

Fund Finance Friday



The Triple-Play – Adaptability, Cross-Border Tools, and Regulatory Capital

March 20, 2026

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U.S. Regulatory Capital Proposals: Key Points for Fund Finance

March 20, 2026



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The path forward for bank risk-based capital and the GSIB surcharge has been clarified with the release of three rule drafts yesterday: **The Basel III proposal** (covering large banks), the **Standardized approach proposal** (all non-Category I and II banks), and the **GSIB surcharge proposal** (load four reams if you plan on printing all three).

Together, the revised rules soften edges from the 2023 proposals, as is reflected in anticipated reductions in Tier 1 Capital requirements across size groupings. Look for upcoming publications from our Financial Services partners for comprehensive coverage of the newly proposed framework. Here are the points that stand out for fund finance:

- Category I (the GSIBs) and Category II banking organizations will benefit from an overall simplification by eliminating the dual-stack reporting they have been required to maintain (e.g., calculating their capital requirements under both the advanced approach and the standardized approach).
- Category I and II banking organizations will have broader access to a 65% risk weight for non-subordinated corporate exposures when they determine that the exposure is to an investment-grade counterparty using an internal credit risk rating system that is used in actual business and risk-management decisions and is subject to validation requirements. The 2023 proposal provided a narrower 65% carve-out for investment-grade corporates that have, or are controlled by a company that has, a publicly traded security outstanding.
- Broadening that carve-out is a meaningful positive for Category I and II firms and relevant to fund finance lending. A company is broadly defined to mean a “corporation, partnership, limited liability company, depository institution, business trust, special purpose entity, association, or similar organization,” and corporate exposure as an exposure to a company other than specified excluded categories such as sovereigns, banks, GSEs, residential mortgages, securitizations, equity exposures, and certain other listed items.
- For banks on the standardized approach, the proposal would reduce the general corporate risk weight to 95%, from the current 100%. The Standardized Approach NPR does not create a broader lower-risk corporate bucket analogous to the 65% treatment in the Expanded Risk-Based Approach NPR. This creates a substantial advantage for the largest banks. *But note*, smaller banks can voluntarily opt into the expanded approach (but then they would also take on significant additional burdens like operational risk capital).
- For unused commitments that are not unconditionally cancelable, the Expanded Risk-Based Approach NPR would replace the current 20% credit conversion factor (CCF) for commitments of one year or less and 50% for commitments over one year with a flat 40% credit conversion factor regardless of maturity. This removes an incentive to originate 364-day facilities. (The basic mechanics are: $RWA = \text{undrawn amount} \times CCF \times \text{risk weight}$.)
- Unconditionally cancelable commitments will move from the current 0% CCF to 10% under the Expanded Risk Based Approach. That means a Category I or II bank that extends uncommitted facilities will see an increased capital cost for the undrawn portion.
- Under the Standardized Approach, commitments that are not unconditionally cancelable likewise move to a flat 40% CCF regardless of maturity, replacing the current 20%/50% percent split, but unconditionally cancelable commitments remain at 0% for risk-based capital purposes, with a 10% floor only for supplementary leverage ratio purposes. The bottom line: Regional banks also lose a motivation to lend at 364-day tenor.
- The GSIB surcharge will be updated to include private equity exposure when assessing intra-financial system assets and intra-financial system liabilities indicators. Private equity was added in the 2023 proposal, but the term is

still not clearly defined and the proposal seeks comment on how to improve clarity. For GSIBs with meaningful exposures to private equity funds and related entities, the proposal could increase interconnectedness indicators and, at the margin, GSIB surcharge calculations.

Four Lessons Learned in the Face of Constant Change

March 20, 2026



By **Kurt Oosterhouse**
Partner | Fund Finance

“By the time you finish your career, you will have worked at three different firms and will have practiced in three different areas of the law,” I heard from one of my mentors when I was a first-year associate at my first law firm, Michael Best & Friedrich (MBF). Looking back, that prediction proved spot-on.

I was very lucky to have two mentors, Charlie and Paul, in the bankruptcy group. They were both seasoned lawyers, with not only a high level of legal experience, but also a willingness to provide tons of “off the court” guidance to me as well – taking me with them to court, client meetings, Saturday touch football games, an occasional round of golf, showing me around my new town and even helping me navigate the proper way to fold a French cuff sleeve (I didn’t think anyone’s arms could be that long!).

Maybe it was because of my connection with him, that his comment made such an impression on me? I loved MBF. It was the oldest firm in the state (representing Charles Comiskey in the “1919 Black Sox Scandal”), it gave me a shot as a 2L clerk during a very tough legal market, it had fun nice people and I even had an office with an unobstructed view of Lake Michigan only four blocks away. I certainly wasn’t planning on leaving MBF any time soon – or ever.

