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Chapter 1

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I. PRELIMINARY MATTERS

§ 1:1 Introduction—Purpose and contents of this book

The purpose of this book is to provide attorneys with a comprehensive source of information on how to obtain *actual payment* of their clients' claims, whether those claims are for consumer or business debts, tort or contract claims, or matters already reduced to judgment. It covers the entire range of issues and options, including whether to accept a case, how to secure property at the outset of legal action, and how to enforce payment after a judgment is obtained.

The central premise of this book is that in seeking to recover money on behalf of a client, the first step, "winning the case," can be meaningless without the second step, obtaining payment. This book focuses on that second step.

Some of the information provided in this book is specifically relevant to "collection cases." These are usually defined as contract actions for liquidated amounts involving notes or other forms of debt. These cases often involve consumer credit transactions such as credit card debt and delinquent payments on secured retail transactions. Sometimes they involve relatively small amounts.

Special challenges presented by collection cases are addressed in the remainder of this first chapter. These include considerations of whether to accept the case, ethical dangers, and administrative issues. Practical guidance is also provided on such matters as locating the defendant and identifying assets.

But the task of the attorney in securing and producing actual payment to a client—or defending against such payment—is *not* limited to "collection cases." In virtually *any type of claim for money*, regardless of the amount at issue, the same legal procedures and techniques will apply for securing the defendant's property in advance of judgment and enforcing actual payment once judgment is obtained.