

## Enforcing a Judgment

When we hear about large lawsuits in the news, coverage typically stops once a jury reaches a verdict, and awards a sum of money to the plaintiff (if the plaintiff wins, of course). However, this is hardly the end of things. Sometimes, the losing party doesn't want to pay the judgment issued against them. Having a judgment in your favor is well and good, but without the means to enforce it, it isn't worth the paper it's printed on.

So, how does one go about obtaining the money they're entitled to when the losing party refuses to cooperate?

There are several common methods used to collect judgments, but it should be noted that, no matter how frustrated you become, you should never attempt to take matters into your own hands. Such "self-help," or vigilantism, is usually illegal, and likely to make things worse. Personally confronting the losing party (especially while they're at their home or workplace) could easily lead to a violent confrontation. And threatening them with violence, let alone engaging in violence against them, will give them a cause of action against you. If this happens, you might end up owing them more than they owe you.

What will follow is a discussion of the *legal* ways to enforce a judgment in your favor.

### **Wage Garnishment**

One of the simplest, and most common, methods of enforcing a judgment is to garnish the losing party's wages.

If the defendant is employed and has a steady income, the winning plaintiff can go straight to the defendant's employer, and get a court order to have a garnishment placed on the defendant's salary. This means that the employer will deduct a certain percentage from the defendant's paycheck, and send it to the winning party, until the judgment is paid. Because this requires very little effort on the employer's cost, and doesn't cost them much, if any, money (they're paying the same amount in wages, it just happens that some of that money is now going to somebody else), they're usually willing to comply.

Most states have laws placing a cap on the amount of money that can be garnished (all of their disposable income, up to 25% of their total income), to ensure that the defendant is still able to survive. Whether or not they'll be able to sustain the lifestyle to which they've grown accustomed is irrelevant, but if a wage garnishment is so severe that it might make them unable to obtain food or shelter without public assistance, they can move to have it reduced.

Federal law prevents employers from firing or otherwise discriminating against an employee because they're subject to a wage garnishment. This increases the likelihood that the employee will keep his or her job, and that garnishment of their wages will be able to continue.

## **Liens on Property**

Once a judgment is rendered in your favor, you can help secure payment by placing a [lien](#) on the defendant's property. A lien is essentially a right to the proceeds generated if a piece of property (usually real estate) is sold or refinanced, in order to satisfy the judgment.

Of course, a lien can only be placed on property if it is within the relevant court's jurisdiction, which typically means it must be in the state in which the judgment was rendered.

If the defendant has significant property holdings in another state, all is not lost, however. The U.S. constitution requires states to give "full faith and credit" to valid judgments issued by the courts of other states. So, the plaintiff can simply go to the state in which the property is located, and sue the defendant in that state's courts. However, they can skip the process of proving their allegations since this presumably has already happened, if they have a judgment.

They can then have the courts of that state place a lien on whatever property the losing defendant owns there.

Similarly, a freeze can be put on the defendant's bank accounts, to make it more difficult for them to conceal or relocate any money they have, which could be used to pay some or all of the judgment.

## **Collections**

If all else fails, you might consider hiring a collections agency to collect your judgment. This is typically a last resort, since the collection agency usually takes a significant portion of whatever they collect as compensation. Furthermore, collections agencies, whether earned or not, have a reputation for being sleazy and unethical, and many people have an aversion to working with them.

Before you hire any collection agency, you should research them extensively, to ensure that they have a good record of following the [laws that regulate collection agencies](#). Some collection agencies are unethical fly-by-night operations, and sometimes get caught breaking the law to collect debts and court judgments (threatening violence, making repeated and abusive phone calls to the debtor, etc.). If the agency you hire breaks the law, this can ruin your chances of collecting even a portion of what you're owed, and maybe even subject you to monetary damages.

## **Conclusion**

If you've been wronged, then gone through the grueling process of proving your case in court, and winning a substantial judgment to compensate you for your wrong, the feeling of vindication and relief is likely to be great.

Unfortunately, this is rarely the end. It might be considered the beginning of the end, however. The process of enforcing a judgment can be nearly as arduous as obtaining the judgment in the first place. For that reason, you should be sure to retain the services of the attorney who helped you win your case, to see you through the process of collecting your judgment. Or, alternative, hire a new attorney who specializes in post-judgment collections.