

Finance, Restructuring and Bankruptcy

Our Finance, Restructuring and Bankruptcy attorneys represent banks and other institutional and private lenders and borrowers with respect to commercial and real estate financing including mezzanine financing and equity joint ventures. We also serve clients confronted with workout, reorganization and liquidation issues, offering a wealth of experience to creditors, debtors, trustees, committees and receivers.

We take a multidisciplinary approach by drawing on the extensive capabilities of complementary practice groups within Procopio. We provide transactional services and litigation support when confronted with the related legal issues—business, technology, real estate, environmental and intellectual property—that often come into play in financing, debt restructuring and bankruptcy matters.

Our Services

Workout Capabilities

Our finance and bankruptcy attorneys average more than 25 years of experience in guiding clients through numerous economic cycles. We identify, evaluate and address issues and opportunities that arise in connection with the acquisition, disposition, restructuring, repositioning and workout of distressed loans and real estate assets.

We combine the expertise of attorneys from our Corporate, Real Estate, Tax, Bankruptcy and Litigation practice groups to advise lenders, borrowers, investors, regulators, rating agencies, special servicers, receivers/trustees, creditors committees, distressed asset/real estate advisors and opportunity funds on practical and creative alternatives for addressing their unique situations.

Insolvency Law Capabilities

Saving Troubled Businesses

By providing experienced counsel in all phases of workout and Chapter 11 reorganization, including developing and implementing effective workout agreements and reorganization plans, we're able to assist our debtor and trustee clients in making the critical decisions necessary to save troubled businesses.

Resolving Troubled Loans

Creditor clients normally face two primary concerns: payouts and reducing future risk. We address those concerns by applying a variety of creative and effective strategies aimed at risk management and curbing operational and financial mismanagement. This includes augmenting security measures, creating strategic alliances among creditors, negotiating favorable loan terms and presenting and overseeing pre-packaged or post-filing bankruptcy plans of reorganization.

Trustees and Creditors' Committees



We have substantial experience assisting Chapter 11 trustees and post-confirmation liquidating trustees in sophisticated business reorganizations. As creditors' committee counsel, we also work closely with trustees to maximize the return to the creditor body.

Acquiring Assets from Distressed Businesses

Distressed businesses present unique opportunities. Our financial attorneys have extensive experience representing purchasers of assets through emergency motions and traditional or "prepackaged" plans of reorganization.

Receiverships, Foreclosures and Related Litigation

We provide receivership, foreclosure and insolvency-related litigation services in state and federal courts. This includes the prosecution and defense of real and personal property, judicial and non-judicial foreclosures, the prosecution and defense of preference and fraudulent transfer litigation, representation in receivership proceedings of lenders, asset managers and receivers, negotiating deeds in lieu of foreclosure and negotiating the sale of real-estate-owned (REO) properties.

Financing Capabilities

Asset-based Financing

We represent banks, financial institutions and other asset-based lenders and borrowers in all types of traditional credit activities, asset-based financing, mezzanine financing, second-lien financing and other arrangements.

We structure, negotiate and document working capital facilities, syndicated loans, inter-creditor arrangements and secured and unsecured credit facilities for acquisitions, as well as traditional loans secured by equipment, accounts, inventory, chattel paper and mixed collateral.

We also regularly deal with multiple- and single-lender credit facilities and complex revolving credit loans, term loans, over advances and letters of credit for domestic and international borrowers in a broad range of industries.

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Aircraft and Equipment Financing and Leasing

We represent banks, leasing companies, financial institutions and other clients in all types of financing, purchase and leasing agreements. We structure and negotiate domestic and international loans, leases and sale-leasebacks for personal assets including aircraft, automobile and truck fleets, construction equipment, computers, manufacturing equipment and telecommunications equipment.

We also handle complex operating leases, cross-border leases, securitizations, secured and unsecured





loans, rental purchase agreements, portfolio acquisitions and dispositions, vendor program agreements and other agreements involving first loss, residual value and other special types of guaranties.

Credit Enhancement for Taxable and Tax-exempt Bond Financing

We regularly advise foreign and domestic financial institutions in connection with credit enhancements and liquidity support for taxable and tax-exempt municipal bond financings and project financings including guaranties, letters of credit and other credit enhancement facilities. We are also thoroughly familiar with the documentation, legal, bankruptcy and rating agency issues relating to credit enhancement mechanisms.

