
APPOINTING A PROCESS AGENT: 7 THINGS TO CONSIDER



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Thousands of cross-border transactions take place each year among large corporations, lending institutions, credit unions, and sovereign governments. Cross-border agreements serve as the basis for international transactions involving parties from different jurisdictions. Forms of international agreements vary greatly from country to country, but a typical provision included in many international agreements is the appointment of an agent for service of process or commonly known as a [Process Agent](#).

Prior to appointing a Process Agent, all involved parties need to agree upon the terms of the deal, especially since certain terms are required in the appointment. Once the terms are defined, the Process Agent needs to be engaged quickly so that they can conclude the transaction before changes occur for either party that could derail the deal. Due to the nature of how deals work, speed is of the essence.

WHAT TO LOOK FOR IN A PROCESS AGENT

While almost any entity with an address in the jurisdiction specified under the international agreement may legally act as a Process Agent, a professional Process Agent is knowledgeable about the various types of legal process and understands the urgency and steps that must be taken upon receipt of such processes. The right Process Agent:

1. Is available during extended hours to meet the needs of parties in multiple time zones.
2. Has the bandwidth and experience to support the speedy execution of complex agreements.
3. Possesses local compliance expertise.
4. Can be the trusted agent to receive service of process and other legal documents, while meeting the stipulations of international agreements.
5. Offers extended payment terms for appointment letters rather than requiring FIA.
6. Demonstrates discretion, keeping the content and terms of the agreement confidential.
7. Provides prompt notice of receipt of any legal proceeding in accordance with the terms of the international agreements and maintains an accurate database of its Process Agent appointments and current contact information.

Appointing a professional Process Agent affords all parties to the transaction more confidence that there won't be missed or mishandled legal process resulting in a costly default judgment.

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Industries that are most likely to require Process Agent services include industrial manufacturers, transportation/aviation, investment & commercial banking, communications, energy, and pharmaceuticals.

REALIZING VALUE

A responsive Process Agent can be a valued business partner. The structured finance partner at a UK-based consulting firm sums up the benefit of engaging an agile Process Agent service team this way: “The Process Agent’s expanded service hours and proven infrastructure eliminate the time constraints and associated pressures from our commercial relationships.”

A partner at a large firm in the People’s Republic of China echoes the importance of getting answers when they’re needed—not hours or days later—noting that “the difference is a service provider that responds immediately to every Process Agent inquiry we launch, no matter what time zone.” And a senior paralegal supervisor from Brazil agrees: “The availability of a dedicated process agent eliminates bandwidth concerns because someone is always there to help.”



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LEARN MORE

Learn more about [choosing a Process Agent](#) service team for your cross-border agreements or call a representative at 844-701-2064.