

# BUCKLEY

## Private Banking Practice

Private banking in the U.S. has moved into an era of regulatory oversight, enforcement risk, and litigation exposure far beyond what the industry has experienced in the past. Regulators are devoting more time and resources to scrutinizing this corner of the financial services market, where clients demand exclusivity and discretion.

Private banks must balance customized product and service offerings and superior client service to high-net-worth individuals with obligations under federal and state consumer protection laws. Our attorneys understand the pressures that private banks face, and offer grounded and practical solutions to help them meet compliance obligations and sustain a competitive business model.

Buckley also provides tactical guidance on how to structure the commercial, institutional, and general business processes of private banks to meet the needs of high-net-worth and institutional clients. Our attorneys have the experience and industry intelligence to help private banks achieve their business goals, whether the objective is to acquire, merge, or develop strategic partnerships.

Our work in private banking includes:

- Providing regulatory and compliance training to boards, executives, and legal and compliance professionals
- Structuring Community Reinvestment Act loan programs, negotiating origination agreements with other institutions in target markets, conducting readiness reviews for CRA exams, developing strategic plans, and preparing regulatory responses to potential CRA rating downgrades
- Preparing for and managing exams by the Consumer Financial Protection Bureau, federal prudential banking regulators, and other federal and state regulators, as well as responding to exam findings and requests for corrective action
- Developing, evaluating, and overseeing lending compliance programs, including statistical monitoring analysis, qualitative risk assessments, minority-market outreach strategies, and special purpose credit programs
- Structuring and negotiating various strategic partnerships, including those involving outsourced service providers and technology solutions in the loan

## manufacturing process

- Defending private banks in pre-enforcement inquiries and enforcement investigations stemming from redlining and other fair-lending claims
- Developing solutions to complex regulatory hurdles that account for the level of client service fundamental to the private-banking model
- Counseling banks on requirements and restrictions imposed by key safety and soundness regulations that establish rules for tying arrangements (Regulation Y), extending credit to insiders (Regulation O), securities-based lending (Regulation U), and transactions with affiliates (Regulation W)
- Structuring loan products that comply with the obligations of the Truth in Lending Act and Regulation Z
- Assisting clients in designing, maintaining, reviewing, and monitoring Bank Secrecy Act/Anti-Money-Laundering compliance programs, and defending clients in related enforcement investigations
- Designing debt collection protocols consistent with state and federal regulatory requirements and with the client's strategic objectives
- Helping clients develop and implement compliance-management systems and vendor-management programs
- Advising on cross-selling, incentive compensation structures, and marketing initiatives for products and services
- Advising on complex vesting structures in connection with high-net-worth clients.