



Financial Services

Financial services is one of the most heavily regulated industries. We help clients navigate the array of federal, state and international laws, including banking regulations, consumer protection statutes, creditors' rights and anti-money laundering rules, to name a few. Our lawyers are dedicated to understanding the industry's complexities, helping clients manage risk, adapting to the rapidly changing domestic and global markets, and adopting innovative solutions for fintech, blockchain, cryptocurrency, and digital payment systems solutions. What is most important to our clients is as important to us: that we provide cross-practice and cross-industry counsel to meet our clients' legal needs and business objectives.

Our team is deeply experienced in handling bankruptcy, workouts, reorganizations, debt restructurings, and creditors' rights matters. We serve a diverse range of clients including:

- Agricultural enterprises and lenders
- Bankruptcy and indenture trustees
- Banks
- Corporations
- Creditors' committees
- Debtors
- Franchisors
- Real estate lenders, lessors and landlords
- Receiverships
- Secured lenders
- Student loan guarantors

Primary Contacts

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■ Unsecured creditors

Our attorneys guide clients through every aspect of financial services law, delivering thoughtful, business-oriented and tailored solutions. We approach each challenge with a commitment to preserving value and achieving optimal outcomes.

Why Choose Us?

Comprehensive Representation: Our attorneys represent diverse parties in financial services matters, from lenders and creditors' committees to receivers, debtors and trustees, offering clients holistic perspectives and well-rounded strategies.

Proven Results: We have a record of achieving favorable outcomes, including recovering millions in fraud cases, resolving complex regulatory disputes, and facilitating high-value asset acquisitions.

Collaborative, Industry-Specific Insight: By integrating our financial services practice with the firm's corporate, real estate, environmental, tax, labor and intellectual property law teams, we provide seamless, industry-specific counsel that addresses the full scope of our clients' needs.

Substantive Areas

Our Financial Services team delivers actionable advice and representation in these critical areas:

Asset Sales & Acquisitions: Representing buyers, sellers, investors, lenders and committees in acquisitions and divestitures of assets in distressed sale situations and in all types of bankruptcy cases.

Bankruptcy, Restructuring & Creditors' Rights: Helping debtors reorganize, pursuing and defending creditor committee rights, and securing favorable outcomes.

Bond Financing: Serving as bond counsel, underwriter's counsel and borrower's counsel in bond finance matters.

Commercial Lending: Representing lenders and borrowers in negotiating, preparing and enforcing complex credit transactions.

Community Banking: Supporting regional banks, their officers and owners with lending, collateral management, operations, compliance, and officer and ownership responsibilities.

Consumer Finance & Regulation: Guiding clients through state and federal compliance and enforcement of consumer protection laws and commercial laws with consumer protection provisions.

Debtor Representation: Serving as debtor's counsel in large and complex bankruptcy matters.

Financial Services Litigation: Pursuing and defending complex financial litigation matters for banks, private equity firms, hedge funds, mortgage companies and other financial institutions, and representing parties in transaction-related disputes

Payment Systems: Counseling and litigation related to gift card programs, credit and debit card programs, direct deposit programs, Automated Clearing House (ACH) matters, negotiable instruments (checks, money orders, drafts and notes) and letters of credit.

Receiverships: Representing lenders in pursuing the appointment of receivers, and representing court-appointed and creditor-driven receivers to manage and preserve distressed assets.



Secured Creditor Representation: Formulating and implementing strategies that maximize our clients' recovery on their collateral and play a significant role in structuring and securing court approval of debtor-in-possession financing.

Unsecured Creditors & Committee Representation: Representing committees and their members in Chapter 11 cases to maximize recoveries to the committee's constituents.

Workout & Restructuring: Representing borrowers, lenders, indenture trustees and other secured and unsecured parties in negotiating and documenting complex debt workouts and restructurings.

