

Alternative Lending & Other Non-Bank Financial Services

Our clients spearhead
the future of finance



Whether you are seeking to

- build a peer-to-peer lending platform
- develop an online lending presence
- offer non-traditional finance products like income-based repayment loans (IBRs) or income share agreements (ISAs)
- develop a multi-state lending platform
- secure investment and develop special purpose entities

our team works with you and provides legal advice to help get deals done, get products built and to market, and to stay compliant with federal and state laws.

We help clients manage

- Capital investment strategies
- Development of effective and usable policies and procedures
- Expansion strategies
- Federal and state compliance
- Investment due diligence
- Marketing strategies
- Multi-state licensing strategies
- Outside and regulatory audits
- Regulatory responses and corrective action plans
- Structural questions
- Third party investors

Interdisciplinary team

- Former in-house counsel for national financial institutions

Related Practice Areas

Banking & Financial Services

Blockchain & Digital Currency

Commercial & Syndicated Lending

Corporate & Securities

Cybersecurity & Data Privacy

E-Discovery - Encompass

E-Discovery & Information Governance

Emerging Growth & Venture Capital

Financial Institutions
Corporate & Regulatory

Financial Services Advisory

FinTech

Government Relations

Intellectual Property

Investment Management

Litigation

Payments & Digital Commerce

Private Equity

Real Estate

Real Estate Capital Markets

Securities Offerings

Tax

- General counsel and compliance officer for crowdfunding and startup investment company
- Broad experience in payday lending, consumer unsecured lending, title lending, peer-to-peer platforms, and income share agreements
- Compliance and regulatory teams
- Investment and emerging growth teams
- Former bank and SEC staff
- Privacy and cybersecurity attorneys that have handled some of the nation's largest data breaches
- Real estate, finance, and tax perspectives
- Litigators to anticipate issues and tackle disputes

[Tax Lien Resolution & Litigation](#)

Related Industries

[Banking & Financial Services](#)

[Technology](#)

Our clients span the financial services sector

- Global, national, regional, and community financial institutions
- National, regional, local banks
- “Brick and mortar” to large, online, virtual lenders
- Online consumer, installment, and payday lenders
- Technology driven banks and lending subsidiaries
- B2B and P2P lenders
- Investors in income share agreements
- Peer-to-peer lenders
- Other non-bank financial institutions
- FinTech equity and debt investors
- Institutional and emerging growth investors
- Litigation settlement finance companies
- Commercial factors and special finance

Explore the alternative finance possibilities – whether you are an emerging FinTech company or a traditional financial services company

Alternative finance is changing the financial services landscape. Traditional lenders must now compete with an ever-broadening array of alternative sources of finance. This is an opportunity for new, emerging FinTech companies and an opportunity for traditional financial services companies to expand, stay relevant, and stay competitive. We work with clients on solving specific use cases and developing creative, compliant products to meet their market needs.

Our alternative lending team advises and works with you to

- **Acquire and dispose of portfolios** – including single and large portfolios of loans or other financial instruments

- **Advise and defend against claims of shadow banking** – including “true lender” and rent-a-charter allegations
- **Advocate for legislative and regulatory change** – that provides clarity to emerging fields of finance that does not “fit” traditional ending regulations
- **Coordinate the defense** – of regulator or attorney general investigations
- **Defend challenges** to product offerings by regulators or borrowers
- **Defend Fair Credit, Fair Debt Collection Practices Act**
- **Defend unauthorized practice of law claims** – for tech-focused and online lending companies
- **Develop growth strategies** – that position companies for investment and capital raising
- **Develop new products** – that solve unique market needs not served by traditional lenders
- **Develop responses to regulators** – questioning a product or demanding corrective action plans
- **Develop third party vendor due diligence strategies** – for partners and service providers
- **Conduct due diligence** – on companies that are the target of investments
- **Enforce claims** – against originators, servicers, and lending partners
- **Evaluate risks** – of product designs or finance strategies
- **Explore the bounds of finance** – including working on legislation and regulations for new products and product classes
- **Fund emerging technologies** – through equity or debt offerings
- **Prepare for audits and examinations**
- **Protect innovation** – through intellectual property strategies
- **Respond to CIDs** – and complaints involving the CFPB
- **Review marketing and advertising materials** – for compliance and clarity
- **Securitize portfolios** – including developing marketing, investment, and transfer strategies
- **Stay compliant** – with federal and state lending laws including: ECOA, EFTA, E-SIGN, FCRA/FACTA, FDCPA, FHA, GLBA, HMDA, HOEPA, RESPA, and TILA
- **Stay current** – with regulatory developments from banking regulators, state regulators, the Consumer Financial Protection Bureau, and the Department of the Treasury / FinCEN
- **Structure investments** – including the creation of special purpose entities or investment vehicles to participate in AltFinance companies
- **Structure products and partnerships** – to take your company from an emerging growth company to a nationally competitive AltFinance provider
- **Test security and data integrity** – to comply with privacy, cybersecurity, and E-Sign regulations

Why Nelson Mullins?

- Practical business mindset
- Experience across a wide spectrum of AltFinance models
- Multi-disciplinary team
- Cost efficiency and budget predictability
- Virtual deal team roles and experience
- Industry experience with lenders, investors, servicers, and other firms

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Addressed regulatory issues associated with open-end credit replacement of existing consumer receivables using an acceptance through payment model
- Addressed choice of law and state regulatory compliance for one of the nation's largest online, mail-based pawn shops
- Advised client on fifty-state regulatory strategy during investment due diligence by one of the world's largest investors
- Assisted large, multi-state lending client in data breach response
- Conducted due diligence for investment in one of last surviving Delaware open-end loan lenders
- Created dealer agreements for one of nation's largest sub-prime auto finance companies
- Developed an innovative, E-Sign compliant, tablet-based platform for pre-qualifying and signing loans for one of the largest auto finance entities in the United States
- Developed a corrective action plan for state-licensed lender offering pre-settlement litigation finance in light of regulatory rulings
- Developed a fifty-state expansion strategy for regional bank seeking online, national presence
- Developed a fifty-state expansion strategy for ISA provider through meetings with state banking regulators and attorneys general
- Developed a FOIA-based strategy to investigate actions by regulators targeting "Operation Choke Point" industries
- Developed a healthcare receivables finance strategy with client looking to expand across southeast United States
- Developed a multi-state expansion strategy for a California Pilot Program lender looking to use model in other states
- Developed secondary consignment lending mechanism for third party finance of manufacturers
- Enforcement of claims against dealers and originators for one of the nation's largest sub-prime auto finance companies
- Helped pioneer the development of Income Share Agreements ("ISAs") with investors
- Immediate response to consumer credit card data breach including investigation, notification, and corrective action plans

- Supervised domestic regulatory compliance for worldwide commercial vehicle finance company
- Worked with client to develop a self-sustaining educational lending platform that included multi-state product builds, partner contracts, compliance reviews, and work with regulators