

Haynes and Boone Lawyers Contribute to Fund Finance 2019

March 14, 2019 Ellen McGinnis, Richard Anigian

PRACTICES Finance, Fund Finance

Haynes Boone lawyers authored two chapters in “Global Legal Insights to Fund Finance 2019,” which was produced in partnership with the Fund Finance Association.

The book covers legal trends in the fund finance markets, including developments in 22 jurisdictions globally.

Washington, D.C., Partner [Ellen McGinnis](#), and Dallas Partners Erin England and [Rick Anigian](#) wrote a chapter titled: “[Enforcement: Analysis of lender remedies under U.S. law in subscription-secured credit facilities](#).” The chapter provides readers a greater understanding of lenders’ legal rights under subscription-secured credit facilities and the process of enforcement against a borrower and its limited partners. As the lawyers noted in the introduction to the chapter: “Lenders must be prepared to execute every step of their enforcement strategy, beginning with the occurrence of an event of default, through the decision to accelerate the obligations, to the exercise of remedies and, finally, to recovery of payment.”

London Partners Emma Russell and Zoë Connor and London Associate Emily Fuller wrote a chapter titled: “[Comparing the European, U.S. and Asian fund finance markets](#).” The chapter considers the differences between those markets’ approaches to fund finance from a high-level market perspective and the contrasting nuances of transactions in the markets. “It is expected that lenders in Europe will continue to be influenced by their U.S. counterparts while lenders in Asia will continue to be influenced by their counterparts in the U.S. and Europe,” the authors write. “However, there will always be inconsistencies at the transactional level that borrowers, lenders and their counsels should be aware of and appreciate.”

“Haynes Boone was instrumental in developing the structure and documentation for this type of financing in the early 1990s,” said McGinnis, co-chair of Haynes Boone’s Fund Finance Practice Group. “As illustrated by our contributions to this important publication, our lawyers continue to be thought leaders who closely track developments in fund finance markets worldwide.”

Haynes Boone is a global leader in the representation of U.S. , European and Asian commercial and investment banks arranging fund financings for private equity funds in North America, Europe, Latin America and Asia. In the last two years, the firm has represented investment and commercial banks and other financial institutions as lead agent and arranger in structuring and documenting such facilities with total value of more than \$45 billion, to domestic and global real estate and non-real estate private equity funds across the globe. Haynes Boone has 30 years of industry experience with subscription facilities and takes a multidisciplinary approach to working with the clients and the clients' customers on each transaction.