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Contested Administrative Proceedings and Litigation: Banking

Pryor Cashman's Banking and Financial Institutions Groups represent financial institutions and institution-affiliated parties, including bank directors, officers, controlling shareholders and others who participate in the affairs of depository institutions, before the various federal and state bank regulatory agencies in a wide variety of matters. The services we provide include negotiating formal and informal agreements with these agencies as well as appearing on behalf of clients in contested administrative proceedings before administrative law judges.

We also appear in federal and state courts in connection with a broad variety of government enforcement actions brought against our clients. Examples of the services we have rendered to our clients in this area include:

- Appealing the denial of change-in-control or bank merger applications
- Contesting civil money penalties sought to be imposed for alleged violations of cease-and-desist orders, removal orders, written agreements with the agencies, the Bank Secrecy Act, the Patriot Act or other statutes or regulations
- Contesting temporary or permanent removal or bar orders
- Challenging the issuance of orders to cease-and-desist for purported unsafe or unsound practices or for alleged violations of laws, regulations or capital directives
- Representing bank directors and officers in litigations brought by the Federal Deposit Insurance Corporation alleging breach of fiduciary duties and related claims

Our recent representations include:

- Dual intra-agency appeals of the component ratings (CAMELS) of a state-chartered institution and its holding company resulting in significantly higher composite ratings and the elimination of a threatened cease-and-desist order
- Successful appeal of the CAMELS ratings assigned by the OCC to a national bank resulting in the removal of the prior examination team assigned to the institution
- Defeating OCC attempts to levy civil money penalties against directors and officers of a national bank for alleged violations of the Bank Secrecy Act, unsafe or unsound practices and breaches of fiduciary duty
- Repelling an FDIC effort to impose a cease-and-desist order against a state-chartered bank by successfully advocating for a re-characterization of balance sheet assets and application of the appropriate accounting treatment for Tier 1 capital ratios

- Obtaining a \$25 million judgment in favor of Deep Woods Holdings LLC in its action against the Savings Deposit Insurance Fund of the Republic of Turkey in the U.S. District Court for the Southern District of New York for failure to deliver the shares of a state-chartered bank subject to an option held by Deep Woods

To read more about some of our recent litigation matters, please [click here](#).