



Financial Institution Regulatory

Burr & Forman's financial regulatory team provides regulatory advice to financial institutions, as well as their holding companies, affiliates, subsidiaries, boards of directors, and investors. Our clients are located throughout the Southeast and range from large bank holding companies to small community banks.

Our attorneys resolve governance and transactional concerns that include capital standards, securities regulation, the structure of holding companies and subsidiaries, and compliance with all state banking regulations. When banks create or improve their ownership structure, consumer services (including innovative new programs) or lending activities, we help them select the appropriate entity, prepare effective documentation and loan procedures, issue holding company securities, and deal with state banking regulators, the Federal Reserve Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation (FDIC) and state regulators.

We assist clients in a number of areas on the regulatory side including:

Affiliate Transactions

Advise banks concerning transactions with their affiliates pursuant to Sections 23A and 23B of the Federal Reserve Act.

Bank Mergers/Branch P&A Transactions

Assist clients with complex mergers, internal reorganizations, supervisory and other acquisitions, asset purchases and sales (including branch P&A transactions), joint ventures, and controlling and noncontrolling investments in financial institutions. We handle all regulatory issues under the Bank Holding Company Act, Bank Merger Act, and other relevant laws.

PROFESSIONALS

Damon P. Denney
Howard S. Marks
Robert C. Matthews
Mark H. Tyson

RELATED AREAS

Consumer Finance Litigation & Compliance
Financial Institution Disputes

RELATED INDUSTRIES

Financial Services

Financial Institution Regulatory

BSA/AML Compliance

Assist financial institutions with compliance related to the Bank Secrecy Act, the USA PATRIOT Act, and the laws and regulations enforced by the Office of Foreign Assets Control.

Charter Conversions

Assist financial institutions converting from one form of charter to another (e.g., national bank to state-chartered bank or vice versa).

Corporate Governance

Advise financial institutions on board composition, risk management, internal controls, director and officer duties and responsibilities, and other corporate governance matters.

D&O Insurance

Assist financial institutions in the evaluations of their current director and officer (D&O) insurance policies, particularly in light of a changing regulatory environment, and design and implement strategies intended to protect the interests of officers and directors of insured depository institutions.

De Novo Banks/Holding Company Formations

Assist clients who wish to obtain federal or state bank, savings bank, trust, or special purpose charters, federal deposit insurance, or to form holding companies.

Enforcement Actions/Civil Money Penalties

Advise clients on regulatory examinations and related enforcement actions, including board resolutions, memoranda of understanding, consent orders, and prompt corrective action. We also negotiate and implement action plans for resolution of, and compliance with, enforcement actions. In addition, we negotiate the imposition of civil money penalties.

Executive Compensation

Assist boards of directors and compensation committees in the evaluation of incentive compensation plans and compensation packages for their senior executive officers.

Financial Reform Legislation

Evaluate the regulatory and operational consequences of current and anticipated federal legislation to reform the financial services industry and assist clients with Dodd-Frank compliance.

Going-Private Transactions

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Assist financial institutions in evaluating and implementing strategies to eliminate public company reporting requirements.

Golden Parachute & Indemnification Payments

Advise financial institutions with respect to permissible golden parachute and indemnification payments under Part 359.

Insider Lending Issues

Advise boards of directors and senior executive officers regarding compliance with Regulation O.