

Covenant Analysis and Transaction Structuring

By analyzing the capital and organizational structures of distressed companies, we help investors understand and evaluate existing investments and potential credit opportunities.

Drawing on our breadth of experience across disciplines, including restructuring and bankruptcy, corporate, litigation, debt finance, ERISA and tax, we advise clients in connection with debt covenant analysis (including credit risks and restructuring implications), the value “waterfall” of complex capital structures, covenant defaults and related litigation, lien and collateral analysis, intercreditor issues, analysis of potential fraudulent transfers, litigation risks, implications of pension liabilities and retiree benefits, impact on and optimizing tax attributes, corporate governance, management/sponsor fiduciary duties and shareholder rights.

We are also known for our innovative and creative thinking with respect to the structuring of distressed investments, financing alternatives and out-of-court and in-court restructuring alternatives, including DIP financings, rights offerings, exit financings, restructuring support agreements, pre-arranged and pre-packaged chapter 11 proceedings, innovative chapter 11 plan structures, private placements, exchange offers, direct lending and high yield loans, special situation investments, distressed M&A, strategic foreclosures, litigation finance, and litigation and liquidation trusts.