

# Collection News Bulletin

FALL/HOLIDAY ISSUE 2010

## ARIZONA COURT FIGHTS BACK ONSLAUGHT OF CIVIL LITIGATION CASE LOAD

Until recent times, America had **more** of everything. Today, we can probably agree that there is less of everything, especially worthwhile employment opportunities. However, there is at least one notable exception. Most collection attorneys are experiencing **more referred accounts** than ever before. Along with that, more client pressure to collect AND, now, in Arizona, more resistance from courts than ever before.

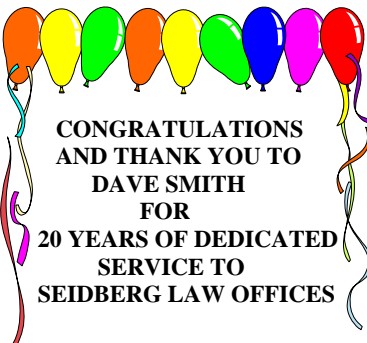
With more accounts, also, comes more litigation which is still the only effective core strategy that generates positive collections. While we are filing more cases than ever, Courts are not keeping up with the staffing requirements to service the onslaught. Yes, more filing fees fill the public coffers, but those fees do not go to the court systems in many cases. Rather, they drop into the general fund "abyss". So, what do Arizona courts do faced with this dilemma?

Most Arizona courts simply grin and bear it. Court processes are simply taking longer than ever to yield a judgment. However, another development is unfolding, coming about as a result of having a bifurcated court system. Arizona has two state courts split jurisdictionally by the dollar amount sought in an action. Matters with principal prayers up to \$10,000 must be sued in the lower court (Justice Court) and matters over \$10,000 sued in Superior Court. Since a disproportionate number of consumer accounts have principal sums less than \$10,000, far more consumer debt matters are filed in Justice Court.

With this in mind one should also understand that Arizona has some peculiar statutes that "hamstring" Justice Court judgments. For example, only Superior court judgments can be recorded and renewed. Therefore, if obtaining a "judgment lien" against real property is important, or you need to renew an expiring judgment, retaining a Justice Court Judgment is a problem. Fortunately, Arizona has a process by which one can "transfer" the Justice Court Judgment to Superior Court. It is a legal procedure which attorneys have followed for decades without judicial resistance, until now.



In one of Arizona's fifteen counties, two Superior Court Judges have recently decided to attempt to thwart such transfer. These Judges have taken the position that even properly transferred Judgments may not be enforced in **their** superior court. So what prompted this abrupt change in a clear and long standing practice? The real answer is that the Court, deluged with work, has taken a narrow interpretation of Arizona law in an effort to discourage the tide of transferred Judgments, an interpretation that, respectfully, will have to be challenged sooner or later.



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## IN MEMORIAM



**ERIC M. BERMAN  
ESQ.**

**A SHINING EXAMPLE  
OF  
"meaningful involvement"**

The lead article in Seidberg Law's Fall 2003 Collection News Bulletin was based upon the thoughts and comments of Eric Berman. I had read his article on "Meaningful Involvement" and was impressed. I called Eric and told him how much I enjoyed his work and asked permission to use some of his thoughts for my newsletter. Without hesitation he said "yes".

Eric was an impressive man in stature and intellect. Because of this, some found him intimidating and not easy to approach. Of course, once you engaged this gentle giant in conversation about NARCA or any NARCA/Collection related issue, that intimidating façade disappeared.

Eric Berman by any measure was a gentleman who set high standards for "involvement" and made more than his share of "meaningful" contributions to our industry. Adieu, Eric and thank you!

# What's New In Our House?

Carol Seidberg, Director of Client Services



## SEIDBERG LAW OFFICES, P.C.

To all who told me they missed our Summer edition, you didn't. We have been so overwhelmed with work and events that we missed our own deadline. SORRY!!

Since our last edition there have been several staff changes, but all for good reasons. We had three important Firm contributors moving on in order to enter a graduate/doctorate program in physical therapy (**Jonathan Seidberg**), start an undergraduate program at Marquette (**Matt Howard**) and to return to Northern California to complete her four year bachelor degree in Journalism and Communication (**Angelyn Avery**).

The Firm was fortunate to recruit some great replacements. **Connie Lords and her son, Kyle**, have joined us. **Connie** is our new **Accountant/Operations Assistant** and comes to us with a background in medical transcription and still operates her own part time business. Amazingly, this is **Connie's** first full time job and she took the position because of her desire to work at our Firm. **Connie** and your editor, **Carol**, have been friends through Phoenix Sister Cities for several years, with **Connie** heading up the volunteers for **WorldFEST**, PSCC's major annual fundraiser. **Connie** loves to go out and have fun but is also extremely talented in her home, sewing beautiful clothes, cooking, decorating and gardening. She is thrilled to be working for us and in the few months she has been here has become very proficient in her new job.

**Susie Sher**, is our new **Receptionist** and is well known to the Seidbergs. **Susie** and **Carol** met through volunteer work for Women's American ORT over 30 years ago & have been friends since. **Susie** received her degree in elementary education from OSU and has been a bank teller & supervisor for 25 years. Her new job is a change of career for her, but **Susie** is up for the challenge. **Susie** is married to Robert & has 2 grown children. She loves going to movies, playing Mah Jongg and working out. **Susie** is a real people person and we are lucky to have her pleasant voice and manner as the point of entry to our office.

**Kyle Lords, Legal Clerk/Operations Assistant**, is a terrific young man who we know through his family and his playing in a band at WorldFEST. **Kyle** is a graduate of Shadow Mountain High School and desires to complete a degree at ASU in computer science. He is a talented musician, is always in a band, and plays bass guitar, piano and sings as well. Soccer is another passion and he played at South Mountain Community College. We are so happy to have this multi-talented young man with us and he is fast becoming very important to our office IT department.

## ARIZONA CREDITOR BAR ASSOCIATION

Thanks to the leadership of Paul Guglielmo, the Arizona Non-Profit Corporation known as **Arizona Creditor Bar Association, Inc.** was formed on October 12, 2010. It's first Board of Directors includes Paul Guglielmo, David Hameroff, Steven Itkin, Jon Hultgren, David Lippman and Ken Seidberg. After several meetings held in Casa Grande, the halfway point between Phoenix & Tucson, we have a good sense of who we are and what we want to achieve. One major initiative is to develop a formal plan to build relationships with our State legislature. While there is no pending legislation of concern, we can expect there will be. We want to begin to build relationships and become an important resource to our legislators when it comes to consumer credit and collection matters in AZ.

### Dates to Remember



Nov 15-24 Seidberg Law Annual Compliance & Staff Reviews

Nov 25-26 Firm closed for Thanksgiving Holiday

Dec 1 1st candle



Dec 4 Firm's Year end Holiday Party (Turf Paradise Racetrack)

Dec 24 Firm closed for Christmas Holiday



December 31 Firm closed for New Year's

