

As Seen In

Long Island BusinessNEWS

June 20-26, 2008

WHO'S WHO | in Corporate Law

ALON Y. KAPEN

Farrell Fritz PC



Alon Kapen is a partner in the corporate department at Farrell Fritz PC in Uniondale. Kapen concentrates in corporate securities transactions and regulation and mergers and acquisitions.

Kapen has represented many business enterprises and investors in a range of corporate and commercial matters and transactions including entrepreneurs and early stage companies in the formation of business entities, negotiation of capital raising transactions, compliance with securities laws, incentivization of employees and development of effective corporate governance.

He has also represented private and institutional investors in the ne-

gotiation of various stages of equity, debt and convertible funding transactions and the planning and implementation of exit strategies business; business enterprises and management teams in the acquisition and disposition of companies, divisions and lines of business, mergers, going private transactions, joint ventures and spinoffs; private equity funds and their organizers, managers and advisers in the structuring and funding of venture capital funds, hedge funds, real estate funds and funds-of-funds; and owners of privately-held business in the preparation and implementation of exit strategies.

One of the biggest challenges faced by his public company clients in 2008 will continue to be executive compensation regulation, Kapen said.

"Last year public companies struggled through the first year of reporting under the SEC's new executive compensation disclosure rules," he said. "Just when they thought it was safe, a new piece of legislation was introduced in April by Sen. Hilary Clinton, which would impose significant new limitations on executive compensation including expanding clawbacks under Sarbanes-Oxley, imposing a mandatory shareholder vote on executive compensation and requiring companies to certify the independence of their consultants," he

said. "Not to be outdone, Sen. Barack Obama has indicated his intention to introduce a version of the 'Say-on-Pay' bill passed in the House that would require shareholder approval for executive compensation. Either of these bills should set off alarm bells to anyone who believes that Congress should not be mandating the process by which executive compensation is determined."

Kapen began his career as an associate with Willkie Farr & Gallagher.

Kapen is on the board of governors and a vice president of the LI chapter of the American Jewish Committee; is a member of Dean's Council of the College of Engineering and Applied Sciences at SUNY Stony Brook; is a member of the steering committee for the LI Technology Hall of Fame; and a member of the steering committee of the Epilepsy Foundation of LI.

Kapen earned a juris doctor degree from Cornell Law School, where he was an editor of the Cornell Law Review. He earned a bachelor's degree, cum laude, from Brandeis University.

Farrell Fritz has practice areas in corporate and banking; creditors' rights and bankruptcy; environmental law; health care; labor and employment; land use, municipal and zoning; litigation; real estate; tax; and trusts and estates.