

## **COLLECTIONS PARALEGAL**

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### **ALL OF THE BELOW DUTIES ARE ASSUMED TO, AND MUST BE, UNDER THE DIRECTION AND SUPERVISION OF A LICENSED ATTORNEY.**

The primary task of the Collections Paralegal is to assist the attorney in effectuating recovery of outstanding balances and/or assets of prejudgment and post-judgment creditor clients. Although collections law is its own specialty, it also encompasses many different areas of the law. Other areas of law relevant to a collections law practice include, but are not limited to: contract, commercial, finance, and litigation.

#### **A. COMMENCEMENT OF AN ACTION**

1. Review and set up all claims within office database (computerized or manual). Review includes determining claim amount, creditors, term of delinquency, subject of claim, signatories, *etc.*
2. Review and analyze all documentation: notices, invoices, correspondence between debtor and creditor, promissory notes, security agreements, personal guarantees, *etc.*
3. Establish through Secretary of State whether debtor is a corporation or other such corporate entity, a d/b/a/, or an individual.
4. Calculate prejudgment interest.
5. Draft correspondence acknowledging claim to the forwarder/creditor.
6. Draft, for attorney review, demand letter for payment appropriate to the type of debtor, *e.g.*, consumer or retail. [BE SURE TO COMPLY WITH THE REQUIREMENTS OF THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT and/or the Colorado Fair Debt Collection Practices Act CRS 12-14-101, et seq.]
7. Assist, if directed by attorney, in negotiating, mediating and settling the matter, if possible.

#### **B. PRE-JUDGMENT LITIGATION DUTIES**

1. Verify place of service. Identify desirable jurisdiction (county court or district court).

2. Draft complaint(s) for attorney review, *e.g.* open account, promissory note, special area.
3. Draft summons and all related documents to serve with summons and complaint, for attorney review. (Verify court rules to determine what is required to be served with lawsuit).
4. Complete filing and service of complaint:
  - a. Tickle for receipt of answer, or if county court, for return date; and
  - b. Set trial dates and manage attorney's docket.
5. Schedule depositions as needed. In county court prepare Rule 316 disclosures as required or desired.
6. Schedule creditor's examinations as necessary.
7. Draft motion for judgment or motion for default judgment and affidavit as appropriate for attorney review.
8. Prepare documents required for entry of judgment.
9. Calculate attorney's fees and costs for judgment amount.
10. Special Pretrial procedures:
  - a. Draft, for attorney review, and serve notice of intent to file lien statement;
  - b. Inventory and maintain insurance and storage items seized in attachments;
  - c. Obtain attachment bond; and
  - d. Draft attachment forms for attorney review (special pretrial procedures 1-4).

**C. POST-JUDGMENT DUTIES**

1. File and serve all required documents under attorney direction or prepare for return date appearance.
2. Calculate post-judgment interest.

3. Draft bill of costs and arrange for filing and hearing, if necessary.
4. Conduct and direct any asset search either in-house or outsourced.
5. Conduct required skip tracing and/or job verification.
6. Prepare motion for and schedule discovery pursuant to C.R.C.P. 369.
7. Assist attorney in drafting and service of C.R.C.P. 69 discovery.
8. Obtain Transcript of Judgment and record in appropriate county.

**D. DOCUMENTATION AND PROCEDURES**

1. Prepare and conduct execution against personal and real property, under attorney direction.
2. Arrange for issuance and sheriff bonds for execution.
3. Draft, for attorney review, and file claims in connection with Public Works and the Miller Act.
4. Draft, for attorney review, and file full and final settlement agreements, stipulations, and verbal commitments to pay.
5. Judgment:
  - a. Draft appropriate documents, for attorney review, and arrange for service, *e.g.*, satisfaction of judgment, partial satisfaction of judgment, motion for revival of judgment, order to show cause for revival, revival of judgment.
6. Garnishment:
  - a. Draft garnishment forms for attorney review and serve, file return of service with court;
  - b. Document garnishment service, payments, *etc.*;
  - c. Draft, for attorney review, and serve travers; and
  - d. Draft various motions, for attorney review.
7. Matters resulting in bankruptcy:
  - a. Draft proofs of claim for attorney review; and

- b. Retrieve notice of bankruptcy.
- 8. Foreign Judgments:
  - a. Draft underlying documents for attorney review (see C.R.S. 13-62-101, *et seq.*); and
  - b. Filing and service of documents.