



LEGAL SUPPORT STAFF TRAINING

DEBT COLLECTION

DURATION

2 Days

PURPOSE OF THIS COURSE

The main aim of this course is to give participants the skills and confidence to do debt collection independently (without the attorney having to dictate every step to his staff member). Participants will be taught the debt collection process in chronological order. High priority will be given to enable students to complete debt collection documents independently.

CERTIFICATION

On successful completion of the programme, the participant will receive the Law Society of SA/L.E.A.D's Certificate in Debt Collecting.

WHO SHOULD ATTEND

Only legal Support Staff members, working in an Attorney's firm who would like to improve their debt collection ability in other words, legal support staff members that would like to be able to take a debt collection file and collect the outstanding amount without having to be instructed what the next step would be.

LEARNING OUTCOMES

After completion of this training the participant should be able to:

- ❖ List the various steps in collecting debt (chronologically)
- ❖ Explain how you will handle a debtor that is currently under debt counselling
- ❖ Write a letter of demand



- ❖ Know the functions of the clerk of the court
- ❖ Discuss the functions of the sheriff
- ❖ List the manners in which a sheriff may serve a pleading/document upon defendant
- ❖ Explain the abandonment of part of a claim
- ❖ Know how plaintiff may amend a summons before service and after service
- ❖ Explain the prescription of a summons and in general
- ❖ Understand jurisdiction and know in which court to issue the summons
- ❖ Complete a simple summons
- ❖ Discuss defendant's options upon receipt of a summons
- ❖ Know when a combined summons is used and be able to draft the particulars of claim
- ❖ Complete the particulars of claim where the cause of action is based on a cheque
- ❖ Provisional sentence summons
- ❖ Help a debtor complete an acknowledgement of debt
- ❖ Help a debtor complete a section 57 & 58 consent to judgement
- ❖ Explain to debtor the purpose and consequences of section 57 & 58
- ❖ Know when to apply for default judgement
- ❖ Complete the application for default judgement and know which annexures to attach
- ❖ Explain to a client or debtor the consequences of default judgement
- ❖ Mention the possibilities to collect the outstanding amount after default judgement has been granted
- ❖ Carefully consider which of the above possibilities to use in a particular situation
- ❖ Explain the purpose of a warrant of execution
- ❖ Discuss the time limit of an attachment
- ❖ Discuss the process after attachment
- ❖ Understand interpleader claims



- ❖ Complete a warrant of execution for movable property
- ❖ Same as above, but request immediate removal
- ❖ Explain when immovable property may be attached
- ❖ Discuss recent developments regarding the attachment and sale of immovable property
- ❖ Discuss the purpose of section 65A proceedings
- ❖ Know when to draft a section 65A(2) letter and understand the purpose of the letter
- ❖ Draft the above letter
- ❖ Know when to proceed with a section 65A(1) notice
- ❖ Explain to a debtor the consequences of ignoring the section 65A(1) notice
- ❖ Complete a notice to appear in terms of section 65A(1) and Certificate
- ❖ Warrant of Arrest
- ❖ Explain the purpose and content of an emolument attachment order
- ❖ Know when emolument attachment orders may be granted and issued
- ❖ Calculate collection commission (the lecturer will take in consideration the remaining time left as well as the competency of the study group)
- ❖ Calculate an outstanding balance (the lecturer will take in consideration the remaining time left as well as the competency of the study group)

LEARNING THAT IS ASSUMED TO BE IN PLACE

Participants need to have a basic knowledge of English as a written language

COURSE OUTLINE

- ❖ Change in Magistrates Court Rules
- ❖ Letter of demand
- ❖ Use of the words *without prejudice*
- ❖ Functions of the clerk of the court
- ❖ Functions of the sheriff
- ❖ Understand *jurisdiction*



- ❖ Discuss the issue and service of summons
- ❖ Describe plaintiff and defendant
- ❖ Draft particulars of claim
- ❖ Abandonment of part of the claim
- ❖ Amendment of summons before service
- ❖ Amendment of summons after service
- ❖ Prescription of a summons
- ❖ Complete a simple summons
- ❖ Draft the particulars of claim annexed to a combined summons
- ❖ Understand a provisional sentence summons
- ❖ Defendant's option upon receipt of a summons
- ❖ Acknowledgement of debt
- ❖ Section 57 admission of liability and undertaking to pay debt in instalments
- ❖ Section 58 consent to judgment
- ❖ Complete a default judgment and warrant of execution
- ❖ Interpleader claims
- ❖ Re-issue of warrant of execution
- ❖ Attach and sell immovable property
- ❖ Section 65A and 65J proceedings
- ❖ Purpose of section 65 proceedings
- ❖ Compile a section 65A (2) Letter
- ❖ Complete a section 65A (1) Notice and certificate
- ❖ Understand the current position regarding the warrant of arrest
- ❖ Complete an emolument attachment order
- ❖ Understand the consequences of the above order

METHODOLOGY

This course is designed to train debt collection support staff to continue the process independently. The course requires a large degree of learner participation. Skills are practiced throughout the 2 days of training.