

Investment Management

Attorneys in Foster Garvey's Investment Management practice provide sophisticated and efficient counsel to clients on a broad range of alternative investment transactions. We advise institutional investors, including public pension funds, universities and endowments. The Foster Garvey team exclusively represents investors. We work diligently to zealously and consistently represent the interests of our investor clients.

Our interdisciplinary team is comprised of more than a dozen skilled attorneys who dedicate a significant portion of their practices to serving the firm's alternative investments clients, the majority of which are public pension funds. This diverse and dedicated team proudly represents more than 35 public pension funds, positioning our team among the most active investment management practices in the country. Since beginning our work with public pension fund clients in 1989, we are regularly retained by many of the country's most prominent public pension funds to negotiate and structure their investments; advise on public disclosure requests, federal and state tax issues, fiduciary duty matters and investment workouts, as well as handle complex litigation.

Institutional investor clients look to us to provide guidance in the following alternative investment areas:

Private Equity Investments

Foster Garvey's Investment Management attorneys offer full service investment counsel with respect to private equity investments. We focus our representation exclusively on investors and provide thorough and efficient review in connection with investments, emphasizing alignment of interests, transparency and governance. Due to the volume of transactions completed by our team, we are consistently up-to-date with current market terms and covenants.

Real Estate Investments

Our team's experience includes all aspects of real estate investments, including:

Service Contacts

Bob Perez
T 206.447.1997
bob.perez@foster.com
V. Rafael Stone
T 206.447.8999
rafael.stone@foster.com

Related Professionals

Brittany 'Bri' M. Charles
Taylor M. Crowther
J. Scott Galloway
Michael J. Gamsky
Marc R. Greenough
Paul Heer
Zachary J. King
Matthew B. Maynard
John Ray Nelson
Bob Perez
Ethan Rodgers
V. Rafael Stone
Ruby Virk
Michael Zhao

Related Services

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Securities Litigation &

- Investments in passive limited partnership and limited liability company equity funds
- Direct investments in institutional quality real estate
- Investments in REITs
- Workouts of troubled funds
- Disposition and liquidation of investments
- Structuring and restructuring of operating companies, joint ventures, and other ownership entities
- Real estate disputes and litigation

Enforcement

Tax

Hedge Funds

Foster Garvey has negotiated a substantial number of hedge fund investments, hedge fund-of-fund investments and other vehicles that are defined by absolute returns. Our experienced team has prepared, reviewed and negotiated hedge fund transactions across a broad range of investment strategies and structures available in the market.

Derivatives Transactions

Foster Garvey has extensive experience representing our institutional investor clients in derivatives transactions. Our team has significant experience with both debt and equity derivatives transactions involving interest rate and currency swaps and swaptions, caps, floors, collars and related instruments. We have considerable experience negotiating International Swaps and Derivatives Association (ISDA) master agreements, schedules, annexes and ancillary documents required to successfully close derivatives transactions.

International Investments

A number of the investments negotiated by Foster Garvey's Investment Management team are on behalf of clients focused in areas of the world outside of the United States and Canada. We are also actively involved in negotiating and reviewing arrangements with foreign money managers.

Infrastructure Investments

Foster Garvey attorneys have negotiated a substantial number of infrastructure investments. Our work in this area has covered both economic infrastructure investments and social infrastructure investments around the world.

Securities Compliance

We have advised a wide range of institutional investor clients regarding United States state-level securities laws compliance, federal securities compliance, corporate governance and proxy voting, broker-dealer regulation and securities lending. Our team handles both routine and complex matters involving securities law compliance for our institutional investor clients in their efforts to monitor their SEC-regulated investment managers.

Domestic and International Tax

Our Tax attorneys have extensive experience advising our public pension fund clients on tax issues related to domestic and international investment transactions, including structuring and restructuring of investment vehicles and offshore funds, analyzing allocation and apportionment provisions and assessing the United States and international withholding and reporting obligations imposed on the public pension fund by the sponsor or manager of the investment funds.

Workouts, Bankruptcy and Distressed Investments

Due to our active institutional investor practice, Foster Garvey Investment Management attorneys are often engaged to assist investor clients who have experienced difficulty with their investments due to allegations of fraud, mismanagement, breach of fiduciary duty, placement agent concerns and market disruptions. Our team has been involved in numerous negotiations often avoiding litigation and satisfactorily resolving complex investment disputes.

Investment Management Agreements

We have negotiated and drafted domestic and international investment management agreements, transition management agreements, and consulting contracts. We have significant familiarity with the different styles of managers and a wide range of investment advisory contracts and the issues that arise in the context of these agreements.

Investment Management Litigation & Dispute Resolution

The Foster Garvey Investment Management team has successfully handled numerous dispute and litigation matters for institutional investors in connection with alleged breaches of contract or fiduciary duty, defense of clawback actions, insurance coverage claims, real estate and securities lending.