



K&L Gates' global distressed investing group advises investors that routinely or opportunistically acquire distressed pooled assets and businesses. By bringing the exact combination of legal skills needed for each distressed investment project, we are able to assist our clients to rapidly navigate the multitude of highly complex laws and regulations. Our multidisciplinary practice offers clients an unparalleled level of legal knowledge and industry specific experience.

The financial crisis that began in 2007 fostered a truly global marketplace for buying and selling distressed assets, including real estate, operating companies and loan portfolios. However, there is no universal strategy for successfully acquiring distressed assets. Rather, the best approach is normally developed on a local level, and requires a highly experienced, multidisciplinary team of professionals who possess a unique knowledge of corporate, finance, and insolvency laws and the practical means by which those laws may be utilized to the advantage of a distressed investor.

Drawing on each of the firm's practice groups, we have developed an international, multidisciplinary approach to acquiring distressed assets of all kinds.

Using a highly coordinated approach to every engagement, we make certain that our client's investment objective is clearly understood and that every feasible alternative to accomplish that objective is analyzed.

We advise local and international clients concerning a wide range of distressed assets, from struggling energy and mining companies in Australia and London, to maritime businesses in Italy and the United States. In addition, we routinely counsel clients on the purchase and sale of non-performing loan portfolios. Our members bring an experienced, business-oriented approach to the myriad issues affecting distressed investors around the world.

### Our Strengths

As a fully integrated global law firm, we aim to exemplify 'one firm, one client' in everything we do. Distressed investing requires a cooperative, integrated approach. This means drawing together experts from across the firm's various practice areas, such as corporate, finance, and restructuring and insolvency, to name a few.

Our 500 lawyer corporate group at K&L Gates practices across five continents and provides full service corporate counsel to

facilitate the structuring, financing, and successful completion of acquisitions, divestitures, mergers, joint ventures/strategic alliances, and recapitalizations, as well as public and private debt and equity offerings. We serve as counsel to publicly-traded companies, privately-held and venture-backed companies, partnerships, financial institutions, private equity and hedge funds, management groups and entrepreneurs. Our lawyers in the United States, Europe, the Middle East, Asia, Australia, and South America are highly experienced in domestic and cross-border mergers and acquisitions, securities, and financing transactions.

K&L Gates' 200-lawyer finance team advise lenders and borrowers on the full spectrum of secured and unsecured commercial lending transactions, including leveraged acquisition finance, asset-based and cash flow finance, and other corporate lending



transactions. We handle financings in almost every industry, including commodities, renewable energy, financial services, funds management, mining, manufacturing, distribution, media, telecommunications, transportation, entertainment, hospitality, healthcare, and retail.

Our restructuring and insolvency practice has more than 200 lawyers across the globe and our lawyers have great experience in this complex and diverse field. Our partners are regarded as thought leaders in their countries, with many being recognized by industry benchmarks such as *Chambers* and *Best Lawyers*.

We routinely act for secured creditors, debtor companies, committees, administrators and receivers, financial services intermediaries, financial institutions and other lenders, wealth managers, major local and international banks, regional banks, insolvency practitioners, government departments, and corporate borrowers.

One of our key strengths is our “global local.” Our practice operates across the globe as an integrated team with an international perspective, but our lawyers bring in-depth knowledge of their own jurisdictions to bear on the problems we address. Our coordination of a global vision with local knowledge of legal systems, markets, and customs allows us to transcend the role of a tactical advisor who can help close a deal. Rather, it permits us to help clients with international interests to recognize and exploit the legal underpinnings of relative value.

## Our Services

From the inception of a distressed investment to its conclusion, the K&L Gates’ global distressed investing practice group can successfully handle every legal need from business formation, due diligence, and structuring advice to documentation, regulatory review, insolvency considerations, financing, and more.

## Distressed Mergers and Acquisitions

With distressed acquisitions, our mergers and acquisitions lawyers work side by side with the firm’s restructuring and insolvency lawyers to maximize client’s prospects for achieving a successful acquisition. Critical to the success of our engagements is a deep understanding of local insolvency laws, and a working knowledge of the ways in which those laws can be implemented to the advantage of our clients. Whether a distressed target is acquired in classic fashion or through a formal insolvency proceeding or administration, the collective experience of our lawyers enables our clients to achieve and surpass their business goals in this complex area of law.

## Special Situation Finance

We act globally. We handle multicurrency, cross-border borrower and guarantor, and cross-border collateral issues arising in multijurisdictional financings. We routinely draw upon the comprehensive resources of the K&L Gates platform to address the full scope of related, tax, regulatory and other issues that arise in complex finance transactions across jurisdictions.

We advise on all aspects of the capital structure. Our lawyers negotiate senior secured and unsecured syndicated, club and bilateral credit facilities, and asset-based loans. We deal regularly with complex intercreditor and equity holder arrangements in these transactions and bring to our clients a keen market awareness of differing standards and market trends for debt and lien subordination terms.

## Acquisition, Disposition, and Servicing of Non-Performing Loans (“NPLs”)

We routinely advise clients in connection with the acquisition, financing, administration, and disposition of NPL’s. From transaction to transaction, our finance team draws on the considerable resources and collective experience of the K&L Gates platform of more than 2,000 lawyers in 47 offices across five continents to meet the specific needs of our clients. We represent major international investment banks, real estate, hedge, and opportunity funds, as well as more traditional lenders and capital providers in NPL transactions around the world. With our guidance, our clients understand the legal and regulatory risks and complexities of investing in various asset classes in each place where we do business, including lost credits, subperforming and reperforming loans.

On a more practical level, we help our buyer and seller clients negotiate portfolio purchase agreements, acquisitions, and sales of individual loans. We regularly advise on the formation of special purpose vehicles (including securitization vehicles) the use of which is required, advisable or advantageous for tax, regulatory, or market reasons. Rounding out the circle of distressed investing, whenever individual loans or “single names” represent an opportunity for the acquisition of a troubled company, distressed investor clients turn to our highly sophisticated restructuring lawyers for assistance.

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Learn more about our Global Distressed Investing practice at [klgates.com](http://klgates.com).

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K&L Gates comprises more than 2,000 lawyers globally who practice in fully integrated offices located on five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants and entrepreneurs in every major industry group as well as public sector entities, educational institutions, philanthropic organizations and individuals. For more information about K&L Gates or its locations, practices and registrations, visit [klgates.com](http://klgates.com).

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