

Financial Services Advisory

Knowing the regulatory landscape where you do business



When you need to

- prepare for a regulatory audit or examination
- respond to an investigative demand
- adopt or consider updated compliance measures
- defend against state or federal regulatory action
- have seamless representation across the spectrum of everyday issues in the financial services marketplace

our financial services advisory group helps solve your particular needs to enable ongoing business in the face of regulatory attention.

Knowledge matters

The firm has deep experience across the industry and 30+ years of knowledge from lawyers familiar with the regulatory environment. We have helped clients with inquiries related to

- Loan origination practices
- Servicing practices
- Foreclosure practices
- Debt collection practices
- Lender insurance-related operations
- Alleged bankruptcy stay and discharge order violations
- Attorney General investigations and *parens patriae* actions
- Attorney selection procedures
- Affiliated business challenges
- State Consumer Credit Code inquiries
- The alleged unauthorized practice of law (UPL)

Related Practice Areas

Alternative Lending & Other Non-Bank Financial Services

Banking & Financial Services

Commercial & Syndicated Lending

Consumer Financial Services

Corporate & Securities

Cybersecurity & Data Privacy

E-Discovery - Encompass

E-Discovery & Information Governance

Emerging Growth & Venture Capital

Financial Institutions
Corporate & Regulatory

FinTech

Government Relations

Intellectual Property

Investment Management

Litigation

Payments & Digital Commerce

Privacy & Data Management

Private Equity

Real Estate

Real Estate Capital Markets

- Intersection of law and technology
- State regulatory examinations and enforcement
- DOJ and US Attorney investigation responses
- CFPB CID and complaint responses
- FDIC, OCC, OTS, and Federal Reserve inquiries

Team brings big picture and micro-level perspectives

- 50 + attorneys across 14 offices admitted to practice in AL, CT, DC, FL, GA, KY, MA, MD, ME, MI, NC, NH, NY, PA, RI, SC, TN, VA, and WA
- Team includes former prosecutors, SEC regulator, and bankruptcy trustees
- Problem solving mindset- addressing tough questions with creative thinking
- Experience handling a variety of matters enables both big picture and micro level consideration of developing issues

Providing guidance for new or old problems

Our financial services advisory group provides guidance on regulatory investigations, enforcement actions, and internal compliance measures. Our clients include:

- National Banks
- Non-bank Mortgage Lenders
- Online Lenders
- Small dollar lenders
- Mobile Home Lenders
- Regional Banks
- FinTech
- Auto Finance Companies
- Student Loan Lenders and Servicers
- Small Business Lenders
- Payday and Title Lenders
- Mortgage Brokers
- Mortgage Loan Originators
- Lead Aggregators
- Debt Collectors
- Loan Servicing Companies
- Online Legal Document Preparation Providers
- Title Companies
- Settlement Service Providers
- Vendors

[Securities Offerings](#)

[Tax](#)

[Tax Lien Resolution
& Litigation](#)

Related Industries

[Banking & Financial
Services](#)

Focused leadership

The Group's leadership helps clients focus and manage the challenges that often arise when the state or federal regulators turn their attention to the core business. Our attention to the industry's ever-changing environment enables the group to collaboratively serve you while managing an effective response to the regulatory or investigative matter. We focus on the endgame – compliance and a competitive business.

Our attorneys see the field and help clients, enabling clear communications with investigators, thoughtful responses, and strategies aligned with business objectives

- Resolve licensing and operational issues with federal and state regulators
- Negotiate resolutions to regulator adverse actions
- Contest regulator actions
- Evaluate current practices to develop compliant systems, especially for unique legal or factual situations
- Survey laws in 50 states to identify efficient and effective compliance strategies

Why Nelson Mullins?

- Concentration on identifying systemic issues
- Client-oriented collaboration to understand business priorities and compliance needs
- Extensive, up-to-date litigation and negotiations experience, including over the past several years
 - 900+ cases for 2 national bank clients
 - 85+ consumer cases for national mortgage loan servicer
 - 500+ collections claims cases in 20+ states (since 2009)
 - 100 matters for national manufactured housing lender and affiliates
 - 30 cases for online mortgage lender

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.

Complex Financial Services Litigation Defense with Regulatory Interests at Stake

- Represented major financial institution in two related qui tam actions brought by a relator involving claims arising from robo-signing; action involved 25 other lenders, servicers, and default service providers in addition to our client and claims that lenders robo-signed numerous loan transaction documents in an effort to defraud consumers and misrepresent the status of debt assignments
- Defense of online mortgage lender and title company in 3-week trial involving unauthorized practice of law allegations brought in the original jurisdiction of the state supreme court
- Represented an online mortgage lead aggregator in litigation brought separately by 16 local prosecutors in South Carolina, alleging that the client's electronic and internet-based business did not comply with South Carolina laws regarding mortgage broker form requirements
- Served as counsel for a national lender in negotiations with the North Carolina Attorney General for the North Carolina portion of a nationwide settlement
- Defended a large corporate taxpayer that was sued in a class action brought by the state, the state department of revenue, and taxpayers who alleged that plaintiffs had failed to receive one percent sales tax exemption as a result of the action or inaction of defendants
- Representation of a number of witnesses in nationwide DOJ investigation related to mortgages

Investigative Inquiries

- Advice in dealing with the Consumer Financial Protection Bureau in responding to individual consumer complaints, in bureau interviews, and assisting in responding to investigative demands
- Regularly negotiate and resolve matters with the state Attorneys General, Boards of Financial Institutions, and Departments of Consumer Affairs

Licensing and Internal Corporate Compliance Measures

- Prepare for state or national licensing and resolve issues to allow clients to operate in jurisdictions
- Advise national manufactured housing lender on internal audit procedures for bankruptcy claims filings in connection with defense of a putative class action and over 30 adversary proceedings regarding allegations related to simple interest loan calculations
- Assist multistate vendors and service providers with compliance with unique state law issues in financial transactions, including potential unauthorized practice of law