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Private Equity Fund Exposure and Protection: Leading Lawyers on Weighing Investment Risks, Structuring Prudent M&A Transactions, and Preparing for Increased Government Involvement (Inside the Minds)

Multiple Authors

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Private Equity Fund Exposure and Protection is an authoritative, insider's perspective on the best practices for identifying and minimizing risks in private equity fund formations, portfolio company transactions, and M&A deals. Featuring partners and chairs from some of the nation's leading law firms, these experts offer their insight into the risks private equity funds and fund managers face, the legal or contractual obligations of funds and managers with respect to these risks, and the measures that can be taken to reduce them. Discussing the ways in which the financial crisis has impacted the private equity industry, the authors offer their advice for assisting clients in limiting liability, performing thorough due diligence, making wise acquisitions, timing appropriate exits, and preventing losses during a distressed economic period. Additionally, these leaders speculate on the likelihood of increased government regulation in response to the economy and recent discoveries of fraud, advising on how these regulations may further affect private equity fund managers. The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today, as these experienced lawyers offer up their thoughts around the keys to success within this increasingly regulated area of law.

Inside the Minds provides readers with proven business intelligence from C-Level executives (Chairman, CEO, CFO, CMO, Partner) from the world's most respected companies nationwide, rather than third-party accounts from unknown authors and analysts. Each chapter is comparable to an essay/thought leadership piece and is a future-oriented look at where an industry, profession or topic is headed and the most important issues for the future. Through an exhaustive selection process, each author was hand-picked by the Inside the Minds editorial board to author a chapter for this book.

Chapters Include:

1. Alan Rubin, Member, Cole Schotz Meisel Forman & Leonard PA Weighing the Risks in Private Equity Fund Investment

2. Q. Scott Kaye and Elliot Hinds, Partners, Goodwin Procter LLP Protecting the Private Equity Firm in Merger and Acquisition Transactions

3. Karl M. Ahlm, Partner, DLA Piper LLP (US) Keys to Avoiding Unintended Consequences

4. David A. Rines, Partner, Thompson Hine LLP Identifying and Minimizing Risk for Private Equity Funds and Fund Managers

Appendices Include:

Appendix A: Hexion Specialty Chemicals, Inc. v. Huntsman Corp., 2008 WL 5704768 (Del. Ch 2008)

Appendix B: Abry Partners V, L.P. v. F&W Acquisition LLC, 891 A.2d 1032 (Del.Ch. 2006)

Appendix C: Alliance Data Systems v. Blackstone Capital Partners V, L.P., 2009 WL 117563 (Del.Ch. 2009)

Appendix D: Stone v. Ritter, 911 A.2d 362 (Del. 2006)

Appendix E: In re Walt Disney Co. Deriv. Litig. v. Eisner, 906 A. 2d 27 (Del. 2006)

Appendix F: North American Catholic Educational Programming Foundation, Inc. v. Gheewalla, 930 A.2d 92 (Del. 2007)

Appendix G: Schoon v. Troy, 948 A.2d 1157 (Del. Ch. 2008)

Appendix H: Levy v. HLI Operating Co., Inc., 924 A.2d 210 (Del.Ch. 2008) Appendix I: Vogt v. Greenmarine Holding, LLC, 318 F.Supp.2d 136 (S.D.N.Y. 2004)

Appendix J: Dahl v. Bain Capital Partners, LLC, 589 F.Supp.2d 112 (D. Mass. 2008)

Appendix K: SEC v. Capital Gains Research Bureau, Inc., 375 U.S. 180, 84 S. Ct. 275, 11 L. Ed. 2d. 237 (1963)

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Beverly Bell:

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