

CLW

COMMERCIAL
LAW WORLD
MAGAZINE

OCTOBER/NOVEMBER/DECEMBER 2023
VOL 37 / ISSUE 4

An Official Publication of the Commercial Law League of America



CREDITORS' RIGHTS

One feature of being a creditors' attorney is that I am never at a loss for how to answer when someone asks "what kind of law do you practice?" Rather than trying to explain how the extension of credit and subsequent collection are the oil which keeps the engine of capitalism humming, I usually just give an example of how what I do will fit into whatever business the person asking me the question does. When the dental hygienist asks, for instance, I can simply gesture at the complicated and clearly expensive equipment that he is using to clean my teeth and point out that very few people can pay cash for that kind of kit, so the result is that the dentist asks the seller or a finance company to front the money – and then sometimes that dentist won't pay it all back. So whether it is for the seller or a finance company, and whether it is drafting the paperwork for the sale or trying to recover the equipment or the balance of the lease, my clients look to me to reduce the risk that they won't get paid. And then I usually say that the result is that I end up knowing something about a very wide range of businesses and then get to learn about a new one next week.

All of which is a roundabout way of saying that creditors' rights isn't one kind of law for one kind of client but a slice of many kinds of law for many, many clients. And so it is with the creditors' rights issue of CLW – a collection of articles about many different aspects of the law we deal with on a daily basis, some specific and some general, from a variety of sources. I like to think that there is something in this issue for just about everyone to read and consider.

In bringing the annual creditors' rights issue together, we were able to secure several contributions from League members who haven't been in these pages before. Matt Weisberg on Post-Judgment collection and Gil Singer on Offers and Demand for Judgment are just two. We also have another contribution about Florida law, courtesy of the Florida Bar Journal, which graciously allowed us to re-print is an article on the recently-enacted judgment lien laws. Similarly, two more new contributors bring us updates on state laws which will make our jobs harder – Danny Ford writing about the new exemption laws in Arizona and Lori Frank on Michigan's similar legislative effort. Each of these is a cautionary tale and a call for vigilance in watching your state legislature – to prevent legislation aimed at "consumer protection" from spilling over into the commercial sphere. Because making it harder to recover from a deadbeat dentist in Arizona can have an impact on the cost of doing business everywhere, one of our regular tasks must be to make sure that pro-consumer legislation doesn't end up being anti-business at the same time.

And I am personally very pleased to have members of our Board of Associate Editors contributing articles to

this issue. In addition to Matt's article, we have Lee Mendelson on workers' compensation subrogation claims, an area of law that I had not really spent any time considering. And as proof that it was a total team effort this year, Board member Amy Pona brought Arizona's Proposition 209 to our attention and secured Danny Ford's article on it and Board member Michelle Gilbert Garcia read the Florida Law Journal article and secured their consent to include it in our magazine as well. Also, Patrick Kilburn has been serving as CRS liaison to the Board and his assistance securing articles (such as Gil's and Lori's) was also valuable.

And the process of bringing you issue 4 of volume 37 of this magazine would simply not be possible without the tireless contributions of Wanda Borges. From identifying outside sources we can use, and following up with contributors to get the articles submitted in the first place (possibly her most often-used talent), to her own contributions as a writer of both columns and substantive articles, to the time and attention she spends reading, re-reading and editing almost every word on almost every page, Wanda remains the driving force behind this endeavor.

And, finally, I have to note that with this issue we have to say goodbye to the most valuable member of the CLW team, our Editor Margaret Krafft. While this is a volunteer organization, it is the staff which keeps the place running. For the entire time I have been on the Board of Editors, Margaret has kept us on schedule (as best she can) to put out an issue every quarter, and does all the work to turn these words into a magazine – typesetting and layout, photo spreads, cover art, and getting it all to the printer. She has done it with grace and humor, calmly and cheerfully helping us get each issue from some fuzzy idea about a theme to finished product. She has been a delight to work with at every step. And so I can speak for every member of every Board of Editors in thanking her for all her hard work and saying "you will be missed. ■"



Beau Hays

Co-Chair of the Board of Associate Editors

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