



## → Michael P. O'Brien

**Partner**  
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Michael O'Brien is a partner in the Finance and Bankruptcy Practice Group and is based in the firm's Chicago office. He is also the leader of the Derivatives & Structured Products Team.

### **Areas of Practice**

Michael has more than thirty (30) years' experience in representing clients in structuring and negotiating complex financing transactions, in navigating applicable regulatory regimes and in protecting and exercising their rights thereunder. The predominant focus of his practice is in the areas of derivatives & structured products and in the financing or leasing of commercial aircraft, areas in which he is industry recognized as a leading lawyer. Many of the derivatives and structured product transactions in which he has a lead role are in the renewable energy and the secondary municipal markets.

### **Derivatives & Structured Products**

Michael represents a broad array of clients, including major banks, money managers, hedge funds, and end-users, in a range of derivatives and structured products transactions, including: financial and commodity swaps; exchange traded derivatives, credit derivatives; synthetic CDOs; tender option bonds; municipal derivatives; and structured repo and securities lending transactions. In the secondary market for municipal securities, Michael represents several market leaders in all aspects of the tender option bond structure. Michael regularly advises clients on compliance with the regulatory aspects of derivatives including the complexities of Title VII of the Dodd Frank Act and of EMIR.

Michael has particular experience with structuring and documenting off-exchange derivative transactions, and in handling the controversies that may arise from these transactions. His experience in this area dates back to 1987 and includes lead counsel roles in several litigation matters that have established market precedent. Many of these transactions have involved restructuring and protection of rights involving a bankrupt counterparty.

In the area of exchange traded derivatives, Michael and the Derivatives & Structured Products team have significant experience in working through applicable regulatory regimes, including the rules of the principal U.S. exchanges, regulations applicable to SEFs and the applicability of, and compliance with, regulations concerning Commodity Pool Operators and Commodity Trading Advisors.

### **Renewable Energy Projects**

In addition, Michael represents banks and sponsors and developers in transactions to finance the development, construction and operation of projects to generate electricity through wind and solar sources. He has significant experience in secondary market transactions to provide additional financing sources or to monetize the tax benefits of renewable energy facilities. He also has significant experience in advising clients on their rights and remedies in controversies involving hedging transactions related to such projects.

## Honors

Recommended Lawyer, The Legal 500

## Articles

### Finance and Bankruptcy Law Blog Posts

- "ARRC Formally Recommends Term SOFR," August 2, 2021
- "Latest Milestone in LIBOR Replacement Passed," July 28, 2021

## Speaking Engagements

Moderator and Panelist, "Current Issues in Derivatives", quarterly webinar 2017 to present

Speaker, "Exploring Investment Alternatives in the Loan Market," IMN 3<sup>rd</sup> Annual Investors' Conference on CLOs and Leveraged Loans, April 22, 2014, New York

Moderator and Speaker, "Current Developments in Title VII of Dodd-Frank – A Buy Side Perspective." Webcast, West Legal Edcenter, October 23, 2013

Speaker, "Financial Derivative Reform: Welcome to the New World," Chicago Bar Association, June 14, 2013, Chicago

Speaker, "The Resurgence of the Total Return Swap as an Investment Alternative in the Loan Market," IMN 2<sup>nd</sup> Annual Investors' Conference on CLOs and Leveraged Loans, April 11, 2013, New York

## Events

Energy Derivatives Update

Hedging Renewable Power in the Aftermath of Uri – Not Just an ERCOT Issue - Where we were, where we are, where we are going

Webinar, 09.15.2021

## Podcasts & Webinars

Current Issues in Derivatives

12.08.2021

Hedging Renewable Power in the Aftermath of Uri – Not Just an ERCOT Issue - Where we were, where we are,  
where we are going  
09.15.2021

## Practices

Commercial Lending and Financial Transactions

Derivatives and Structured Products

Energy, Infrastructure and Project Finance

## Industries

Energy, Infrastructure and Project Finance

Financial Services

## Education

J.D., Northwestern University, 1985

BBA, Loyola University, 1982, *magna cum laude*

## Admissions

Illinois

New York