



Oregon Law Institute
of Lewis & Clark Law School

Two Half-Day Programs

Basic Judgment and Collection Issues

8:30 a.m.- 12:15 p.m.
3.25 General or Practical Skills
and **.5 Ethics** MCLE Credits

Advanced Judgment and Collection Issues

1:30 - 4:45 p.m.
2.75 General and **.5 Ethics** MCLE Credits

Friday, November 21, 2003

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

SCHEDULE

Basic Judgment and Collection Issues

3.25 General or Practical Skills and .5 Ethics MCLE Credits

- 8:00 a.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTION
- 8:30 - 9:00 **How to Obtain a Judgment (So You Win—Now What Do You Do?)**
- Step by step instructions, with sample forms: procedure for judgment resulting from trial, pretrial motion to dismiss, stipulated judgments, and defaults
 - Post trial procedures for obtaining attorney fees and costs
- *Mark A. Peterson*
- 9:00 - 9:30 **Practical Post Judgment Discovery (Does the Debtor Have Any Money?)**
- Judgment debtor appearances
 - Interrogatories
- *Kimberley Hanks McGair*
- 9:30 - 10:00 **Basic Collection with Forms (How Do You Actually Turn the Judgment into Dollars)**
- Garnishment—wages and bank accounts
 - Execution—personal property
 - Judgment liens
- *Richard J. Parker*
- 10:00 - 10:10 **Exemptions (When Can the Debtor Refuse to Pay, and Get Away With it?)**
- *J. Patterson Reece*
- 10:10 - 10:25 BREAK
- 10:25 - 11:05 **Beware the FDCPA! (Fair Debt Collection Practices Act)**
- Basic FDCPA and how it applies to judgment collection
 - The good and decent judgment demand letter
- *Truman A. Stone*
- 11:05 - 11:45 **Beware the Bankruptcy!**
- Basic bankruptcy concepts and what debts can be discharged
 - Do you or your client have to receive actual notice of the bankruptcy?
 - What if the debt is not listed in the bankruptcy?
 - What happens if you try to collect the judgment after a bankruptcy has been filed?
 - The *Automatic Stay* and how it affects judgment collection.
- *Robert J. Altman*
- 11:45 - 12:15 **Ethical Considerations in Judgment Collection**
- Keeping your own client informed
 - Retainer agreements
 - Conflicts, privilege, and multiple clients
- *Susan D. Isaacs*
- 12:15 ADJOURN

SCHEDULE

Advanced Judgment and Collection Issues

2.75 General and .5 Ethics MCLE Credits

- 1:00 p.m. LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 1:30 - 2:00 **Advanced FDCPA**
- Current issues in judgment collection, including contrary circuit court opinions
 - The validation notice and the §1692e(11) notice—do they have to be on your pleadings or motions?
 - Can attorney to attorney communications violate the FDCPA
 - Five ways to inadvertently violate the FDCPA while collecting a judgment
 - *Richard A. Slottee*
- 2:00 - 2:30 **Advanced Bankruptcy and Judgment Collection**
- Does your judgment lien survive bankruptcy?
 - When can a debtor set aside your judgment lien as impairing the homestead exemption?
 - Can the debtor discharge your judgment in bankruptcy? What can you do to stop a discharge?
 - Child support or property settlement? How do you determine and which can be discharged in bankruptcy?
 - When can you be forced to give back the money you've collected before the bankruptcy filing?
 - *Robert J. Altman*
- 2:30 - 2:45 BREAK
- 2:45 - 3:15 **Execution and Garnishment Issues**
- Bank accounts and exemptions
 - How do you determine what portion is exempt? LIFO, FIFO, or something else?
 - *Richard J. Parker*
- 3:15 - 3:45 **Ethical Considerations**
- What can you include as a recoverable cost?
 - *Arnold S. Polk*
- 3:45 - 4:15 **2003 Legislative Review**
- HB 2274 (Garnishments)
 - HB 2646 (Judgments)
 - *Russell D. Garrett*
- 4:15 - 4:45 **Future Legislative Issues**
- Reform of execution procedures and judgment sales
 - Suits in equity
 - Glitches in the new judgments law
 - *Mark B. Comstock*
- 4:45 p.m. ADJOURN

Program Faculty

Robert J. Altman

Oliveros & O'Brien, P.C.

Mark B. Comstock

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

Russell D. Garrett

Bullivant Houser Bailey, P.C.

