What the Successful Attorney Does Before Filing the Chapter 11 Case.

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Going Into the Case: Your Objective

- What are your goals and strategy for the Debtor?
- How do you intend to reach your goals?
- How realistic are your goals?
- Will the Debtor's people be teachable and will they follow through?

Why Do Businesses Fail?

- Goals (not mission statement)
- Debtor borrowing against perceived success
- Entitlement is a killer
- Not putting family first

Why Do Businesses Fail? (cont.)

- Not balancing mind, body, and spirit
- Abdicating control
- Cash basis critical profit
- Becoming overwhelmed

…and the most common blame shifting reason you will hear…

- Uncontrollable Extraterrestrial (Alien) Disasters
  (it is someone else's fault)

The Initial Phone Call

- Staff intake
- Your phone time with the client
- What is the purpose of your initial phone call with the client, your goal?
- What you need to know from the first call
- Learning about the client's people

Things To Know

- What is the company?
- Who works with the company?
- What does the client need to know?
- Public Records Search
- Bankruptcy has an impact- can the debtor’s business survive?
- What makes the principal(s) tick?

Things To Know (cont.)

- Types of Bankruptcy
- Filing preparation- Preparing the bankruptcy papers
- The First Day Motions
- Controlling the Narrative – Very crucial yet so often ignored by Debtor’s counsel

Initial Consultation

- How long should you let the initial consultation last?
- What should you charge for the initial consultation?
- Online or in-person?

Other Pre-Bankruptcy Considerations

- The Retainer Agreement
  - How much should you charge?
- The Do's and Don'ts Letter
  - What should it contain?
- Saying No
  - Is the client a good fit?
- Can the client make necessary changes
  - Internal and personal changes?

You as the Attorney

- Your role during the case
- Learn how businesses work
- What is your exit strategy?
- Employment of professionals

The Four Communication Styles

Director



Analytic



The Four Communication Styles (cont.)

Socializer



Relator



Final Considerations

- Can you and your staff handle the case? If not, don't take the case.

- Exit Strategies. A final reminder – know the way out before you enter chapter 11.

Image Sources

- Slide 11
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