

DISTRESSED ASSET WORKOUT AND LITIGATION

LITIGATION DIVISION

Our distressed asset team has decades of experience providing creative and practical solutions to lenders, investors and business owners. We have a deep bench of creditor's rights attorneys that work seamlessly through the life cycle of a transaction, from preliminary assessment of the client's rights and remedies through documenting the workout and post-judgment enforcement.

Most often, a debtor's payment or performance difficulties prompt urgent questions on both the creditor and debtor sides of the equation. Our pre-litigation analysis initially focuses on the client's rights and potential courses of action to maximize the value of an asset, stabilize the situation, and mitigate potential downsides. Our experience working with distressed businesses, properties and projects is invaluable when counseling our clients on their various business and legal alternatives. We evaluate the multitude of concerns and alternatives together with a time and cost estimate specific to the given scenario.

These situations often change rapidly and involve multiple parties. Our comprehensive team has also helped many clients achieve their objectives through the judicial system. When litigation or bankruptcy is in play, our team is ready to fight for the best possible outcome. We have successfully pursued claims against loan obligors and collateral pledgors on all manner of commercial debt obligations, and worked with other creditors to achieve global settlements. We are well versed in the methods used to obscure or delay reasonable outcomes, both in the litigation and non-litigation contexts.

OUR INSIGHT

Every distressed commercial obligation is unique. Depending on the circumstances of the deal, the client may benefit from a flexible approach and creative strategies; at other times, the client is best served by a rigid adherence to the documents. A potential client should engage counsel at the earliest signs of distress to ensure that it is proceeding in a fair but determined manner, consistent with maximizing financial outcomes and minimizing further risk.