a.m.
Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

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Friday, March 2, 2007

Name _____ OSB No. or Profession _____

Firm/Organization _____

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Please "✓" appropriate box below:

 Live presentation
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TUITION *(Prices apply to live and video replays.)*

- \$159 "Early Bird" tuition *(received by February 26, 2007).*
- \$119 "Early Bird" tuition for new attorneys (admitted 2005–2006), paralegals, or secretaries *(received by February 26, 2007).*
- \$80 Legal aid attorneys and judges *(received by February 26, 2007).*
- \$15 OLI Annual Pass holder (Annual Pass No. _____).
- \$20 Add to above tuition if registration received *after February 26, 2007.*

OPTIONAL LUNCH AT LIVE SEMINAR

- \$25 Add to above tuition
- Vegetarian Dietary restrictions: _____

PRODUCT ORDER

I am unable to attend. Please send me:

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- \$299 Videotapes and course book *or* \$299 DVDs and course book
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ENCLOSED IS \$ _____ BY:

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 OLI Registrar, Solomon Courthouse
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 Portland, OR 97205-3037

...or fax this registration
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QUESTIONS? Call (503) 768-6580 or (800) 222-8213.
Check out our website at www.lclark.edu/org/oli
or email us at oli@lclark.edu.

CONFIRMATION: Confirmation will be sent via e-mail or fax.

CANCELLATION POLICY: Tuition minus a \$20 handling charge will be refunded if the cancellation request is *written and received* by Tuesday, February 27, 2007.

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.