

Administrative Assistance with Ordinary Course Professionals



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Professionals who provide non-bankruptcy related accounting, consulting, or legal services to a chapter 11 company are considered "ordinary course professionals" because their work is related solely to actions benefitting the company's ordinary course of business. Ordinary course professionals are the attorneys, accountants or consultants who provide advice and work product which affect company operations and not company actions in the bankruptcy court. To employ and compensate an ordinary course professional, a chapter 11 debtor must take certain actions to obtain and comply with the bankruptcy code and bankruptcy rules.

Preparation for Retention

Once a company files for chapter 11 protection, in order to compensate ordinary course professionals, they will need to retain them under a court order. To obtain an ordinary course professionals order, debtors counsel must prepare and file an ordinary course professional's motion with the court and serve it on certain company creditors. To prepare the motion, debtors counsel will analyze and organize data regarding currently employed business operation professionals. As part of the analysis, debtors counsel will work with the company to determine the professionals, their services, and their monthly fees for inclusion into the motion and attached exhibit.

The Ordinary Course Professionals Motion

The ordinary course professionals' motion contains facts about the professionals, a legal request and procedures for their retention and compensation during the course of the bankruptcy case. Facts about the professionals include basic contact information, services rendered, and monthly amount paid during the course of business. The legal request section includes bankruptcy code and rules citations and proposes the filing of an affidavit of disinterestedness by all ordinary course professionals with the bankruptcy court. The purpose of the motion is to provide the court, creditors, and the U.S. Trustee with information and legal citations sufficient enough to obtain permission for the company to retain and compensate these professionals in order to maintain the debtor company's ordinary course of business.

Project Management for Ordinary Course Professionals Processing

Retention, payment and compliance issues regarding ordinary course professionals require a project management approach and administrative professionals who can provide the expertise, organization, and technology necessary to support case professionals and the company in these efforts. During preparation, an organization system such as a computer database, should be established to account for and track all ordinary course professionals actions both prior to filing, during the notice and hearing period, and after the court order has been approved. Experienced chapter 11 administrative professionals can interact with ordinary course professionals for affidavit of disinterestedness mailing and processing and basic case and contact information, while providing status reports to debtors counsel for affidavit tracking and payment compliance.

Technology for Ordinary Course Professionals

Because the ordinary course professionals process requires bankruptcy compliance prior to and during payment, using a computer database is crucially important to the success of the process. A computer database will provide efficient organization with up to date reporting for individual and groups of ordinary course professionals. It will associate amendments to ordinary course professionals, monitor monthly and quarterly caps on payment, and track affidavits of disinterestedness court filing and service of process. In addition to assisting with ordinary course compliance, a computer database will also provide long-term cost savings by providing information for schedules and statements preparation, claims processing, and solicitation execution.

Administrative Assistance for Ordinary Course Professionals

Collecting, organizing, and reporting on ordinary course professionals contact information, services, and monthly payments are just a part of the overall process. Once the ordinary course professionals order is approved, signed orders, form of affidavits and cover letters will need to be distributed to each of the professionals listed on the exhibit to the motion. Follow up communications and court filings of the completed affidavits for each of the professionals will need to occur. Interaction with accounts payable or debtors counsel to prepare and file quarterly payment reports are services which experienced administrative professionals are able to provide.

Summary

Experienced administrative assistants are perfectly positioned to support ordinary course professional efforts from collection, organization, and reporting of data to assisting with noticing, professionals follow up, and quarterly reporting compliance. The ordinary course professionals process is administrative intense and utilizing experienced, knowledgeable service providers can make a difference in the short term compliance and long term cost issues.

*For more information on administrative services to assist ordinary course professionals contact
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