Susan D. Isaacs

Attorney at Law

Kimberley Hanks McGair

Farleigh Wada & Witt, P.C.

Richard J. Parker

Parker Bush & Lane, P.C.

Mark A. Peterson

*Lewis & Clark Legal Clinic
Lewis & Clark Law School*

Arnold S. Polk

Attorney at Law

J. Patterson Reece

*Nancy A. Smith
& Associates*

Richard A. Slottee

*Program Planner
Lewis & Clark Legal Clinic
Lewis & Clark Law School*

Truman A. Stone

Attorney at Law

LIVE PRESENTATION

Portland – 11/21/03

Oregon Convention Center
777 NE MLK Jr. Blvd.

MCLE CREDIT

Basic Judgment and Collection Issues will receive 3.25 General or Practical Skills and .5 Ethics MCLE Credits. *Advanced Judgment and Collection Issues* will receive 2.75 General and .5 Ethics MCLE Credits.

PROGRAM TAPES

Even if you cannot attend, you can still get the program on audiotape or videotape. 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 – 12/12/03

Basic–8:30 a.m.

Advanced–1:00 p.m.

Bryant Lovlien & Jarvis
591 Mill View Way

Eugene – 12/5/03

Basic–8:30 a.m.

Advanced–1:00 p.m.

Harrang Long Gary & Rudnick, P.C.
360 East 10th Avenue, Ste. 300

Medford – 12/5/03

Basic–8:30 a.m.

Advanced–1:00 p.m.

Offices of Claudette Yost
916 W. 10th Street

Pendleton – 12/11/03

Basic–8:30 a.m.

Advanced–1:00 p.m.

Corey, Byler & Rew
222 S.E. Dorion

Portland – 12/17/03

Basic–8:30 a.m.

Advanced–1:00 p.m.

Oregon Law Institute
Gus J. Solomon Courthouse,
620 S.W. Main St., Suite 706

REGISTRATION / ORDER FORM
Basic Judgment and Collection Issues
Advanced Judgment and Collection Issues
Friday, November 21, 2003

Name _____ OSB No. or Profession _____

Firm/Organization _____

Street Address _____ City/State/Zip _____

Phone _____ Fax _____ E-Mail _____

Please "✓" Appropriate Box Below:

Live Presentations: Basic Judgments Advanced Judgments

Video replay. Location: _____ Date: _____

TUITION (Prices apply to live and video replays.)

BOTH PROGRAMS:

- \$159 "Early Bird" tuition. (Received by November 17, 2003)
- \$129 "Early Bird" tuition for new attorney (admitted 2002-2003), paralegals, or secretaries. (Received by November 17, 2003)
- \$ 25 OLI Annual Pass holder (Annual Pass No. _____).
- \$ 20 Add to above fees if registration received *after* November 17, 2003.

ONE PROGRAM: (Please check one box) Basic Judgments Advanced Judgments

- \$109 "Early Bird" tuition. (Received by November 17, 2003)
- \$ 89 "Early Bird" tuition for new attorney (admitted 2002-2003), paralegals, or secretaries. (Received by November 17, 2003)
- \$15 OLI Annual Pass holder (Annual Pass No. _____).
- \$20 Add to above fees if registration received *after* November 17, 2003.

BOOK AND TAPE ORDERS *I am unable to attend. Please send me:*

BOTH PROGRAMS:

- Audiotapes and course books, at \$169 per set.
- Videotapes and course book, at \$309 per set

ONE PROGRAM: (Please check one box)

- Basic Judgments Advanced Judgments
- Audiotapes and course book, at \$89 per set.
- Videotapes and course book, at \$159 per set.
- Course book only, at \$49 per copy.
- Deduct 50% from order if you are an OLI Annual Pass holder (Pass No. _____)
- \$7.00 **Note: Add \$7.00 shipping & handling fee to above book and tape orders.**

ENCLOSED IS \$ _____ BY:

- Check payable to Oregon Law Institute (OLI)
- Credit Card: Acct. # _____
 VISA MasterCard

Exp. Date: _____ Signature: _____

Return this form with payment to:
OLI Registrar, Solomon Courthouse
620 S.W. Main St., Suite 706
Portland, OR 97205-3037

...or fax this registration
form including credit
card information to:
(503) 768-6585.

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 \$25 handling charge will be refunded if the cancellation request is *written and received* by Tuesday, November 18, 2003.

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.