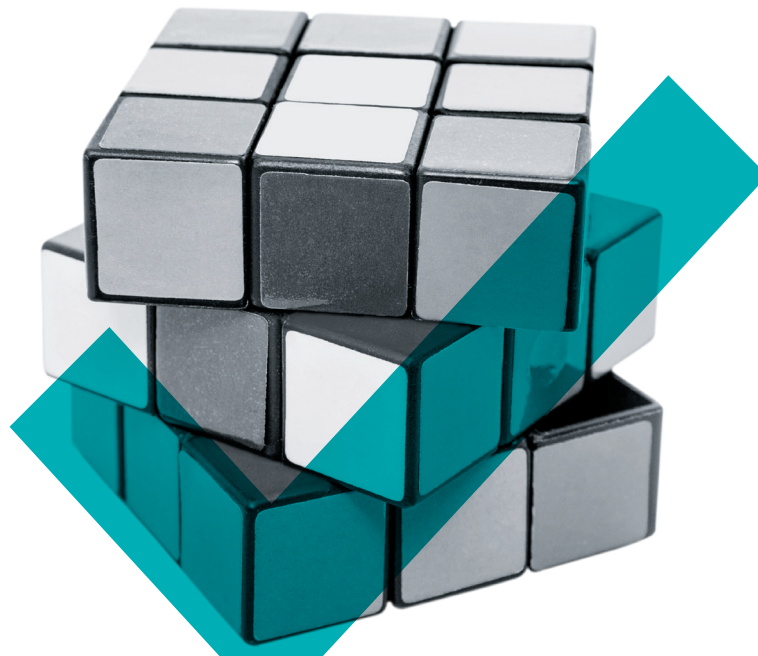


Practice Group

Restructuring and Insolvency



Schellenberg
Wittmer

Practice Group

Our team advises companies and debtors as well as investors and creditors comprehensively in all matters relating to financial reorganization and restructuring as well as recovery and enforcement proceedings, out-of-court as well as in-court reorganizations and liquidations (including scheme of arrangement moratorium and bankruptcy proceedings), and any insolvency-related litigation.

Our firm regularly represents banks, funds, and other creditors as well as local and foreign administrators/bankruptcy trustees in insolvency-related proceedings. Courts or other authorities (notably the Swiss Financial Market Supervisory Authority FINMA) have regularly appointed various team members as administrative receivers, insolvency administrators and liquidators.

Our team collaborates seamlessly with colleagues from other relevant practice areas, such as Mergers & Acquisitions, Banking & Finance, Employment, Litigation, and Tax. We thus provide comprehensive advice in all legal areas relevant to reorganizations and restructurings. If necessary, we are also able to involve our White Collar Crime Group to advise in connection with insolvency/bankruptcy-related criminal offenses.

Expertise

Our practice group covers the following areas:

- Corporate restructuring and reorganization schemes: both domestic and cross-border turnaround projects, including pre-packs while in an in-court moratorium or out-of-court
- Distressed M&A: acquisitions or divestitures of businesses in financial distress, during a moratorium or bankruptcy, including the carve-out of assets or operations (cherry-picking)
- Corporate governance: advice to boards of directors and individual directors/CEO about their duties in times of financial distress, including regarding crisis management, risk management, restructuring measures, obligation to initiate insolvency or bankruptcy proceedings, disclosure obligations, (equal) treatment of creditors and directors and mitigation of liability risks
- (Re)financing: distressed business (re)financing and re-scheduling of claims, including advice in the context of a default, negotiation of standstill agreements, analysis and (re)negotiation of credit agreements and restructuring of securities (pledged assets and others), and the structuring and negotiation of bridge loans, convertible loans and debt-equity swaps
- Bond restructuring: restructuring of bonds and other notes, including assistance to lead managers, issuers and bondholder representatives on bondholder meetings and listing aspects
- Employment: advice on TUPE-like transfers of employees (outside or during a composition moratorium), mass dismissals and regarding social plans
- Recovery and enforcement: recovery and enforcement proceedings under the Debt Enforcement and Bankruptcy Act (DEBA), such as initiating debt collection or foreclosure, bankruptcy filings, attachment orders and other provisional measures as well as enforcement of foreign judgments and arbitral awards as well as foreign insolvency decrees and the representation of foreign bankruptcy

trustees and receivers in Switzerland

- Insolvency-related litigation: actions to challenge schedules of claims, clawbacks as well as liability claims against directors and officers
- Tax: tax-efficient corporate restructurings and refinancing, including tax rulings

Our firm can put together a large, qualified team at short notice in both French-speaking and German-speaking Switzerland and has access to a broad network of specialists in non-legal areas (e.g. investment banks, financial advisors, audit firms and forensic experts).

Recognitions

The group and leading practitioners are highly ranked among leading law firms across international directories and publications:

- Chambers Global and Europe
- Legal 500
- The Global Restructuring Review (GRR)
- IFLR1000
- Lexology Index Switzerland
- Expert Guides

“
**A leading
insolvency
and restructuring
team.**
”

Legal 500

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