

Financial & Investment Services

Companies operating in the financial and investment services industry face constant risks and exciting opportunities. Navigating the challenges presented by these risks and opportunities requires a legal team that understands business issues and sectors as well as they understand the law. White and Williams continually strives to stay abreast of important industry developments, news, regulations, and trends, and leverages this information to provide its clients with an unmatched business relationship. We believe legal counsel should provide honest, informed and practical guidance to identify and mitigate risks so clients can focus their efforts on seizing opportunities in an ever-changing landscape.

Our clients comprise virtually every aspect of the financial and investment services industry, including banks, investment funds, asset management, hedge funds, private equity firms, venture capital, financial technology, insurance and financial advisors. We provide our clients with a multi-disciplinary team that draws from each other's knowledge and experience, and collaborates to craft solutions to problems and pathways to success.

Our team supports clients through all stages of investment, strategic joint ventures, mergers and acquisitions, workouts and restructurings of distressed debt, and bankruptcy proceedings, as well as handles complex commercial disputes brought by and against our clients. We handle business matters relating to real estate, intellectual property, proprietary customer information, data security and compliance, tax, and employment, including compensation and benefits.

areas of focus

Capital Markets and Securities

We represent foreign and domestic issuers, underwriters and shareholders in IPOs, SPAC offerings, proxy and tender offer work, and public mergers and acquisitions. We counsel clients regarding their debt and equity financing and assist with capital raising, including "seed" and "angel" investments, venture capital, private equity and other equity financings, as well as leveraged acquisitions and recapitalizations. We also advise public companies on corporate governance and ongoing reporting obligations including preparation of annual and quarterly reports and proxy statements.

INDUSTRY CONTACT

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RELATED PRACTICES

50-State Surveys and Regulatory Compliance
Commercial Litigation
Construction and Surety
Corporate and Securities
Cyber Law and Data Protection
Finance
Financial Lines
Financial Restructuring and Bankruptcy
Intellectual Property
International
Labor and Employment
Real Estate
Tax
Trusts and Estates

Corporate Finance

Experienced in commercial finance, project finance, equity and debt financing and corporate business transactions, we handle leveraged buy-outs and roll-up financings, syndicated facilities, cash flow and asset-based financing, second lien and mezzanine financing. Our team represents clients in a broad spectrum of deal structures, including mergers, asset purchases, joint ventures, strategic alliances and divisional sales, and counsels them on the business and tax planning aspects of each.

Distressed Debt, Bankruptcy and Restructuring

We have significant experience handling loan modifications and restructurings, including structured finance workouts and dispositions as well as in loan enforcement, foreclosures and asset recovery. We represent lenders and other financial services and investment creditors in maximizing their recoveries or defending claims brought against them in Chapter 7 and 11 bankruptcy proceedings and state court actions as well as resolving such matters through alternative dispute resolution. We also represent clients on the purchase or sale of distressed debt, real estate and business assets in or out of bankruptcy court.

Real Estate Finance

We counsel banks, insurance companies, investment funds and other lending institutions, as well as borrowers and other investors through all areas of real estate finance, including in the origination, purchase and sale of complex, highly-structured senior and subordinate loans. We have extensive experience guiding clients in structuring, originating, servicing and restructuring mortgage and mezzanine loans, participations, preferred equity investments and more. Our experience includes acquisition, bridge, construction and permanent financing for all property types, as well as CMBS, EB-5 and REIT-based transactions, multi-state and multi-property loans and transactions involving historic and new markets tax credits.

International Transactions

Our lawyers handle a broad range of international business matters and advise both domestic and foreign companies on foreign investments, capital raising and financing, including associated business risks and strategies to deal with complex international tax implications. We have experience counseling clients in various industries across the world and are familiar with both the laws and foreign culture, politics, formal and informal power structures and decision-making approaches involved in international business. Our team is comprised of bilingual lawyers fluent in more than a dozen languages.

Litigation and Dispute Resolution

Our deep bench of experienced litigators have handled a broad range of complex commercial litigation and banking and finance litigation. Skilled in and out of the courtroom, we defend against and prosecute claims of mortgage fraud, lease and lender liability, fraudulent transfers, bankruptcy, restrictive covenants, tax disputes, SEC enforcement actions and more. We review, draft, negotiate and enforce contracts and indemnity agreements, manage default and takeover situations, defend payment and performance bond claims against sureties.

Cyber Law and Data Protection

Our cyber team provides a range of pre- and post-breach services as well as conducts due diligence when financial institutions enter into business agreements. We are well-versed in the various data security and privacy laws affecting the financial services industry, such as the New York Department of Financial Services (NYDFS) regulations, and counsel companies on maintaining compliance with such regulations. We draft policies and procedures, including incident response plans, respond to requests for certification of compliance from regulators and business partners, conduct training and establish third-party vendor management programs. We apply the same knowledge to ensure clients inheriting new technology programs through a merger or acquisition maintain compliance and the highest security standards. In the event of a data breach, our incident response team takes immediate action to assist companies in the appropriate investigation and notification procedures, including coordinated public relations efforts.

Compensation and Employment

We counsel financial and investment services companies regarding numerous compensation and employment issues and defend them against employment claims in state and federal court, at arbitration and before administrative agencies. We provide guidance to financial institutions on issues related to employee benefits and executive compensation, restrictive covenants, wage and hour, reductions in force, managing a remote workforce, and employee leave issues as well as conduct diversity and sexual harassment trainings. Our lawyers also advise venture funds on the risks of controlling entities from an employment perspective.