As spring comes each year and after bonuses are paid, along with daffodils also comes “moving season” in our profession. It happens every year, but for some reason this year it caused me to reflect on Charlie’s three firms and three practice areas prediction from decades ago, the lessons learned along the way as well as the great mentoring advice, fantastic coworkers and lawyers all of whom took time out of their lives to provide friendship, knowledge and professional guidance that not only made my “changes” less difficult, but also successful (or at least non-regrettable). In this article, I’ll pass along four of the lessons I learned along the way

The Only Constant is Change

I have always enjoyed using aphorisms: short, memorable statements that express a general truth or insight about life. They are slightly different than idioms and more formal than a colloquialism – each of which have cultural roots and lack the philosophical, wisdom component which aphorisms express.

“The only constant is change” is one such aphorism. While appreciating the general truth it conveys, as someone who likes things to stay the same, it’s also an aphorism which I wish wasn’t true. However, as people (not just lawyers, bankers, consultants) put more miles in their “rearview mirror” it’s impossible to argue that “The only constant is change” is a well-established aphorism for a reason – like it or not, it’s true.

Change ultimately occurred at MBF. The hot bankruptcy market of the early 1990s that greeted me as an associate started to slow down as the mid-to-late 1990s arrived. Charlie (who was the first to explain to me that while being a lawyer is a profession, it is also a business) decided to make his third practice area shift and moved to the West to open his own law firm. Paul’s creditor-side Chapter 11 bankruptcy cases slowed down, so he pivoted to more of a workout practice.

For me, MBF had provided me with great experience – fourth-year work as a second year, fifth-year work as a third year, etc. However, in my fifth year, concerns about being a seventh year with fifth-year experience started to gain traction in my head. As a result, when a recruiter called and said Atlanta and Charlotte were looking for young lending lawyers, I returned it.

1: Engage with Recruiters When You Are Seriously Considering A Move

First “point to ponder” - everyone has a job to do, and recruiters provide a valuable service but I would advise engaging with them only when you are ready to make a move. There’s something intoxicating about talking to a recruiter – everyone likes compliments and every position seems beyond exciting - and before you know it, the process has taken on a life of its own and you are leaving a great spot at your current firm because you feel you “have to” or its “just too late to turn the ship around.” Not that you aren’t great, but remember they are paid on commission and some are more honest than others.

After the standard recruiter back and forth, compliments, etc., I sat down with Paul and told him what I was thinking. We discussed the positive aspects of being able to switch back and forth between bankruptcy and lending depending on the market conditions, the current lending opportunities at MBF as compared to some of the places I was talking to, for example. Most importantly, he helped me with my homework, including finding a young partner at MBF who worked at one of the Charlotte firms I was most interested in, Moore & Van Allen.

That partner was honest with me and told me I'd have a heavy workload. However, with the high quality of work (and workload) from the national banks located in Charlotte ((NationsBank (Bank of America)) and First Union (Wachovia and Wells Fargo), he also said that I would gain a tremendous amount of lending side experience in a short time. And that was definitely the case.

2: Get Career Advice From Someone Who Has Your Best Interests in Mind

It was a difficult decision, but I decided to leave my "home" at MBF (and still favorite city) to head to Charlotte to join the leverage finance practice at MVA. Second "point to ponder" - if thinking about a move, continually ask yourself if the persons providing the advice (pro or con) are self-interested, and if so, is that coloring their advice and, if so, how much? For Paul, I never doubted that his advice focused on what was in my best interests – not his. As a result of the honest and respectful way the situation was handled, he and I are friends to this day, and he is still one of my favorite people.

As for MBF, while my time there ended a couple of decades ago, I will always appreciate MBF for giving me my shot and have nothing but appreciation for the firm and everyone who took the time to train me and help me during that stage of my career.

While I'm not sure if when I joined was the "early days of syndicated finance," but it was at least the early part of that period as for the next decade, MVA was regularly at the top of the league tables for highest number of bank-side, leveraged representations. That work continued at a feverish pace until the 2008 financial crisis slammed on the brakes for most of us in that world.

Some level of normalcy returned a couple of years later, but as someone who mostly represented Bank of America, from a practice standpoint, the world had changed. Bank of America's epicenter moved from Charlotte to New York. While middle-market leveraged finance stayed in Charlotte, the larger sponsor work (that was most of my practice) migrated to mostly New York-based firms and the Bank of America and Merrill Lynch combination caused many of my contacts to move to other institutions.

