

Financial Services

Litigation, Regulation
and Enforcement

STROOCK

No matter the challenges that our clients face in the financial services sector, our team—which includes lawyers with decades of financial services experience, as well as former senior government officials, prosecutors and in-house counsel at global financial institutions—has the expertise and knowledge to provide guidance on high-stakes disputes and cutting-edge solutions related to litigation, regulatory and enforcement developments.

Built on the combined strength and national reputation of our litigation and regulatory team and our deep roots in the financial sector, we help financial institutions, boards of directors and audit committees, as well as individual senior officers and directors, win cases, mitigate risks, comply with regulations and defend against enforcement actions.

With our counsel, our clients have prevailed in hundreds of cases before judges, juries and appellate courts across the country and before every U.S. regulator that oversees the financial services industry, including the Consumer Financial Protection Bureau (CFPB) and prudential banking regulators, the Securities and Exchange Commission (SEC), the Department of Justice (DOJ), the Financial Industry Regulatory Authority (FINRA), the Commodities Futures Trading Commission (CFTC), the Public Company Accounting Oversight Board (PCAOB), State Attorneys General and other regulatory agencies.

CONSUMER FINANCIAL SERVICES DEFENSE

Stroock has achieved national prominence in the defense and settlement of individual and class actions routinely brought against consumer financial services companies. Our clients include, among others, commercial and consumer banks, credit card issuers, residential lenders, automobile finance companies, student lending companies, credit reporting agencies, payment processors, investment banks, e-commerce companies and insurance companies. Our litigators have defended and settled, including through innovative settlement structures, hundreds of class actions, addressing a wide range of issues. We have argued three times before the California Supreme Court as lead counsel on issues of critical concern in connection with the defense of consumer class actions and routinely appear before federal and state appellate courts across the country.

Representative Clients

Our litigation and transactional clients include the nation's top financial companies:

AIG	Discover	McKinsey & Co.
Allianz Asset Management	First Data Corp.	Mesa West Capital
American Express	Fortress Investment Group	Oaktree Capital
Arch	Franklin Mutual Advisers	Och-Ziff Capital Management Group
Arrowood (formerly Royal) Indemnity Company	Goldman Sachs	PayPal
BMW Financial Services	Grant Thornton	PricewaterhouseCoopers
Chubb	HSBC	RCG Longview
CIT	JPMorgan Chase	Rialto Capital Management
Citigroup	KeyBank	TPG Capital
CohnReznick	Ladder Capital	TransUnion
Credit Suisse	Liberty Mutual	Wayzata Investment Partners
Deutsche Bank	Loeb & Troper	

REGULATORY COMPLIANCE & ENFORCEMENT ACTIONS

With a team that includes former high-level enforcement officials and regulators, our clients leverage our extensive industry knowledge to help develop and maintain pragmatic internal compliance systems, identify risks, and create and implement policies and procedures to address the ever-expanding range of regulatory requirements. Deep insights into the regulatory and political framework, combined with our long relationships with industry leaders, enable our team to craft comprehensive strategic solutions to meet our clients' regulatory challenges and business goals. We have extensive experience representing parties on regulatory matters, including both routine and targeted inspections and inquiries by the CFPB, OCC, FTC, SEC and other federal and state regulators. We guide clients through regulatory examinations, respond to regulatory inquiries, draft responses to investigative demands and deficiency letters and, when necessary, defend them in enforcement actions. Our experience also includes effective advocacy in legislative and rulemaking proceedings and negotiation of major financial services settlements with federal and state agencies in the wake of the Dodd-Frank Act and the National Mortgage Settlement.

Stroock has experienced litigators who concentrate on defending financial institutions in connection with consumer class actions.

Chambers USA

FINANCIAL TECHNOLOGY

As the use of technology by financial services companies rapidly evolves, Stroock is uniquely situated to leverage our deep experience in the industry and familiarity with online and mobile platforms to provide guidance across the full spectrum of issues. Among other things, we advise our clients on legal and regulatory compliance issues unique to FinTech, including all aspects of marketing, origination, contracting, delivery and servicing of financial products on online and mobile platforms. Besides seeking our advice on the launch of new initiatives, our clients also call upon us to defend against regulatory enforcement actions and consumer disputes, as well as intellectual property-related issues, relating to FinTech innovations. Our attorneys have a deep understanding of the regulatory context in which these disputes arise, including extensive experience representing clients in dealings with the CFPB, OCC, FTC, DOJ, State Attorneys General, and other state and federal regulatory agencies regarding FinTech issues.

INTERNAL INVESTIGATIONS

Stroock has extensive experience conducting internal investigations relating to a variety of regulatory matters. We conduct sensitive and complex investigations relating to, among other matters, public company accounting practices, insider trading, Foreign Corrupt Practices Act and anti-bribery/anti-money laundering compliance, consumer fraud, and sales and trading compliance. We also have deep experience conducting investigations in response to putative whistle-blowers. We regularly counsel our clients regarding potential self-reporting obligations.

