



Erich Durlacher Details Economic Downturn Considerations for Financial Institutions in Bankruptcy Strategist

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Erich Durlacher authored an article for the November 2022 issue of *Bankruptcy Strategist*, published by American Lawyer Media, offering a comprehensive overview of actions for financial institutions now in consideration of an anticipated economic downturn.

In the wake of rising interest rates, inflation and other ominous economic factors, commercial bankruptcy rates have started to increase, presenting risk for the loan portfolios of financial institutions. To address the challenge, Durlacher said that Burr & Forman counsels financial institution clients to adopt a five point “CAPER” Strategy: Communicate, Analyze, Preserve (the Status Quo), Execute (Definitive Written Agreements), and Resolve.

Durlacher went on to provide extensive insight to elaborate on what financial institutions should know at each step of the CAPER Strategy with sections on:

1. Communicate with Your Available Resources: Early and Often
2. Analyze the Available Data: Loan File Review and Collateral Diligence
3. Preserve the Status Quo: Pre-Negotiation Agreements
4. Execute Definitive Written Agreements: Loan Modifications and Forbearance Agreements
5. Resolve: Alternative Exit Plans

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