

Who Is the Claims Agent and What Type of Information Can I Obtain on Their Website?

Creditor's Rights Toolkit

CONTACTS

[Marcy J. McLaughlin Smith](#) | [David M. Fournier](#) | [Kenneth A. Listwak](#) | [Evelyn J. Meltzer](#) | [Tori Lynn Remington](#)

This article discusses the key functions of a claims agent in a Chapter 11 Case.

A claims agent is a third party retained by the debtor to take on certain functions normally performed by the clerk of the bankruptcy court. Claims agents maintain websites for each case in which they are retained, which can easily be found with a basic Google search.

KEY FUNCTIONS

CLAIMS REGISTER AND FILING A PROOF OF CLAIM

A claims agent maintains the claims register (*i.e.*, the list of claims scheduled by a debtor or filed by creditors) on its website. Anyone can go to a claims agent's website, access the list of claims filed in a case, and even review specific proofs of claim filed by creditors. Relatedly, in cases where a claims agent is retained, creditors file their proofs of claim on the claims agent's website (as opposed to through PACER, the electronic portal for the federal court system). Claims agents will provide instructions for how to navigate their electronic filing portal and are available to assist those having issues with filing, but they cannot provide any legal advice.

ELECTRONIC DOCKET

Claims agents also maintain an electronic docket on their websites. These dockets allow anyone to access the pleadings filed in a Chapter 11 case for free (as opposed to accessing pleadings through PACER, which provides access for a fee). Often, claims agents' websites will have certain key documents (*e.g.*, pleadings regarding a bankruptcy sale or plan) on their own webpage in addition to the complete docket. Additionally, the electronic dockets are equipped with various search functions that enable parties to find specific pleadings more easily, which is especially helpful on active dockets with hundreds of pleadings.

NOTICING

Claims agents are responsible for serving notices of pleadings filed in a Chapter 11 case. To receive notices from a claims agent, a party must either sign up on the claims agent's website or make an appearance in the case. While it is helpful to receive notices from a claims agent, often in an active bankruptcy case, one can receive an overwhelming number of notices and pleadings, making it difficult to discern which pleadings are actually important without proper advice.

BALLOTING AND VOTING ON A PLAN

Claims agents are responsible for collecting and tabulating ballots on a bankruptcy plan. Those creditors entitled to vote on a plan will receive their ballot from a claims agent with instructions on the process for submitting a ballot — often including an option to submit the ballot on the claims agent's website.

TAKEAWAY

A claims agent's website is a helpful, free source of information to monitor a bankruptcy case's docket and a necessary tool for filing a proof of claim or voting on a plan. Claims agents can assist with technical or logistical questions, but they cannot and will not give legal or strategic advice to creditors.

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