

Economic Crisis Team

Protecting client interests with strategic, forward-thinking counsel

Foley Hoag LLP's interdisciplinary team counsels and protects the interests of its clients facing new realities, challenges and risks framed by today's tumultuous economic and market conditions. By maintaining an active and engaged dialogue with our clients during this period of economic distress, our lawyers are better able to adapt to the changing legal needs of clients affected in the short term. More importantly, our immersion in their businesses and industries enables our lawyers to provide sound, strategic counsel to protect our clients' interests in the longer term. The Economic Crisis Team delivers forward-thinking advice, focusing on long-standing core, integrated strengths of the firm.

Financial investigations, enforcement proceedings and litigation

In an era of increased federal scrutiny, our Business Crimes and Government Investigations lawyers—together one of the most experienced groups in the country and including former federal prosecutors who are seasoned defense lawyers—are uniquely capable of representing financial firms and institutions and their officers, directors and employees in federal and state governmental inquiries.

- In recent years, our lawyers have successfully represented hedge funds, audit committees, outside directors, officers and auditors in criminal and civil securities fraud investigations and related civil litigation, including revenue recognition, accounting fraud, market timing and options backdating cases.
- Members of the Economic Crisis Team routinely represent clients in other complex investigations ranging from

health care and government contracting fraud to sensitive public corruption and tax matters.

Federal and state securities regulation

The current financial crisis comes amidst an unprecedented era of deregulation and reliance on free market fixes. Government is reacting to the crisis and the finger-pointing has already begun. As a result, we are entering into an era of dramatically increased regulation and government oversight. As legislators and regulators at both the federal and state levels will race to pass new laws to try to remedy the perceived problem of under-regulation, the rules will inevitably have unintended consequences because of the speed with which these laws will be drafted and passed.

- Our lawyers routinely represent clients in financial and securities disputes, which as a result of current economic conditions will become the priority of state and federal regulators.

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- Members of our Economic Crisis Team have extensive experience representing professional service firms that advised businesses on investment and financial reporting decisions. These firms will likely be targeted in the near term because of their relative financial strength.

Deal-making, corporate finance and investment restructuring

Despite the market downturn and the widespread perception of a frozen credit market, lawyers on our Economic Crisis Team continue to help our corporate clients at every stage to actively navigate today's economic landscape and finance, grow and develop their businesses.

- Established corporate clients rely on Foley Hoag's experience in deal-making and traditional transactions, including private placements of debt and equity securities, financing and lending structures, joint ventures and strategic alliances, and management buyouts.
- In situations where a merger, acquisition or corporate restructuring is the appropriate course, our lawyers counsel clients of all sizes in these transactions, often using creative and unconventional approaches to deliver maximum value to all parties.
- Across burgeoning industries such as life sciences, technology and alternative energy, our lawyers continue to help emerging companies raise capital and advise investors in these companies to deploy wisely and safeguard their financial resources. Our recognition that the protection of intellectual property assets and corporate finance activities need to be integrally linked gives our clients a distinct business advantage.

Bankruptcy, corporate reorganization and financial disputes

In times of heightened economic instability, our Bankruptcy and Restructuring lawyers play a prominent role in counseling financial institutions, business entities, governmental agencies and fiduciaries regarding federal bankruptcy, state insolvency and creditors' rights law.

- We have advised hedge funds, investment management companies and Fortune 500 companies as these organizations navigate the complex and technical rules that apply when broker-dealers declare bankruptcy, and have helped our clients unwind complex hedging and derivative contracts.
- As in prior economic downturns, corporations and government entities will seek to recover from investors, lenders and corporate fiduciaries. Our lawyers have extensive experience litigating the types of claims that will be a part of the resolution of the current crisis, including claims for breach of fiduciary duty, equitable subordination, fraudulent conveyance and lender liability.
- Lawyers on our Economic Crisis Team advise our corporate clients on bankruptcy and restructuring strategies relating to credit issues, as well as our investor clients seeking risk management or workout advice in the management of troubled portfolio companies.