



J. Weston Peterson

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Wes Peterson concentrates his practice on the use of Delaware and New York trusts in investment management and structured finance transactions, as well as representing banks and trust companies in a wide variety of commercial transactions. Wes is also active in the emerging area of blockchain and digital currency technologies.

In the area of investment management, Wes's experience includes providing advice to open- and closed-end investment companies in connection with entity formation and dissolution, capital raising transactions (including rights offerings), credit facilities, fiduciary duty issues, fund reorganizations and acquisitions, defensive planning, proxy contests, and shareholder meetings. He also works extensively with exchange traded funds, business development companies, and private investment funds, and has written a number of articles that have appeared in *The Investment Lawyer*.

In the structured finance area, Wes has extensive experience providing advice with respect to the organization, structuring, and operation of grantor trusts, owner trusts, master trusts, series trusts, titling trusts, and liquidating trusts in connection with their use in marketplace lending and other asset-backed transactions (including credit cards, residential and commercial mortgages, auto loans and leases, student loans, solar loans, insurance policies, mortgage servicing rights, litigation settlements, and intellectual property), tender option bonds, covered bonds, hybrid capital securities, equipment leases, and collateralized debt and loan obligations. Wes also counsels banks and trust companies in connection with their trust and agency services in a wide variety of commercial transactions, including representing banks and trust companies as custodians, verification agents, master servicers, depositaries, exchange agents, administrative agents, and collateral agents, and as owner, indenture, and liquidating trustees.

Wes also provides advice in the establishment of investment funds that hold digital currencies such as Bitcoin, Bitcoin Cash, Ethereum, Litecoin, and similar digital

currencies. In addition, he assists clients in the exploration of the use of blockchain and other distributed ledger technologies in structured finance and other transactions.

Wes serves on the Delaware State Bar Association's Statutory Trust Committee, which is responsible for drafting amendments to the Delaware Statutory Trust Act. Prior to joining the firm in 2005, Wes practiced as an M&A and securities law attorney in the New York offices of Jones Day and O'Melveny & Myers, as well as in the Netherlands as an in-house attorney for a Dutch telecommunications company. In addition, he has served as an adjunct professor at George Mason University School of Law.

Publications

- "Like Herding Cats: An Analysis of Common State-Law Shareholder Meeting Questions," *The Investment Lawyer*, June 2020
- "The Delaware Rapid Arbitration Act: Considerations for Commercial Real Estate Finance," *The Abstract*, Fall 2017
- "Delaware Statutory Trusts and Shareholder Derivative Actions: Recent Delaware Cases Provide First Rulings on the Law," *The Investment Lawyer*, August 2012
- "Protecting the Protectors: Indemnification of Trustees of Delaware Statutory Trusts," *The Investment Lawyer*, July 2011
- "A Baker's Dozen - 13 Defensive Takeover Measures Available to Closed-End Investment Companies Organized as Delaware Statutory Trusts," *The Investment Lawyer*, November 2010
- "Delaware Series Trusts - Separate but Not Equal," *The Investment Lawyer*, February 2009
- "Investment Companies Organized as Delaware Statutory Trusts: Practical Considerations for Drafting Governing Instruments," *The Investment Lawyer*, January 2008

Leadership

- Delaware State Bar Association, Statutory Trust Committee

Education

- J.D., *magna cum laude*, Boston University School of Law, 1994
- B.A., with distinction, University of Delaware, 1990

Admitted to Practice

- Delaware, 2005
- New York, 1995

Practices

- Corporate Trust and Agency Services