Thomas E. duB. "Ted" Fauls

Partner

Richmond

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Ted's wide recognition as a market leader has included being named Lawyer of the Year for his outstanding representation of lenders and borrowers in a range of complex financing transactions, restructurings, and credit compliance issues.

OVERVIEW

Ted has extensive experience representing financial institutions, as well as other lenders and borrowers in a broad range of complex commercial lending and financing transactions, with values ranging from $10 million to $2 billion. These transactions include structuring, drafting, and negotiating loan documents for secured and unsecured loan facilities, syndicated and nonsyndicated loans, asset-based loans, term loans, revolving credit facilities, acquisition loans, workouts, restructuring of real estate and personal property secured loans, note sales, and secured and unsecured subordinated and mezzanine debt transactions.

He also represents financial institutions and other lenders in all aspects of loan workouts and out-of-court restructurings, bankruptcy, creditors' rights, and note sale and note purchase transactions. In addition, Ted regularly advises financial institutions on a wide range of consumer credit compliance issues, including consumer compliance audits and new consumer product development.

Ted's experience of representing lenders and borrowers over the past 35 years greatly benefits his clients, which enables him to formulate successful strategies and solutions for both new and failed financing transactions.

REPRESENTATIVE MATTERS

- Represented a national lender in all aspects of the workout and bankruptcy of vehicle floor plan loans, term loans, lines of credit, real estate loans, and interest rate hedging (swap) agreements with automobile dealers.
- Represented a lender in all aspects of the workout and bankruptcy of term loans, line of credit, and interest rate hedging (swap) agreements with a vertically integrated group of companies in the forest products business.
- Represented a lender in connection with a $22.5 million construction/permanent loan to build a nationally franchised condominium hotel in Virginia.
- Represented a publicly traded company in obtaining a $120 million subordinated bridge facility extended by national capital markets participants.
- Represented a national lender, as agent, in a $225 million secured syndicated credit facility to a coal company.

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AWARDS

- *Best Lawyers in America*®: “Lawyer of the Year” in Financial Services Regulation Law (2018, 2020, 2024) and Banking and Finance Law (2022)
- *Best Lawyers in America®:* Banking and Finance Law (2008-2027), Consumer Law (2015-2027), Financial Services Regulation Law (2011-2027), Securitization and Structured Finance Law (2009-2027)
- *Super Lawyers*: Banking Law, Securities & Corporate Finance Law, and Creditor Debtor Rights: Business (2006, 2008-2020)
- *Best Lawyers in America®:* “Lawyer of the Year” in Securitization and Structured Finance Law (2012)
- Achieved Martindale-Hubbell’s highest rating for legal ability and ethical standards
- Life Fellow, American Bar Foundation

TOP AREAS OF FOCUS

- Asset-Based Lending
- Bankruptcy + Restructuring
- Finance + Banking
- Secured Lender Representation

ALL AREAS OF FOCUS

- Asset-Based Lending
- Bankruptcy + Restructuring
- Finance + Banking
- Financial Services
- Government Contract Lending
- Litigation + Trial
- Secured Lender Representation
- Syndicated Loans

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Business, Bankruptcy, Business Law Sections, Virginia Bar Association
- Member, Subcommittee on Secured Creditors of the Business Bankruptcy Committee and Subcommittee on Secured Transactions of the Uniform Commercial Code Committee, American Bar Association
- Member, Board of Directors, The Richmond Forum (2007-2013)
- Trustee, Saint Stephen’s Endowment Fund (2005-2010)

EDUCATION AND CERTIFICATIONS

EDUCATION

- William & Mary Law School, J.D., 1986
- College of William & Mary, B.A., 1983

BAR ADMISSIONS

- Virginia

COURT ADMISSIONS

- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. Bankruptcy Court, Eastern District of Virginia
- U.S. Bankruptcy Court, Western District of Virginia
- U.S. Court of Appeals, Fourth Circuit

SPEAKING ENGAGEMENTS

- Speaker, “Avoiding Lender Liability,” 2017 risk management seminar for community banks, presented by Elliot Davis Decosimo and the Virginia Association of Community Banks, May 9, 2017.
- Panelist, “Underwriting a Loan and Understanding Commercial Loan Documentation,” Troutman Sanders seminar, March 15, 2017.
- Panelist, “Avoiding Lender Liability,” Troutman Sanders webinar, November 3, 2016.

PUBLICATIONS

- Author, “Chapter 5: Other Statutory Liens, Statutory Exemptions, and Fraudulent and Voluntary Conveyances,” *Enforcement of Liens and Judgments in Virginia*.