

Bank & Finance

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Fredrikson's Bank & Finance Group is well positioned to help our clients evaluate and respond to the challenges and opportunities facing banks and other financial services providers. Our attorneys understand how to combine law and business for great solutions.

The principal components of our Bank & Finance practice are:

Mergers & Acquisitions, New Charters & Related Expansions

We have in-depth knowledge of the techniques and issues involved in mergers and acquisitions, including related regulatory and tax considerations. We have worked with clients organizing and chartering new institutions, determining appropriate charter types, forming financial holding companies and bank holding companies, and establishing branches. Additionally, we have helped them start and expand insurance, broker/dealer, trust and other financial services activities.

Regulatory Issues

We provide advice and guidance to financial institutions on federal, state and local laws and regulations that govern financial institutions and their management. Our group has experience with safety and soundness as well as consumer laws, and federal and state agencies' enforcement of those laws through the examination process. We counsel clients on compliance issues and help address examination findings.

Enforcement Actions, Financially Troubled Institutions & FDIC Receivership

The federal and state agencies that oversee financial institutions have extensive powers to compel action by and impose sanctions and penalties against institutions, their officers and directors and other "institution affiliated parties." Fredrikson's Bank & Finance Group, which includes an attorney who formerly served as a senior official at a federal regulatory agency, counsels clients on how to avoid and respond to cease and desist orders, written agreements, memoranda of understanding, civil money penalties and removal actions.

FDIC Receivership Matters

We are experienced in advising clients on bidding on failing institutions and purchasing assets from the FDIC. We help qualify clients with the FDIC, prepare bid packages, negotiate agreements, and monitor failed bank and loss sharing agreements.

Vendor & Customer Contracts

We provide advice on vendor risk management and negotiate core processing and related vendor contracts. We additionally prepare customer-facing contracts such as treasury management services agreements and advise on payments-related matters.

Legislation & Emerging Issues

Given Fredrikson's knowledge of the financial services industry, we are often called upon to provide expertise concerning proposed and pending legislation. As an example, we have worked on Subchapter S legislation and testified concerning privacy legislation. We also work with trade associations and the regulatory agencies to resolve questions raised by proposed and new regulations.

We frequently speak at regional and national banking conferences and write on banking issues. The group's newsletter is a recognized publication providing regulatory updates and planning advice.

Finance

Fredrikson's finance practice includes attorneys who represent both borrowers and lenders in a wide range of transactions, including secured and unsecured commercial loan transactions. Our borrower clients include private equity firms and their portfolio clients, Fortune 500 companies and start-ups.

We represent our private equity clients in financing initial platform acquisitions, as well as subsequent add-on acquisitions and servicing of their loans. For corporate borrowers, we assist with new credit facilities and refinancing of existing credit facilities, making sure our clients benefit from changes in the market while tailoring credit facilities to meet their needs. We are involved from the initial negotiation of the term sheet through closing of single- and multiple-bank facilities, closely-held as well as syndicated loans, first and second lien facilities, leveraged buyouts (LBO) and mezzanine financings, and term loan and revolving facilities. We can assist with letters of credit, cross-border issues and opinion letters.

We have support from tax, Employee Retirement Income Security Act (ERISA), intellectual property, environmental and real estate specialists who review the loan documents to address any potential compliance issues in advance of closing.

Our lender clients include community-based banks, regional and national banks and mezzanine lenders. We represent our lender clients in all stages of a financing transaction which include initial structuring, collateral issues, intercreditor issues, documentation, closing, ongoing aspects of the credit relationship, and eventual payoff (or workout, restructuring or collection action). We also work on transactions involving single lenders, club deals and syndicated credit facilities.