

BEN B. WHITTENBURG

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EXPERIENCE

BISSEX & WATSON, P.C.

Austin, Texas

Of Counsel, February 2013 – Present

- Provided representation on general corporate matters, mergers and acquisitions, and fund structure and formation
- Represented clients in corporate restructurings and capital investments
- Negotiated and drafted software license agreements

LAW OFFICES OF BEN WHITTENBURG

Austin, Texas

Solo Practitioner, August 2008 – December 2012

- Served as outside general counsel for a private equity and hedge fund with over \$500 million under management
- Drafted formation documents and formed a private equity fund and single purpose co-investment funds
- Represented a private equity fund in connection with its investment of capital with various management teams in the oil and gas business; negotiated and drafted operating agreements, management agreements and opportunity agreements with said management teams
- Represented a hedge fund and private equity fund in connection with several private investments in public equities (PIPEs)
- Counseled a private equity fund in connection with several litigation matters and provided oversight to outside legal counsel while participating in mediations, depositions, and settlement negotiations
- Represented various other clients in the formation of investment funds
- Represented a client in connection with the formation of, and transfer of business assets into, an S corporation
- Drafted various other documents including shareholder agreements, articles of incorporation, and LLC agreements
- Counseled investment funds regarding their public and private board responsibilities and duties

BAKER BOTTS L.L.P.

Austin, Texas

Associate, September 2006 – August 2008

- Represented a client in connection with a \$1.5 billion asset sale
- Represented a technology client in its \$53 million merger
- Represented fund of funds hedge fund in connection with its investment of approximately \$125 million with over 15 managers; acted as primary contact and work flow coordinator for this client
- Drafted hedge fund formation documents for a distressed debt fund and a fund of funds hedge fund
- Drafted fund formation documents and formed venture capital fund
- Represented a private equity fund in connection with its investments in special purpose entities; negotiated and drafted operating agreements for the special purpose entities
- Represented institutional investors in connection with PIPE offerings totaling over \$200 million

- Represented a client in connection with the formation of, and a \$50 million investment in, a private limited partnership
- Actively participated in firm recruiting and conducted in-office interviews
- Engaged in other activities associated with a general corporate and securities law practice

VINSON & ELKINS L.L.P.

Austin, Texas

Summer Associate, May 2005 – July 2005

LAW OFFICES OF BROADUS A. SPIVEY

Austin, Texas

Summer Associate, July 2004 – October 2004

- Performed legal research and summarized depositions in preparation for trial
- Drafted motion for summary judgment
- Drafted legal pleadings

KPMG LLP

El Paso, Texas

Senior Associate, September 2000 – July 2003

- Selected during second year of employment to act as “Senior In Charge” for audit of KPMG’s second largest real estate investment trust client
- Developed an audit plan, assigned audit areas to staff, and supervised the performance of the audit while managing engagement deadlines for a client with over \$5.7 billion in assets and operations in over eight countries
- Acted as Senior In Charge for the issuance of two comfort letters in connection with debt and preferred stock offerings for over \$400 million
- Drafted audit opinions, quarterly review reports, engagement letters, management representation letters and financial statements
- Received highest overall performance review rating available, and ranked first among my office peer group in overall job performance every year of employment

CERTIFICATIONS

Texas Law License, 2006; Certified Public Accountant, 2002

EDUCATION

THE UNIVERSITY OF TEXAS SCHOOL OF LAW

May 2006

Doctor of Jurisprudence
High Honors; Order of the Coif

THE UNIVERSITY OF TEXAS AT AUSTIN

May 2000

Masters in Professional Accounting
Bachelor of Business Administration

COMMUNITY SERVICE

THE WORD AT WORK

Amarillo, Texas

Board Member, 2002 – present

- A mission organization focusing on the humanitarian needs of the underprivileged in Belize, Central America
- Helped raise over \$1,500,000 for the construction of a schools, churches, orphanages and a medical clinic
- Mission Trips to Belize (in 1998, 2000, 2003, 2005, 2008 and 2009) – constructed community church, provided medical care to village of 200 people, and supervised youths from an Amarillo children’s home performing philanthropic work in Belize orphanages

INTERESTS

Intramural sports, fishing, skiing, college football, coaching my children