Additional Services

We also assist with:

- Environmental law (negotiating settlement of nationwide environmental claims and advice concerning liability)
- Insurance law (regulation insolvency, fraud, coverage claims and negotiating with insurers and co-insureds)
- Intellectual property (advice concerning impact to license agreements)
- Labor law (litigating and negotiating issues involving liability under Employee Retirement Income Security Act, the Worker Adjustment and Retraining Notification Act and union collective bargaining agreements)
- Litigation (complex debt collection litigation and related defense of lender liability claims including securities fraud, Equal Credit Opportunity Act, Racketeer Influenced and Corrupt Organizations Act and Anti-Tying claims)
- Real estate law (sales and leases of nationwide assets, prioritizing liens and restructuring mortgages)
- Tax law (strategize and evaluate minimal negative tax implications related to real estate transactions and labor laws)

Experience

Proven Experience

Our team services clients nationwide with extremely varied needs and challenges. It encompasses complex bankruptcy and creditors' rights matters, as well as other disciplines in which we utilize the firm's experience.

- **Automobile Dealer:** Represented a major automobile dealer in purchasing a financially distressed auto dealership through a foreclosure sale under Article 9 of the U.C.C.
- **Bank:** Represented a bank in a Chapter 11 case regarding a hotel property, including negotiation of agreements for use of cash collateral and a plan of reorganization.
- **Creditors' Committees:** Represented creditors' committees in various Chapter 11 bankruptcies in either negotiating favorable terms for unsecured creditors or in converting the case when reorganization was not in the best interest of the unsecured creditors.
- **Equipment Supplier:** Represented a secured supplier of equipment to a major steel producer in a Chapter 11 bankruptcy. We asserted untested lien rights and a potentially flawed secured position, yet successfully negotiated a near total recovery.



- **Hotel Franchisor:** Represented a hotel franchisor in a Chapter 11 case of a franchisee with several hotels and helped recover all post-petition debts, a satisfactory return on unsecured debt, and new arrangements with purchasers.
- **Indenture Trustee:** Represented an indenture trustee in connection with three North Carolina assisted living projects whose bonds were in default. We assisted the trustee in creating a strategy to market the facilities and generate competitive bidding at auctions.
- **Lender:** Represented a lender in providing debtor-in-possession financing to a group of companies in Delaware Chapter 11 cases. Our client then acquired substantially all of its collateral by credit bidding at an auction of the collateral.
- **Manufacturer:** Represented a computer and electronic products manufacturer as a secured lender in a bankruptcy case in Virginia, pursuing recovery of magnetic resonance imaging (MRI) machines or payment of reasonable value.
- **Preference Defendants:** Represented numerous preference defendants in jurisdictions throughout the U.S. Cases have ranged from small amounts in disputes to multimillion-dollar actions. All cases have been either successfully settled or dismissed.
- **Receiver:** Represented a court-appointed receiver for nine entities whose investment programs defrauded investors and other creditors of more than \$60 million. We assisted the receiver in liquidating assets and distributing proceeds. We commenced fraudulent transfer and other litigation on behalf of the receiver in three states.
- **Receiver:** Represented court-appointed receiver in an SEC securities fraud enforcement action stemming from the Capital Enhancement Club, a Ponzi scheme that affected more than 1,500 investors in the United States, European Union and Australia. Recovered \$10.6 million from parties in the United States, Scotland, Latvia and St. Martin.
- **Restaurant Franchisor:** Represented a quick service restaurant franchisor in the Chapter 11 case of a multi-unit franchisee, including the sale of its units.
- **Service Contract Seller:** Represented the nation's largest retail seller of vehicle service contracts in Chapter 11 bankruptcy proceedings following charges from several states' attorneys general for aggressive marketing and violations of telemarketing rules. The proceedings involved issues related to employee benefits, tax and employment law. Litigation ensued against the two brother owners in the U.S. District Court for the Eastern District of Missouri to recover money they plundered from the company, having spent lavishly on luxury homes, cars, boats and travel. The case was ultimately settled on the eve of the owners' depositions.

Related Areas of Focus

Services

[Asset Sales & Acquisitions](#)

[Bankruptcy, Restructuring & Creditors' Rights](#)

[Bond Financing](#)

[Commercial Lending](#)

[Community Banking](#)

[Consumer Finance & Regulation](#)

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