FinTech

We protect and defend financial technology innovation by and for financial technology companies and financial institutions by clearing and securing appropriate patent, trademark, copyright and trade secret protection. We handle licensing and technology transfer matters, including SaaS agreements, and conduct due diligence for acquisition, sale and financing transactions. We also prosecute patent applications and counsel clients in patent matters relating to exchange traded funds.

CASES & DEALS

White and Williams Represents Investment Fund in \$68 Million Bridge Financing Mortgage Loan
5.10.21

White and Williams Team Completes Complex Sale Leaseback of Seven Properties
4.15.21

Real Estate Finance Team Assists Client in Extension of \$35.5 Million Mortgage Loan
3.23.21

White and Williams Real Estate Finance Team Represents Brookfield Asset Management in \$107 Million Financing
10.13.20

Real Estate Finance Team Secures Junior Mezzanine Financing for American Dream Meadowlands
8.3.19

White and Williams Team Leads Corporate Restructuring and Financing for Transformation of Heating Plant into Luxury Residences
7.24.19

Finance Team Executes Roll-Up of Multi-Entity Business into SPE
4.17.19

NEWS

Congratulations to all of our 2023 Attorneys Named as Super Lawyers and Rising Stars
5.25.23

Congratulations 2022 DE, MA, NJ, NY and PA Super Lawyers and Rising Stars
7.13.22

Chambers USA 2022 Ranks White and Williams as a Leading Law Firm
6.1.22

Heidi Sorvino Elected President of TMA New York City Chapter
1.5.22

White and Williams Welcomes Ten New Associates
11.4.21

White and Williams Lawyers Recognized as Super Lawyers and Rising Stars
11.1.21

White and Williams Adds Two Lawyers to Growing Real Estate Finance Practice
10.18.21

Sarabeth Gaver and Thomas Infurna Join White and Williams Real Estate Finance Team
6.21.21

Chambers USA 2021 Ranks White and Williams as a Leading Law Firm
5.20.21

Gary Biehn Discusses US-China Relations Under the Biden Administration
2.26.21

Congratulations 2020 DE, MA, NY and PA Super Lawyers and Rising Stars
11.5.20

PUBLICATIONS

Federal Rules of Bankruptcy Procedure Amended In Response to Small Business Reorganization Act of 2019
Financial Restructuring and Bankruptcy Alert, 12.2.22

2022 Tax Filing Season: Nine Things You Need to Know
Tax and Estates Alert, 1.27.22

CFIUS 2020 Annual Report

International Alert, 8.13.21

Commercial Lease Disputes and Renegotiation – A Look Back During the COVID-19 Pandemic

Corporate Disputes Magazine, July - September, 2021

Commercial Lease Disputes and Renegotiation – A Look Back During the COVID-19 Pandemic

Corporate Disputes Magazine, July - September 2021 Issue

The Powerful Power of Attorney: Changes Coming in New York State

Real Estate and Tax and Estates Alert, 5.4.21

Commercial Real Estate Mezzanine Loan Foreclosures

LexisNexis: A Practical Guidance® Practice Note, 1.21

Consider Short-Term Lease Workouts For Commercial Tenants

Law360, 6.17.20

Commercial Lease Workouts During the COVID-19 Pandemic

Real Estate, Finance and Financial Restructuring Alert, 4.6.20

Coronavirus: Key Issues for Commercial Leases

Real Estate Alert, 3.23.20

EVENTS

Evaluating the Office Market

IMN Real Estate Mezzanine Financing & High-Yield Debt Forum (New York, NY), 5.16.23

Intercreditor and Subordination Agreements, Workouts and Associated Documentation

IMN Real Estate Mezzanine Financing & High-Yield Debt Forum (New York, NY), 5.16.23

Distressed Debt Opportunities and Loan Foreclosure Strategies

Mortgage Bankers Association of New York Breakfast (New York, NY), 4.19.23

Interest Rate Risk Management: Trends and a Refresher on the Basics

Webinar, 9.8.22

Borrowers' Perspective: Sourcing Debt in Today's Crowded Market

iGlobal Forum 12th Real Estate Mezzanine Financing Summit, 5.4.22

Focus on Deals - Where are the Key Opportunities in Mezzanine Lending?

iGlobal 11th Real Estate Mezzanine Financing Summit (Virtual), 9.28.21

Estate Planning 101

New York City Bar's Bridge-the-Gap Program, 9.28.21

Adaptive Reuse & Best Practices in Repositioning Distressed Assets
IMN NYC Distressed CRE Virtual Forum, 1.27.21

Buyer Beware: Issues and Strategies for Addressing Dangers in Acquiring Financially Distressed Companies
Webinar, 11.12.20

Bankruptcy in a Pandemic: What You Need to Know
Pennsylvania Bar Institute (Webcast), 10.30.20

Getting Ahead of the Tidal Wave: Bankruptcy Basics and Pre-Bankruptcy Risk Mitigation Strategies
Webinar, 6.24.20

Commercial Leases In Economic Distress: Pre-and Post-Bankruptcy Strategies for Landlords
Negotiating Lease Modifications With Distressed Tenants, Participating in the Bankruptcy Process
Webinar, 6.11.20

2020 Eastern District of Pennsylvania Bankruptcy Conference
EDPABC 31st Annual Forum (Philadelphia, PA), 1.24.20

Bankruptcy 101: What Every Claims Professional Needs to Know About Bankruptcy
Webinar, 12.10.19