Tucker Ellis LLP

Public & Structured Finance

Overview

Our Public & Structured Finance Group conducts an extensive practice in public and municipal finance transactions, counseling issuers, underwriters, investors, financial advisors, and trustees on virtually every aspect of tax-exempt and structured debt financings. We represent state, county, and municipal issuers; conduit borrowers; letter of credit banks; and Wall Street and regional underwriters and financial advisors. As necessary, we draw on related expertise available throughout the firm, including securities, tax, real estate, general corporate, general municipal, healthcare, litigation, and securities compliance.

Our practice is largely transactional in nature. Because of the breadth of services we offer, we also represent state and local issuers in matters of eminent domain, foreclosures, workouts, hazardous waste, and other environmental matters, and in some cases serve as special counsel.

We are aggressive “solution seekers” for our clients. We believe in challenging conventional wisdom and working hard to find ways for our clients to accomplish their goals.

Members of our public finance group are active members of the National Association of Bond Lawyers and the Healthcare Financial Management Association.

AREAS OF EMPHASIS

- Healthcare Financings. We have a large practice in bond financings of hospitals and other healthcare institutions. We have extensive experience serving as bond counsel, underwriter’s counsel, and counsel to the borrower (e.g., the hospital or long term care facility) in both taxable and tax-exempt financings.
- Municipal Finance. We have a nationally recognized municipal bond practice. Historically, the members of the Tucker Ellis Public Finance Group have served as bond counsel, underwriter’s counsel, conduit borrowers counsel, or letter of credit bank counsel on a wide variety of municipal financings, developing a recognized expertise in transportation and infrastructure financings, housing, economic development, healthcare, museums, and other 501(c)(3) organizations and sports and recreation facilities projects.
- Financial Structuring. Many of our lawyers are heavily involved with clients in developing new and unique financing structures. We are particularly active in developing innovative techniques for transportation, infrastructure, and utility financings, and for financing private schools, arts, and cultural organizations and sports facilities.

- Project Financings. Project financings we have been involved with include financings for correctional facilities, private schools, hospitals, skilled nursing facilities, utilities, and sports stadiums. They also include “conduit” financings for developers and commercial and industrial users.
- Multi-family Housing Bonds. We have an extensive national practice involving debt financing of government-assisted low and moderate income multi-family housing. We advise clients on new and existing programs and negotiate “workouts” in appropriate circumstances.
- IRS Code Section 103 Matters and Post-Issuance Tax Compliance. Our lawyers have extensive experience advising clients on tax issues related to tax-exempt bond financings, including creating and implementing comprehensive post-issuance compliance policies and procedures for issuers of tax-exempt debt. These policies and procedures cover pre-issuance considerations, use of proceeds, investment of proceeds, rebate, use of bond-financed facilities, record retention, and ongoing education and compliance testing for the issuer.

OTHER AREAS OF EMPHASIS

- Certificates of Participation
- Utility Financings
- Economic Development Financings
- Federal and State Securities Law