That change in the banking landscape required a change or, at least, an evolution in my practice. The large, syndicated leverage deals mostly went away and since Bank of America's middle market leverage work in Charlotte was already covered by others at MVA, I focused on some new and other "underserved" middle market clients as well as servicing the changing needs of the client relationships I had established over the years.

While the originators of my old leverage deals were now New York-based, the portfolio people who managed those deals, both from a credit and operational perspective, remained in Charlotte. Over the years, several people in that group became great friends and, in addition to helping source new deals for me, they would send me "outside-of-the-box" transactions involving sponsor firms needing solutions for certain portfolio financings.

While they were all different, the usual fact pattern was a sponsor with a portfolio company that was underperforming and thus the company was having issues with its portfolio level financing. Since cash flow was usually the core problem, a typical solution on the table from the bank group was asking for the sponsor to make an additional equity infusion. For any number of reasons, that was the least appealing option to a sponsor. As a result, sometimes, instead of making an additional equity infusion, a new tranche of debt would be provided by one or more lenders in the existing lender group – so long as the new tranche was guaranteed by the sponsor.

Furthermore, sometimes, the guaranty would be on an unsecured basis and sometimes the lenders would require the guaranty to be secured by certain assets of the sponsor – such as uncalled capital, equity interests in the holding company of the portfolio company, for example. While this "fund finance looking work" was a logical extension of my leveraged finance practice (and bankruptcy to some extent), at that point, fund finance was in its early stages and thus, in many ways, it was a new practice area for most everyone.

3. Evolving Client Needs Will Dictate How Your Practice Evolves

Third “point to ponder” – the needs of clients (and client’s clients) will evolve over time, even products that you may think will be around forever will change and evolve and those changes will ultimately dictate the evolution of your practice.

It was the evolution of that “special situations” work that ultimately led me to make the move to my third firm – and arguably my third practice area as predicted by Charlie many, many years ago. Similar to my move from MBF to MVA, almost 20 years prior, this move was also knowledge-driven, but, unlike my first move when I didn’t have clients, this last move was also client driven. For me to continue to serve the evolving needs of my clients, I needed more knowledge and experience in the areas of finance that my clients were moving toward and Cadwalader provided that to me.

4. Go Beyond Your Comfort Zone

If the only constant is change, is there a way to put oneself in a position to best handle the inevitable change? To dust off another aphorism, “How do you get to Carnegie Hall?” Practice, practice, practice.

The best preparation for dealing with the evolution of any job is increasing your knowledge (growing your toolbox of experience). Specialization has been around forever – and will continue to be. However, specialization (at least in the legal world) used to be a little less narrow or at least something that occurred slowly over time as opposed to day one of an associate’s career.

Even in an industry as specialized as fund finance, a practice (and skill set) that consists of pretty much straight down the middle of the fairway will not age well. Our clients’ clients are looking to our clients for solutions to their financing needs and our clients are looking to us for ideas to solve those problems - not simply fitting their needs into a box that we are familiar with and comfortable providing.

As new fundraising has slowed in the last few years, “vanilla” deals are few and far between and the prediction of NAV being “on the horizon” has finally occurred, we are seeing evolution today - even when compared to only a few years ago. Change is constant and we cannot expect the industry to stand still. Instead, the industry will continue to evolve into areas that are the logical extensions of what we currently do and areas that we don’t currently do and perhaps, haven’t even thought of. The best preparation for that eventuality is to keep learning beyond your comfort zone.

Final Thoughts

If nothing else is taken from this article from a “senior lawyer,” please take this: Never make a move if it’s simply about the money – especially if you are young. Professions and trades deal in a somewhat unique currency. Those jobs pay salaries (cash), but they also pay compensation in the form of experience. That experience might not pay off a current student loan or make a mortgage payment, but that knowledge will monetize eventually.

Professions and trades are cumulative jobs. The more you see, the more you know, the more you know, the more you are worth. I decided to leave MBF for MVA almost solely because I didn’t want to be a seventh-year associate with a fifth-year level of experience. I left MVA for CWT because my clients’ needs necessitated a move that would allow me to provide them with the knowledge and experience they needed.

While clearly there is a tipping point, for someone looking to excel in their profession long-term, gaining experience, which is usually via deal/transaction volume, should always be the first (and perhaps also the second) consideration.

Searching in CayLux - What Can Be Found?

March 20, 2026



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As transactions near the finish line, two of the most common 'punch list' items that remain are often: (i) lien and court searches; and (ii) good standing certificates, in the relevant jurisdictions.

