



# Collection Law: *The Good, the Bad and the Profitable in Alberta*

This one-day seminar is designed for collections and credit managers, lawyers, accountants and trustees in business and industry, bankers, financial planners, commercial lending professionals and other professionals involved in the collection process.

**Edmonton, AB**  
**April 22, 2008**

**Moderator:**  
**Thomas V. Duke**  
*Miller Thomson LLP*

**Terrence M. Warner**  
**Geoffrey N.W. Edgar**  
**Barrett K. Westerlund**  
**Monique M. Petrin Nicholson**  
**Jessica B. Buckwold**  
*Miller Thomson LLP*

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*See inside for details.*

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# Critical Issues on the Agenda

- 8:30 AM – 8:35 AM **Overview** — *Thomas V. Duke*
- 8:35 AM – 9:30 AM **Essential Clauses for Debt Contracts** — *Geoffrey N.W. Edgar*
- 9:30 AM – 10:20 AM **Time Constraints and Partial Payment** — *Monique M. Petrin Nicholson*
- Limitation Periods
  - Partial Payment
    - Accord and Satisfaction
    - Waiver
- 10:20 AM – 10:30 AM **Break**
- 10:30 AM – 11:15 AM **Hands Off! – Debtor Exemptions** — *Barrett K. Westerlund*
- Real Property
  - Personal Property
  - Other
- 11:15 AM – 12:00 PM **Prejudgment and Post-Judgment Collection Issues** — *Thomas V. Duke*
- Preliminary Considerations Involved in Collection Matters
  - Prejudgment Relief: Attachment Orders
  - Post-Judgment Remedies
- 12:00 PM – 1:00 PM **Lunch (On Your Own)**
- 1:00 PM – 2:10 PM **Dealing With the Bankrupt Debtor** — *Terrence M. Warner*
- Recent Developments Relevant to Creditors
  - Status of the Amendments Passed in the Last Parliament
- 2:10 PM – 3:20 PM **Successfully Enforcing One's Remedies Under the Personal Property Security Act** — *Terrence M. Warner*
- Default
  - Seizure
  - Redemption and Reinstatement
  - Sale
  - Retaining the Collateral in Satisfaction of the Debt
- 3:20 PM – 3:30 PM **Break**
- 3:30 PM – 4:15 PM **Impact of Privacy Legislation Upon Debt Collection** — *Jessica B. Buckwold*
- Privacy Law Basics
  - Implications Upon Credit Searches
  - Best Practices to Meet Privacy Obligations
- 4:15 PM – 4:25 PM **Questions and Answers** — *Thomas V. Duke*
- 4:25 PM – 4:30 PM **Wrap-Up** — *Thomas V. Duke*

*Lorman Education Services reserves the right to modify the agenda and the faculty when circumstances are beyond our control.*

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## Seminar Highlights

### What you don't know *can* hurt you – stay updated on collection law.

This seminar will help you to improve your written agreements and protect yourself from litigation issues, resulting in monetary savings. You will learn how to manage your collection practice without offending privacy law and avoid write-offs by initiating debt proceedings within the requisite time period. By attending this seminar, you will be able to identify income and assets available for satisfying your debts. The materials and presentations will provide you with useful tips for maximizing your recovery.

#### Benefits for You

- Review some recommended clauses for better lending contracts
- Get a handle on debtor exemptions
- Consider how recent privacy laws have affected collection practices, including search capabilities
- Stay abreast of what's new in Canadian bankruptcy insolvency reform
- Tips on enforcing remedies under the Personal Property Security Act

#### Professional Manual

You will receive a professionally prepared manual compiled by the faculty specifically for this seminar. The seminar will be recorded. Your registration constitutes your consent to such recording. If you cannot attend, you may order a set of CDs and the accompanying manual from this program by using the registration form on the back panel.

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#### IACET Learning Objectives

- The attendee will be able to identify the relevant statutes.
- The attendee will be able to analyze the cost-effectiveness of collection proceedings.
- The attendee will be able to identify how it is possible to extend the statutory time deadline for initiating formal debt litigation.

**Phone 866-352-9539 • Fax 715-833-3953**

## Our Distinguished Faculty

**Terrence M. Warner** joined Miller Thomson LLP in 1990 and joined the partnership in 1993. He has an extensive background in the financial reorganization of insolvent corporations under insolvency legislation and the structural reorganization of corporations under the Business Corporations Act. Mr. Warner's litigation practice has included participation in a number of major commercial transactions. Some specific litigation matters in which he has been involved include issues involving directors' and officers' duties and obligations, and director's liability in general; the rights of minority shareholders and the oppression remedy; litigation involving alleged violation of restrictive covenants; litigation involving fraudulent conveyances and preferences; commercial and residential lease enforcement; intellectual property matters; and litigation involving the interpretation and enforcement of contracts. He is a frequent writer and speaker. Mr. Warner practices primarily in the area of litigation, which primarily focuses on corporate and commercial litigation matters; bankruptcy, both personal and corporate; and commercial insolvency, receivership and collections. He is a member of the Law Society of Alberta and the Canadian Bar Association, including the Civil Litigation, Creditors' Rights, and Landlord and Tenant Sections. Mr. Warner received his B.A. degree in Canadian studies, with first-class honours, from the University of Alberta and his LL.B. degree from McGill University.