SECURITIES & COMMODITIES

Financial companies and their officers and directors turn to us for advice on class action and individual litigation, as well as enforcement actions, arising under the federal securities laws, federal commodities laws and regulatory matters involving virtually all traded commodities and the instruments through which they are traded worldwide. We have extensive experience representing leading investment funds and fund managers in disputes involving enforcement and default issues in the financial markets, alleged breaches of duty, contentious

regulatory issues, investigations and reputation management. We frequently represent clients in investigations and inquiries before government agencies and self-regulatory organizations, including the CFTC, the SEC, the National Futures Association, FINRA and the various exchanges.

DIRECTORS & OFFICERS

Drawing on our unique combination of litigation resources and experience, our lawyers have played a central role in numerous multi-state litigations and regulatory investigations involving financial institutions, and their officers, directors and employees. We have successfully handled numerous shareholder class actions, shareholder derivatives actions, bankruptcy adversary proceedings, and administrative and judicial enforcement actions brought by the various state and federal financial institutions' regulatory agencies. Our attorneys also have experience in insurance coverage and disputes, including relating to directors and officers.

ASSET MANAGEMENT

Our attorneys regularly counsel investment management clients in addressing new regulatory challenges and defending them in all phases of litigation and regulatory enforcement action. We represent many of the largest and most prominent industry participants as well as smaller entities and individuals. We work closely with our clients to develop practical business-oriented solutions that avoid and minimize exposure to regulatory liabilities. Our experience includes: successfully extricating clients from potential lawsuits; litigating disputes to provide a strategic advantage; negotiating favorable settlements that directly impact the bottom line; and advising leading investment funds and fund managers in disputes involving enforcement and alleged breaches of duty and regulatory issues.

BROKER-DEALER LITIGATION

Stroock represents broker-dealers, investment banks, private equity funds and investment advisors in civil litigation, arbitration and regulatory matters. In addition to our extensive trial experience, we have arbitrated cases to conclusion in matters involving state and federal securities laws, fraud, negligent misrepresentation, breach of fiduciary duty, elder abuse and unfair business practices. We also represent firms and associated persons in connection with a wide range of SEC, FINRA and state investigations and regulatory proceedings. With our specialized knowledge of SEC and FINRA enforcement programs and our credibility with regulatory staff, we are well-positioned to obtain favorable results for our clients.

RELATED PRACTICE AREAS

Accounting and Auditor Liability Defense

We have a deep understanding of the legal issues that arise in cases involving audit and accounting clients, as well as a broad knowledge of the audit process and professional auditing standards. This knowledge allows us to develop creative and cost-effective approaches to resolve them. Our litigators have significant experience representing clients faced with claims of malpractice, misrepresentation, fraud and other professional misconduct. We are known for our ability to try cases to successful conclusions, deal effectively with government regulators and reach reasonable, favorable resolutions of matters when appropriate. We also have extensive experience representing auditors, accounting firms and their employees in a broad range of matters involving the SEC, the DOJ, the Public Company Accounting Oversight Board and before State Attorneys General.

Financial Restructuring/Bankruptcy

Stroock's Financial Restructuring Group is best known for representing sophisticated groups of financial institutions in their roles as creditors, equity holders and new money investors/lenders in large, complex restructuring and troubled company mergers and acquisition transactions across every industry sector. We provide a full-service, hands-on approach, where core restructuring, corporate, finance, regulatory, litigation and tax matters related to the hostile or consensual restructuring/acquisition of a company are personally led by Financial Restructuring partners

and handled seamlessly across numerous groups. Our primary client base in this regard is the hedge fund, private equity and money-center bank community. We also regularly represent middle-market corporate debtors in formal chapter 11 proceedings and out-of-court restructurings and are known as one of the few groups in the country with a specific expertise in the interplay between insolvency and commodities and derivatives.

Our Financial Services Litigation, Regulation and Enforcement Group augments the Financial Restructuring Group in providing litigation and regulatory support in a variety of contexts. These matters range from assessing the regulatory environment for certain industry segments, to performing regulatory due diligence for individual companies, to advising on issues arising out of both transactions or collateral involving consumers who may enter bankruptcy and those concerning consumer-facing companies considering, entering or in bankruptcy, to defending these companies in related litigation.

ERISA

Stroock's ERISA Group has extensive experience in all planning, drafting, operational, compliance and transactional aspects of ERISA, employee benefits and executive compensation. Our attorneys have a broad range of experience on issues encompassing the fiduciary responsibility, prohibited transactions, qualification and funding requirements of ERISA, tax (including Section 409A and Section 457A), securities law (including Section 16 and proxy disclosure and other related matters), stock exchange and corporate governance requirements. This enables us to provide comprehensive advice and practical solutions to our clients' needs.

About Us

For more than 140 years, Stroock has been firmly committed to helping our clients achieve their business goals. Every day, we dedicate ourselves to delivering exceptional advice and accomplishing outcomes that support our clients' objectives. We are a team of 300 transactional, regulatory and litigation lawyers who work with some of the world's most prominent organizations. We serve leading financial institutions, multinational corporations, investment funds and entrepreneurs throughout the United States and abroad from our four offices—New York, Los Angeles, Miami and Washington, D.C.

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