

Commercial Finance & Lending

Successful relationships between lenders and commercial borrowers depend on clearly defined agreements. Our Commercial Finance and Lending team helps clients explore the full spectrum of finance options and develop the complex contractual terms that are key to mutually beneficial relationships.

Clients benefit from our focus on strategic issues and in-depth knowledge of a wide variety of industries, which enable us to negotiate terms that protect them throughout the lending relationship. We also offer creative solutions to challenging situations, including:

- Providing practical, effective advice in distressed financial situations
- Structuring and closing complex financial transactions
- Resolving difficult and adversarial financial disputes (including through litigation)
- Facilitating strategic acquisitions from distressed sellers (in and outside of bankruptcy)

From structuring the transaction to performing due diligence, negotiating terms, drafting documentation, securing complex collateral, coordinating all aspects of the deal, and resolving post-closing issues, our team helps facilitate timely and cost-effective deal flow.

Experience

We represent companies of all sizes in many different industries, institutions that finance their operations and growth, and bond issuers and underwriters. Our clients include nationally and locally prominent commercial banks, finance companies, insurance companies, and other lenders, as well as borrowers seeking secured or unsecured financing arrangements.

Our experience includes:

- Revolving and term loans
- Secured transactions (including asset-based lending, chattel paper financing, floor plan financing, and aircraft and vessel financing)
- Commercial mortgage and construction loans
- ESOP loans
- Intercreditor agreements, loan syndications, and participations
- New Market Tax Credit financings
- Mezzanine loans
- Seller-financed transactions
- Leveraged buyouts
- Venture capital financing

- Private equity
- Letters of credit and reimbursement agreements
- Foreign exchange transactions
- Commercial leasing, equipment financing, and leveraged leases
- Agricultural and other specialty finance
- Purchase and sale of individual loans and loan portfolios
- Interest rate swaps and other derivative transactions
- Public project finance
- Sales of accounts and other off-balance-sheet financing

Our attorneys counsel lenders, borrowers and derivatives counterparties on the LIBOR phase-out and its impact on contract terms. We carry out both large- and small-scale contract amendment projects, replacing LIBOR references with our customized fallback terms. We ensure that our clients are up to speed on the latest developments related to the Secured Overnight Financing Rate (or “SOFR,” the USD-LIBOR replacement), and other industry initiatives related to the transition away from LIBOR. Our attorneys are also available for trainings on benchmark reform and how to most efficiently and effectively prepare for the “end” of LIBOR in 2021.