**Geoffrey N.W. Edgar** is a lawyer with Miller Thomson LLP. He has a broad commercial litigation practice that focuses on insolvency and restructuring, and commercial debt recovery. Mr. Edgar has represented a broad range of clients from small businesses to large institutions. In addition to his commercial litigation practice, he also practices and provides advice in construction law, employment and product liability. Mr. Edgar has successfully argued cases in all courts in Alberta. He is a member of the Canadian Bar Association Creditors' Rights Subsection and Civil Litigation Subsection, the Edmonton Bar Association and the Alberta Society of the Visually Impaired. Mr. Edgar earned a B.A. degree in English and an LL.B. degree from the University of Alberta.

**Barrett K. Westerlund** is a lawyer with Miller Thomson LLP. He maintains a general litigation practice, concentrated on collections and debt recovery. Mr. Westerlund has assisted chartered banks, Crown lenders, leasing and financing companies, mortgagees, landlords, large corporations, small businesses and individuals. He regularly appears before the Alberta courts at the provincial and Queen's Bench levels. Mr. Westerlund is a member of the Law Society of Alberta and the Canadian Bar Association (Creditors' Rights and Civil Litigation Subsections). He earned a B.A. degree in political science/economics, a B.Comm. degree, with distinction, and an LL.B. degree from the University of Alberta.

**Thomas V. Duke** joined Miller Thomson LLP in 2003. A lawyer in the Commercial Litigation Department, he advises a broad range of clients in a variety of industries. Mr. Duke's practice includes advising on collection recovery, employment law, and advising clients in federally and provincially regulated industries. He is a member of the Law Society of Alberta and the Canadian Bar Association, where he is an executive of the Pension and Employee Benefits Subsection, as well as the Labour and Employment Subsection. Mr. Duke received a B.A.A. degree in journalism from Ryerson Polytechnic University and an LL.B. degree from the University of Alberta.

**Monique M. Petrin Nicholson** is a lawyer with the Edmonton office of Miller Thomson LLP. Ms. Nicholson completed a master's degree in history prior to her legal education and acted as a research assistant to the then dean of the faculty of law, Professor Lewis Klar, in the development of a third edition of his well-known text, *Tort Law*. She also worked as a summer law student for the Legal Department of the Workers' Compensation Board between her second and third years of law school. Ms. Nicholson's practice focuses on commercial litigation, including business and shareholder disputes, creditor matters, labour and employment, and construction litigation. She serves a wide variety of clients, from private to corporate to industrial and institutional organizations. Ms. Petrin is a member of the Canadian Bar Association Labour and Employment, Civil Litigation Sections. She received her B.A. degree, with honours, from the University of Alberta; her M.St. degree from Oxford University; and her LL.B. degree, with distinction, from the University of Alberta.

**Jessica B. Buckwold** is a lawyer with Miller Thomson LLP. Her practice focuses on labour and employment business disputes and privacy law. Ms. Buckwold received her LL.B. degree at the University of Alberta and her B.A. degree from the University of Victoria. While in law school, she acted as a research assistant to Professor Sanjeeve Anand in his research regarding criminal trial juries. Ms. Buckwold also worked for Stantec in the Environmental Management Department. She is a member of the Law Society of Alberta and the Canadian Bar Association, where she is the secretary of the Civil Litigation Section.

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# General Information

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**Best Western Cedar Park Inn • 5116 Gateway Boulevard**

**Registration: 8:00 am – 8:30 am • Session: 8:30 am – 4:30 pm**

**Lunch Break: 12:00 pm – 1:00 pm (On Your Own)**

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**Records Retention and Destruction in the 21st Century – IT – An Executive's Primer; Effective Record Retention Policies; Privacy Legislation; Electronic Content Management and Computer Forensics; Records Management in Litigation.**

**Faculty:** James T. Swanson, Burnet, Duckworth & Palmer LLP; Stephen Burns, Bennett Jones LLP; Philip Fodchuk, Deloitte & Touche LLP; Shannon K. Hayes, Burnet, Duckworth & Palmer LLP; Willem Payne, Deloitte & Touche LLP; George A. Wowk, Burnet, Duckworth & Palmer LLP; Shannon L. Wray, Burnet, Duckworth & Palmer LLP. ©2007. 170 pages.

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			Tax Included

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**Faculty:** Jeffrey H. Selby, Parlee McLaws LLP; D. Cameron Black, Brookfield Properties; David J. Kozicki, Parlee McLaws LLP; Jodi L. Sledz, Parlee McLaws LLP; Murray F. Tait, T&T Properties. ©2007. 110 pages.

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**Employee Discharge and Documentation – Dealing With Employee Performance Issues; So You Think You Might Have Cause; Human Rights: Duty to Accommodate; Post-Employment and Documentation.**

**Faculty:** Ronald T. Smith, Duncan & Craig LLP; Suzanne Thomas, Duncan & Craig LLP; Hugh Willis, Duncan & Craig LLP. ©2007. 74 pages.

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