



# FINANCIAL REFORM, CREDIT BIDDING, AND LOSS RECOVERY STRATEGIES

Join us for insights on the impact of financial reform legislation, with our special guest, former SEC Chairman William Donaldson. In addition, we will analyze next-generation strategies of credit bidding. And we will discuss winning strategies to recover losses on ARS, derivatives, and other investments.

New York City  
February 24, 2011  
8:00 a.m. to 10:00 a.m.

**Jenner & Block**  
919 Third Avenue  
New York, NY 10022

Complimentary continental  
breakfast will be served.

## Panel 1: Financial Reform's Impact: Key Questions You Should Ask

The most sweeping legislation since the Great Depression includes changes that will affect you now. It also mandates extensive rulemaking and implementation that you can help shape.

- What can you expect from the SEC?
- What impact will the Volcker Rule have on banks (e.g., disposal of private equity and hedge funds)?
- What impact will registration have on investment managers?
- Will the Act or proposed FASB rules have a greater impact on the derivatives market and will hedge funds be deemed swap dealers?

### Discussion Leaders:

William Donaldson, Chief Corporate Advisor, Duff & Phelps  
Thomas C. Newkirk, Jenner & Block

## Panel 2: Credit Bidding: The Next Generation

Recent appellate-level decisions have demonstrated that a secured creditor does not have an unfettered ability to credit bid its debt in response to a debtor's proposed sale of its assets under the Bankruptcy Code. This session will present best practices for secured creditors to maximize their return through credit bidding in the borrower's Chapter 11 case.

- Structuring the cash collateral order to offset the impact of *In re Philadelphia Newspapers*
- Designing credit bidding provisions to address holdouts
- Ensuring that junior liens are extinguished
- Due diligence issues to address potential claims that could attach to the assets

### Discussion Leaders:

Marc B. Hankin, Jenner & Block  
Heather D. McArn, Jenner & Block  
Robert Nabholz, Managing Director, Duff & Phelps

## Panel 3: Recovering Losses from the Economic Crisis

*The American Lawyer* observed that Jenner & Block has "the only lawyers who've had much success on the plaintiffs' side in ARS cases." Those winning strategies also have proved effective in other high-stakes litigation. Whether trying a case to a jury, a judge, or a panel of arbitrators, experienced practitioners explain how they have obtained nine- and ten- figure verdicts, judgments, and awards.

- Creative Techniques to Develop Evidence Outside the Ordinary Discovery Process
- Making Your Claim More Persuasive to the Decision-Maker
- Overcoming Defense Strategies

### Discussion Leaders:

Stephen L. Ascher, Jenner & Block  
Katya Jestin, Jenner & Block  
Andrew Weissmann, Jenner & Block

For more information about this event, please contact Laura Wilson at  
lwilson@jenner.com or (312) 923-2627

1.5 hours of New York MCLE credits have been requested for this seminar. Jenner & Block LLP has been certified by the New York State Continuing Legal Education Board as an Accredited Provider. If you require CLE Credits for additional jurisdictions, please contact Angel Hardy Heinz at aheinz@jenner.com