



John A. Eckstein

Director

T: (303) 894-4448

jeckstein@fwlaw.com

For more than four decades, John has advised companies on all aspects of corporate and securities law, particularly acquisitions and dispositions of privately held companies. John counsels technology companies, venture capital funds, investors, investment bankers, financial advisors, financial institutions, and family offices on all aspects of corporate law.

John excels with complex legal structures in entity and project financings. He regularly assists clients in preparing and reviewing all types of disclosure reports for businesses regulated under federal and state securities laws. He tries to digest everything the Securities and Exchange Commission produces and he frequently writes and speaks on securities and finance. Versed in all aspects of corporate finance, he has handled hundreds of transactions and billions of dollars in financings for a range of clients including biosciences, technology, brewing, and energy companies. In each representation, John strives to develop comprehensive knowledge of his clients' companies and industries to create a custom solution that keeps their business goals as the focus.

John also handles offerings in the U.S. capital markets, including initial public offerings, other primary and secondary offerings of securities, exchange offers, tender offers, and private and limited offerings. He provides advice regarding integrated legal strategies for board-level challenges faced by all kinds of companies, and he, himself, also serves on several boards of directors.

Education

J.D., University of Virginia, 1975

M.A. in International Relations, Johns Hopkins University SAIS, 1973

B.A. in American History, University of Iowa, 1970

B.A. in Political Science, University of Iowa, 1970

Bar Admissions

Colorado
Indiana

Practice Areas

Corporate
Mergers and Acquisitions
Public Policy and Governmental Relations
Securities Offerings, Regulation, and Compliance

Sectors

Broker Dealer and Investment Banking
Brewing
Food and Beverage
Software and Technology
Start-Ups and Entrepreneurial Law

Representative Experience

John has done the following, among other things, within the last 5 years:

- Represented a Colorado public power authority in restructuring and sale of \$100 million-plus tax exempt and taxable revenue bonds
- Represented Arizona and Wisconsin owners and companies in sale of shares and assets, including West Virginia refinery, to publicly traded petroleum derivative retailer
- Represented several, unrelated early stage venture capital fund advisers in negotiation, drafting and closing of new Colorado-focused venture capital funds
- Represented several owners in merger of two established law firms
- Represented sellers in stock sale of municipal FOG software company to foreign private equity firm
- Represented seller in asset sale of office furniture retailer as strategic platform company for private equity roll-up
- Represented sellers of family of global patents on product vital to front line soldiers in U.S. Army
- Represented controlling sellers in sale of \$100 million-plus equity interests in seismic technology company
- Represented controlling sellers in sale of \$100 million-plus preferred stock in energy software company
- Represented founding shareholders and management team in sale of regulated financial services business
- Represented publicly-held, regional brewing company in "going private" transaction and sale to new equity owner
- Represented Colorado-based Guatemalan microlender in U.S. private placement of term notes (pro bono)
- Representing wind energy project developer in financing development at site for 200 turbine, 300 MW wind farm
- Represented minority seller of equity in major solar power owner-operator

- Represented medical device manufacturer in cross-border reorganization and refinancing transactions
- Represented purchasers in leveraged acquisition of business providing healthcare software and services to federal, state and territorial governments
- Represented assorted Australian technology companies in establishing U.S. business operations serving the North American mining industry
- Represented adviser in investment adviser registration, formation of Maryland and Delaware entities, and private offering of hedge fund interests
- Served as securities expert witness in fraud litigation involving sale of real estate development in Colorado
- Served as securities expert witness in fraud litigation involving sale of municipal bonds in Colorado

Professional Affiliations

- American Bar Association
 - Business Law Section, 1975 – present
 - Committee of Federal Regulation of Securities, 1982 – present
 - Committee on Legal Opinions, 2005 – present
 - Committee on Private Equity and Venture Capital, 2008 – present
 - Cyberspace Law Committee, 1998 – present
- American Council on Germany, Denver Warburg chapter, 1998 – present
- Association for Corporate Growth, 1998 – present
- Catholic Lawyers Guild of Colorado
 - Board of Directors, 1989 - 2008
- Colorado Association of Corporate Counsel
 - President, 2012 - 2018
- Colorado Bar Association
 - Board of Governors, 2008 - 2010
 - Professionalism Coordinating Council (f/k/a Committee), 1996 - present
 - Chair, 2007 - 2009
 - Real Estate, Banking, and Business Section, 1981 – present
 - Securities Law Committee, 1981 - present
- Colorado Biotechnology-Medical Technology Roundtable
 - Chair, 1983 - 1996
- Colorado BioScience Association
 - Board of Directors, 2003 – 2011
 - Public Policy Committee, 2003 – 2012
 - Co-chair, 2009 - 2011
- Colorado Bioscience PAC
 - Board of Directors, 2009 - 2014
- Denver Association of Business Economists (DABE), 2002 - present
- Denver Metro Chamber of Commerce
 - Public Affairs Committee, 2004 – 2018
- Federal Bar Association- Colorado Chapter

- President, 1986 - 1987
- Joint Institute for Strategic Energy Analysis (JISEA) (NREL)
 - Advisory Board, 2008 - present
- Licensing Executives Society- Denver Chapter
 - President, 1993 - 1999
- National Association of Corporate Directors
 - Member, 2002 - present
- Phi Beta Kappa
- Phi Delta Phi

Community Involvement

- Water For People
 - Board of Directors, 2018 - present
- Better Business Bureau of Denver/Boulder, Inc.
 - Board of Directors, 2013 – 2019
- Brewers Association (formerly Association of Brewers)
 - Member, 1991 - present
- Colorado Advanced Technology Institute
 - Commissioner, Romer appointee, 1990 – 1992, 1992 – 1996
 - Chair, 1991 – 1992, 1992 – 1993
- Foundation of Sacred Art
 - Board of Directors, 2005 - 2008
- Great American Beer Festival and World Beer Cup
 - Board of Directors, 1993 - 1999
- Paltown Development Foundation
 - Board of Directors, 2017 - present
 - Chairperson, 2017-2018
- The Spirituals Project
 - Board of Directors, 2004 – 2006
 - Executive Committee, 2005 - 2006

Recognition

- One of "Top Five Securities Lawyers" in Denver metropolitan area, *5280 Magazine*, 2015, 2016, 2017, 2018
- Catholic Lawyers Guild of Colorado
 - St. Thomas More Award, 2011
- Colorado Bar Foundation
 - Fellow, 2002 - 2012
 - Fellow emeritus, 2012 - present
- Colorado Five Star Wealth Manager
 - Business Investment Advising, 2009 – 2014

Commission on the Legal Profession

- Appointed by Colorado Chief Justice Michael Bender, 2011 - 2014
- Continued appointment by Colorado Chief Justice Nancy Rice, 2014 - 2015
- Martindale-Hubbell "AV Preeminent" rated since 1978
 - 2013- present, Top Rated Lawyer in Technology Law
- Super Lawyer, Colorado
 - Business/Corporate
- Who's Who in American Law
- Who's Who in High Tech in Denver/Boulder