As what can be obtained - and who can obtain it - rank amongst the most frequently asked questions ahead of closing (and in particular for short-fuse amendments and extensions), what follows is a quick cheat sheet for CayLux with answers to these questions.

Cayman Islands

Court Searches

In Cayman, court searches can be obtained quickly and without issue. Searches are conducted against the records of the Grand Court of the Cayman Islands and are now available electronically, meaning turnaround times are same day (and often within a matter of minutes).

Either borrower's or lender's counsel can obtain these searches directly, although they are rarely delivered as standalone closing deliverables. Instead, the results are typically folded into Cayman legal opinions, with counsel issuing the opinion confirming as a factual matter that no relevant proceedings have been uncovered by the searches as at a specified time and date.

It is worth noting, however, that the scope of a Cayman court search is inherently limited. The search reflects proceedings that have been formally filed with the court at the time of the search. As such, while it would reveal, for example, the presentation of a winding-up petition or other court-based insolvency proceedings, it would not capture winding-up or liquidation processes that can be commenced out of court, such as a voluntary winding-up or liquidation initiated by LPs or shareholders.

Lien Searches

There is no filing system in Cayman for security interests relevant to fund finance deals and, accordingly, no lien searches can be run in Cayman.

As a result, Cayman due diligence in this area is limited to delivery of the register of mortgages and charges or register of security interests of the relevant entities for review, where applicable, rather than through any public search equivalent to a UCC or similar lien search in onshore jurisdictions.

Certificates of Good Standing

Certificates of Good Standing (**COGS**) in the Cayman Islands are straightforward to obtain but only an entity's registered office provider can request the certificate. This provider is usually an affiliate of the borrower's Cayman counsel and so the task of obtaining the COGS is usually earmarked for them.

Turnaround times are often same day or next day, although this can vary depending on registry volumes and whether express service is requested.

Luxembourg

No Good Standing and Court Searches – RCS and Negative Certificates Instead

An important distinction with Luxembourg entities is that there is no “certificate of good standing” that can be obtained and no relevant ‘court search’ that is run.

Instead, extracts of the relevant entities’ details are ordered from the Luxembourg Business Registers (LBR), being:

- The Luxembourg Trade and Companies Register (*Registre de Commerce et des Sociétés de Luxembourg – RCS*) which issues excerpts (*extraits*) confirming the main information of the Lux entity including its name, date of establishment, registered address, and current status; and
- The Luxembourg Insolvency Register (*Registre de l’insolvabilité*) which issues the ‘negative certificates’ being certificates on non-inscription of judgments or administrative dissolution without liquidation. These certificates confirm that no judicial insolvency decision or administrative dissolution without liquidation procedure has been registered with the RCS by a certain date (but not whether proceedings have been initiated to obtain a judicial insolvency decision).

Both RCS excerpts and ‘negative certificates’ can be obtained online by either Luxembourg counsel very quickly.

Together these effectively act as a ‘good standing’ in Luxembourg - assuming that they do not uncover any unexpected details.

Lien searches

Similar to Cayman, there is no filing system in Luxembourg for security interests relevant to fund finance deals and accordingly no lien searches can be run in Luxembourg.

So now you know what you are searching for in Cayman and Lux and who can do the relevant searching!

Registration Now Open: FFA Fall Forum

March 20, 2026



The event is a forum to connect with the fund finance community, hear perspectives from leading voices, and engage with peers.

Event Info:

- **Date:** Thursday, October 15
- **Time:** 1:00 to 7:00 PM ET
- **Venue:** Sheraton New York Times Square
- **Cost:** \$399 (early-bird rate)

Additional information is available [here](#).

Register [here](#) to take advantage of the \$399 early-bird rate.

LMA Publishes New Fund Finance Insight

March 20, 2026



The LMA published a new Fund Finance Insight exploring the renewed popularity of evergreen fund structures in private markets.

Noting there is no 'one-size-fits-all', this paper looks at the key practical considerations for managers, lenders and investors.

Read the report [here](#).

Nominations Open for Fund Finance Association Annual Awards

March 20, 2026



INDUSTRY AWARDS

Nominations are being accepted through Monday, March 30 for the Fund Finance Association's annual awards, which recognize individuals who go above and beyond in our industry.

The FFA invites you to nominate colleagues who have made meaningful contributions to fund finance — through leadership, innovation, mentorship, advocacy, or advancing diversity, equity, and inclusion across our global community.

Additional information is available [here](#).

Register Now for FFA U 1.0: EMEA

March 20, 2026



Now in its second year, FFA University 1.0 returns to London! Join the Fund Finance Association for this comprehensive two-day fund finance training program, offering a comprehensive look at the fund finance market through expert-led sessions on core products, legal and documentation considerations, market dynamics and key industry developments.

