

Regional Banking

Related Industries

Financial Industry Group

Overview

For more than 60 years, the lawyers of Dykema have helped banks and financial institutions throughout Texas grow profitably while serving businesses and their communities. With a team that includes a past president (and current board member) of the Texas Association of Bank Counsel, and the long-time General Counsel to the Independent Bankers Association of Texas, we not only understand the state's banking laws, we played a major role in shaping them.

Because the banking laws in Texas are among the most complex in the country, financial institutions conducting business in Texas rely on us for guidance. We don't just know the law, we provide solutions to regulatory concerns—and because our lawyers have had a key role in drafting many of the state's banking statutes, we fully comprehend their application as well as their implications in any given situation.

Our working relationships with both state and federal regulators translates to effective assistance to banking clients with such important matters as mergers and acquisitions, regulatory compliance and restructuring, as well as cross-border banking issues between the U.S. and Mexico. Large multistate financial institutions, Texas-based financial institutions with assets ranging from several million dollars to many billions of dollars, and community banks alike know that Dykema can handle their legal needs anywhere in Texas.

Some of the services our Texas banking team provides are discussed below.

Mergers and acquisitions

Dykema banking professionals have handled many acquisition transactions for banking clients; helped other clients sell, buy and merge with financial institutions; assisted financial institutions to acquire insurance agencies and leasing companies; and facilitated FDIC receivership acquisitions. In addition to compliance with relevant Texas laws in the purchase, sale or merger of a banking operation, we handle regulatory issues under the Bank Holding Company Act, Bank Merger Act, Change in Bank Control Act, and many other applicable federal statutes, including those required by the Federal Reserve Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Texas Banking Commissioner and any other federal and state regulators.

Formations and capital raising alternatives

Our Texas banking lawyers regularly handle the formation and chartering of financial institutions. We have obtained opinions from federal and state bank regulators on institutional charters while playing key roles in financial institution conversions to S Corporation status.

Our lawyers also handle the full gamut of capital raising alternatives for financial institutions, from private placements and public securities offerings to participating in the U.S. Treasury Department's Capital Purchase Program.

Regulatory compliance

From the Fair Housing Act, Equal Credit Opportunity Act, antitrust considerations, the requirements of the Bank Secrecy and USA PATRIOT Acts, to the host of technical banking regulations from A to DD, our lawyers understand the federal regulatory regime and help keep our clients in compliance.

Our lawyers also have deep experience with the Dodd-Frank Act and advise and strategize with our bank clients regularly on how to comply with new laws and regulations that are issued.

Our lawyers also have represented clients before the CFPB, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, U.S. Department of Treasury, and the Securities and Exchange Commission, as well as with the Federal Trade Commission and HUD.

At the state level, when bank examinations by the Texas Departments of Banking and Savings and Mortgage Lending raise regulatory compliance issues about day-to-day operations, we develop creative strategies that help maintain competitive advantage while complying with fiduciary responsibility to safeguard financial security.

Operations and payments

As banking becomes less about brick and mortar facilities and more about innovative techniques for handling payments, Dykema attorneys have stayed in the forefront of developments. Our experience with electronic and mobile payments, innovative stored value card programs, and the myriad state and federal laws and regulations relating to these enables us to provide comprehensive representation to financial institutions and their vendors.

Commercial Lending

Our lawyers have a clear understanding of how to protect the lender's interests within a borrower's comfort level on a wide range of lending transactions, including revolving loans, term loans, revolving and term-loan packages, multiple borrower transactions, loan participations, acquisition loans, letter of credit facilities, and special purpose loans. Because these transactions can be used for many different purposes—merger and acquisition funding, recapitalization, investment syndication, asset purchases and leases, standby letters of credit, and more—we help our clients meet all the requirements of the Uniform Commercial Code to ensure proper collateral protection in the event of default or bankruptcy.

Public policy

We represent the interests of banks and financial institutions as legislative and administrative policies governing them are formed. Our extensive contacts within the Independent Bankers Association of Texas, the Texas Association of Bank Counsel and the Texas Bankers Association, as well as our involvement in various Banking Task Forces of the Texas Department of Banking, mean that Dykema is in the forefront of all regulatory developments in the state of Texas. And because our banking team includes registered lobbyists, we can effectively make our clients' views known as new banking laws are developed in the Texas Legislature.

We monitor legislative and regulatory developments that concern the industry, draft legislative and rulemaking proposals, and provide legal and technical support so that our clients can effectively comment on proposed legislation or regulations. Using state and federal rule-making experience, we often propose changes to agency regulations and prepare comment letters on proposed agency rulemakings, including novel legal interpretations to enable our clients to offer new products and services.

Publications

"High Court Could Settle Preemption Questions For Banks"

September 6, 2018

Law360

Is Your Website ADA Compliant? Plaintiffs' Lawyers Want to Know

January/February 2017

The Texas Independent Banker