



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 draft and enter a judgment, what the court considers in determining attorney fees, post-judgment contempt, what forms are required for garnishment and execution, and the effect of bankruptcy on judgment collection.

FRIDAY, NOVEMBER 9, 2012

The Ambridge Event Center

1333 NE Martin Luther King Jr. Blvd. • Portland, Oregon

6.5 General or Practical Skills MCLE Credits

SCHEDULE

- 8:00 LATE REGISTRATION AND DISTRIBUTION OF MATERIALS
- 8:25 WELCOME AND INTRODUCTORY REMARKS
– *Richard A. Slottee*
- 8:30–10:00 **Drafting and Entering the Judgment; Judgment Liens**
- The correct form for the correct judgment
 - Limited, general, and supplemental
 - Requirements as to form
 - Procedures for getting judgments approved and entered
 - Filing the judgment with the court
 - Notice requirements
 - When does a judgment create a lien and on what?
– *Mark B. Comstock*
– *Mark A. Peterson*
- 10:00–10:15 BREAK
- 10:15–11:15 **Judgments and Attorney Fees: What Does the Court Consider in Determining an Attorney Fee Award**
- How to apply for attorney fees
 - What the court must consider in awarding attorney fees
 - Upcoming possible changes to ORCP 68
 - The amount of detail required
 - Burden of proof
– *Hon. Charles M. Zennaché*
- 11:15– 12:00 **Post-Judgment Contempt**
- How do you set up a judgment debtor appearance and what happens if the debtor fails to attend or does not otherwise meaningfully participate?
 - How many chances do you need to give the debtor and how and when can you obtain an arrest warrant?
 - Is the procedure the same for written interrogatories and does it vary from county to county?
 - Tips for getting the debtor to cooperate without using the contempt process
 - Attorney fees for post-judgment work
– *Pamela E. Yee*
- 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*

SCHEDULE (cont.)

- 2:15–2:45 **Registering Foreign Judgments**
- Procedures to register a foreign judgment in Oregon
 - Judgment debtor's rights to contest the registration
 - Procedures to register an Oregon judgment in a foreign jurisdiction
- *Thomas W. Stilley*
- 2:45–3:00 BREAK
- 3:00–4:00 **Bankruptcy's Impact on Collecting on Your Claim**
- Everybody freeze—the automatic stay
 - Discharge of claims, lien avoidance and stripping
 - Getting paid in a bankruptcy—proofs of claim
 - Giving up what you've gained—trustee's avoidance powers
- *Ann K. Chapman*
- 4:00–4:15 **Tax Considerations**
- When are damages taxable income?
 - Can the taxpayer phrase a judgment to avoid taxable income?
- *Jan R. Pierce*
- 4:15 ADJOURN

PROGRAM FACULTY

Ann K. Chapman

Vanden Bos & Chapman LLP

Mark B. Comstock

Garrett Hemann Robertson PC

Mark A. Peterson

Lewis & Clark Legal Clinic

Jan R. Pierce

Lewis & Clark Legal Clinic

Richard A. Slottee

Program Planner

Lewis & Clark Legal Clinic

Daniel L. Steinberg

Greene & Markley PC

Thomas W. Stilley

Sussman Shank LLP

Pamela E. Yee

Schmidt & Yee PC

Hon. Charles M. Zennaché

Lane County Circuit Court

LIVE PRESENTATION

Portland – November 9, 2012

The Ambridge Event Center

1333 NE MLK Jr. Blvd.

MCLE CREDIT

Judgments and Collecting Judgments in Oregon: Avoiding the Pitfalls 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.

VIDEO REPLAYS

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

Bend – 11/20/12

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Bryant Lovlien & Jarvis

591 Mill View Way

Eugene – 11/16/12

Replay 8:30 a.m.

Harrang Long Gary &

Rudnick PC

360 East 10th Avenue, Ste. 300

Portland – 12/5/12

Replay 9:00 a.m.

Oregon Law Institute

Gus J. Solomon Courthouse

620 SW Main Street, Ste. 706

QUESTIONS? Call (503) 768-6580 or (800) 222-8213.

Check out our website at www.lclark.edu/org/oli

or e-mail us at oli@lclark.edu.

REGISTRATION / ORDER FORM

Judgments and Collecting Judgments in Oregon: *Avoiding the Pitfalls*

Friday, November 9, 2012

Name _____ OSB No. or Profession _____

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Please "✓" appropriate box below:

☐ Live presentation

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TUITION *Prices apply to live and video replays.*

- ☐ \$189 Early registration (*received by November 5, 2012*)
☐ \$139 New attorneys (admitted 2010–2012) and legal staff (*received by November 5, 2012*)
☐ \$95 Legal aid attorneys (*received by November 5, 2012*)
☐ \$15 OLI Passholder (OLI Pass No. _____) and Oregon judges and their lawyer staff (*received by November 5, 2012*)
☐ \$20 **Add to above tuition if registration received *after* November 5, 2012**

COURSE MATERIALS *Included with registration. Please select one:*

- ☐ Electronic course book (*a link to a PDF of the materials will be emailed no later than 48 hours prior to the seminar date*)
☐ Print version

LIVE WEBCAST REGISTRATION

This program will be broadcast LIVE over the internet on Friday, November 9, 2012, starting 8:30 a.m. Pacific Time. You may access this event from anywhere with an established internet connection. The webcast will include video and audio of the speakers and seminar handout materials — all on your computer! To register for the live webcast, please click [here](#) or go to our website at <http://go.lclark.edu/oli> and click on "Webcasts."

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OLI, including credit card information.

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 5, 2012.

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.

QUESTIONS? Call (503) 768-6580 or (800) 222-8213. Check out our website at <http://go.lclark.edu/oli> or e-mail us at oli@lclark.edu.