

# Banking & Financial Services Law

Clark Hill represents a variety of financial institutions, ranging from federally chartered savings and loan associations to national banks, state banks, branches and agencies of foreign banks, bank holding companies, thrift institutions, commercial finance units and conduit lenders, securities firms, investment funds and corporate trust departments, leasing companies, pension plan administrators, insurance companies, large private investors, registered broker-dealers, mortgage brokers, and guarantor organizations. Our services range from the formation of these institutions and their holding companies, to commercial & real estate finance, equipment leasing, litigation, trust department services, regulatory affairs & compliance, mergers and acquisitions, bankruptcy, and lending transactions.

Clark Hill's Banking & Financial Services Practice offers a full range of legal services for arrangers, agents, underwriters, participants, lenders and borrowers. Our team of finance lawyers has extensive experience structuring, negotiating and documenting a wide range of commercial and real estate financing transactions. We are able to successfully address the increasing complexities of financing transactions in today's financial environment. Our significant experience advising both lenders and borrowers in complex, heavily-negotiated transactions is the basis for our solutions-oriented, business-savvy approach to getting deals done. Due to the depth and breadth of our experience, we understand the objectives, perspectives and expectations of all sides of a financing transaction. Our finance lawyers work together as a single integrated team to provide insightful, effective and efficient solutions for our clients at all stages of a transaction. Our team approach extends across our firm's other practice areas, allowing us to provide the seasoned experience necessary to resolve issues and get transactions closed.

Clark Hill has substantial experience representing financial institutions in mortgage fraud cases, both "offensively" in instances where a borrower has misrepresented facts in connection with a mortgage backed loan, and "defensively" where a borrower files a complaint against a bank alleging fraud under federal and state statutes (TILA, RESPA, FDCPA, ECOA), as part of a strategy to negotiate a favorable modification to a loan.

Our firm also has a wealth of experience in the various types of commercial litigation that impact financial institutions, including real estate litigation, Uniform Commercial Code ("UCC") matters, consumer claims, probate and trust matters, leasing, foreclosures, mortgage litigation, contract litigation, construction litigation, and the collection and enforcement of judgments, including extraordinary remedies such as injunction actions involving real estate and other bank collateral, sequestration, attachment and garnishment. We are experienced in questions of lender liability and environmental compliance, as well as the specific requirements for out-of-state and foreign institutions making loans.

In lending transactions, our activities typically involve advising our clients with respect to commercial transactions, project finance matters, preparing the appropriate documentation and concluding large asset-based loans (including construction and permanent financing, letter of credit transactions, and industrial development bonds), term loans, commercial credit facilities, lines of credit and the renegotiation and workout of these transactions. These loans have involved taking collateral in equipment, inventory, and other physical assets. We offer loan structuring advice, and we review and negotiate secured and unsecured loans.

In the bankruptcy arena, Clark Hill represents clients in proceedings in multiple states around the United States and in Canada. Our bankruptcy attorneys serve lending institutions (including banks, savings and loan associations, insurance companies and pension funds) as well as creditors' committees and trustees. The practice includes formal bankruptcy proceedings, restructurings, receiverships and out-of-court workouts.

We are qualified as counsel for the Federal Deposit Insurance Corporation, having represented it (and the now-defunct Resolution Trust Corporation) in a variety of matters, including the investigation and litigation of professional liability claims against former officers, creditors and third party professionals who performed services for the failed savings and loan institutions; evaluating coverage under financial institution bonds and professional malpractice and director and officer liability policies; and assessing the details of complex commercial banking transactions and their compliance with federal banking regulations.



## Banking & Financial Services Leader

**Jeffrey J. Conn**  
+14123942324  
jconn@clarkhill.com

## Banking & Financial Services Director

**Paul C. Mueller**  
+12025522354  
pmueller@clarkhill.com

## Banking & Financial Services Areas of Practice

- Commercial & Real Estate Finance
- Construction Loan Audit Services
- Consumer Financial Services
- Regulatory & Compliance
- Equipment Leasing
- Financial Services Litigation
- Public Finance Law
- Trust Department Services