Event Details

- Cost: £399
- Dates: April 28 & 29, 2026
- Format:
 - Day One – April 28: In-Person Training & Networking Reception
 - Location: Deutsche Bank, 21 Moorfields, London, EC2Y 9DB
 - Day Two – April 29: Virtual Training

Day one will conclude with a networking reception, providing an opportunity to continue discussions and connect with peers and speakers. Speakers will be announced soon.

View the agenda [here](#) and register [here](#).

Fund Finance Hiring

March 20, 2026

Fund Finance Hiring

Here is who's hiring in fund finance:

Cadwalader, Wickersham & Taft LLP is seeking associates with three to six years of relevant experience for its Fund Finance practice in New York, Charlotte or London. Qualified candidates will have experience in syndicated lending, commercial lending, leverage finance, fund formation, CLOs, asset-based lending, NAV financings or acquisition financings. Candidates must possess excellent academic credentials and solid legal experience. Selected candidates will get extensive interaction with preeminent bank, asset manager and lending clients. If interested, [please email Margaret Cart](#).

Stifel is seeking a Director/Managing Director of Fund Banking (Fund Finance). This individual will be the lead business development position for New York City and surrounding northeast geographies and will be focused on building new Fund Banking/Fund Finance business with VC/PE firms and being the senior relationship manager to those firms. Learn more [here](#).

Redding Ridge Asset Management, which was established and seeded by Apollo Global Management, is seeking candidates for a number of roles, including:

An Associate, Asset Backed & Fund Finance Junior Deal Captain. The Structuring & Advisory team is seeking a highly motivated Associate with strong attention to detail to join its expanding team in New York. This individual would work closely with senior team members and other stakeholders to assist in all stages of deal execution. Learn more [here](#).

An Associate, CLO Structuring to join the firm's dynamic Structuring & Advisory team, supporting both its market-leading global CLO issuance business and other platforms within the Apollo ecosystem utilizing securitization technology. Learn more [here](#).

A Rating Advisory Analyst/Associate to work closely with Rating Advisory and Structuring professionals, along with other senior investment professionals, in solving Apollo and Redding Ridge's most challenging capital structure challenges related to credit ratings. Learn more [here](#).

Goldman Sachs is seeking candidates to fill two Vice President roles, including:

A Vice President on the Private Lending Capital Call Financing (CCF) team in London, which is an integral part of the Private Bank's alternative asset lending capabilities. The candidate will evaluate all risk and economic implications of transactions, using strong analytical and technical skills and advise and develop credit solutions for clients that meet their needs and remain within acceptable risk parameters for the Bank. Learn more [here](#).

A Vice President on the Capital Call Financing (CCF) team in New York. This role sits at the intersection of origination, underwriting, and relationship management, supporting private equity and alternative investment sponsors with bespoke subscription finance solutions. The individual will be responsible for sourcing opportunities, structuring facilities, and ensuring disciplined credit execution in partnership with Credit Risk Management and broader Private Bank stakeholders. Learn more [here](#).

BMO is seeking a Vice President, Corporate Banking, FIG Asset & Wealth Managers. The position supports the origination and structuring of corporate lending transactions and coordinates with other products as an integral part of a larger coverage team. The candidate will act as a portfolio manager for the team, providing ongoing management of the lending portfolio. Learn more [here](#).

AB-PCI NAV Lending is seeking a high-caliber team member to drive deal execution and play a key role in other aspects of building a growing fund finance business. The candidate will work in small deal teams on all aspects of credit investing. This individual will play a key role in executing fundamental credit analysis and assessing private equity valuations and sponsor incentives, while collaborating across the broader AB-PCI platform and contributing to fundraising, marketing and process development in an entrepreneurial, business-building environment. Learn more [here](#).

Harneys (Luxembourg) is seeking associates with three to six years of relevant experience for its Fund Finance, Investment Funds and Corporate practices in Luxembourg. Qualified candidates will have experience in one of

subscription finance, NAV financings, leverage finance, fund formation, securitization, or general corporate and commercial matters (including mergers, acquisitions and restructuring). Applications of interest should be sent to Cyrielle Nicolas at cyrielle.nicolas@harneys.com.

Juniper Square is seeking Account Executives in New York, Boston, Chicago and Miami to join the private equity sales team. This team is primarily focused on selling fund administration solutions to PE investment managers. Juniper Square is already one of the fastest-growing administrators in real estate and venture capital and private equity is the company's next area of focus. Learn more [here](#).