

FinTech, Payments & Financial Products

Our team at Stinson LLP provides regulatory, licensing, compliance, transactions, enforcement and operations advice in the FinTech industry. We help bring new technologies to market and counsel FinTech companies—from startups to Fortune 500 corporations, as well as traditional banks, bank service providers and lenders—on the design and implementation of innovative products and services, including how to leverage partnerships with third parties.

Our attorneys apply their deep understanding of consumer and commercial financial products and services, payment networks and processing systems and financial technology to represent bank and non-bank financial services providers. We regularly advise companies regarding various federal and state licensing requirements and registrations to support their financial products and services or exemptions therefrom, and handle the license application process on a national scale. Further, we advise a wide range of companies, as well as domestic and multinational financial institutions, from retailers, traditional lenders, money transmitters, technology companies and platforms, cryptocurrency exchanges and payment processors, on the increasingly complex regulatory landscape for launching and operating consumer and commercial financial products and services.

FINTECH

At the intersection of financial services and technology, Stinson is uniquely positioned to provide advice on all aspects of the FinTech sector. Our deep bench of banking, financial services and capital markets attorneys have a long-standing reputation of being the trusted advisors to financial institutions of all sizes across the country. Stinson is also a recognized leader in venture capital and private equity transactions, representing both companies seeking financing and venture capital and private equity funds and financial institutions making strategic investments in emerging FinTech companies.

Using a multidisciplinary approach to leverage our extensive capabilities in all relevant practices for FinTech (including financial institution regulatory and advisory, corporate finance, privacy and intellectual property), our dedicated team of FinTech attorneys works together to provide integrated, business-focused legal and practical solutions for our clients.

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Our FinTech team understands the needs of emerging companies and traditional financial services providers in the rapidly expanding FinTech industry. We bring a unique convergence of bank regulatory and technology experience to facilitate the expansion of mobile and digital banking and lending, online financial services, financial data services, payment technologies and other disruptive financial technologies. We regularly advise companies regarding money transmitter and lending licensing requirements and handle the application process on a national scale. We constantly interface for clients with both federal and state regulators on compliance and enforcement matters.

Our team understands the nuances involved in complex private equity transactions in the FinTech sector by way of its dedicated focus on and experience in financial services. Because we also have significant experience with emerging companies from pre-formation to exit (M&A and IPO), we understand that every company has diverse needs at every stage of growth. For emerging companies in the FinTech sector, our knowledge of technology, the financial industry and the ever-changing regulatory landscape helps us to fully understand our clients' businesses and to provide the insight needed to effectively address business drivers, trends, uncertainties and risks. Our team also routinely represents venture capital funds, financial institutions and others making investments in emerging FinTech companies.

Our FinTech team has the legal and business skills, experience and understanding to help get your technology to market, protect your valuable intellectual property and minimize the legal and regulatory risk associated with financial products and services operating within the digital environment. Our team has technical sophistication and experience with high-technology clientele and can address your needs in securing, protecting, licensing and litigating intellectual property, as well as counseling on privacy and information security issues. Our team also includes attorneys experienced in technology transactions that guide clients through a full range of commercial arrangements, including new product development, provision of infrastructure, complex integration across business platforms and end user agreements.

PAYMENT SYSTEMS

Our deep knowledge of payment networks and systems allows us to help financial institutions and other FinTech companies comply with system requirements, assist in product design and efficiently negotiate the complex agreements and rules under which these systems and products operate. We advise clients on the following payment systems:

- ACH transactions and NACHA rules, including real-time payments (RTP).
- Cards (credit, debit, prepaid, gift and virtual) and related network rules.
- Cryptocurrency/virtual currency.
- Checks including remote deposit capture (RDC).
- We have broad experience in all manner of mobile payments and digital wallet, as well as mobile/digital banking solutions and particular industry segments such as e-commerce, health care, education, bill pay

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and government payments.

TREASURY/CASH MANAGEMENT

We work with financial institutions and their service providers to develop, use and document the full range of treasury management products they offer to customers. We also help financial institutions negotiate and document outsourcing arrangements that are becoming increasingly common in connection with treasury management and other products. Drawing on our deep knowledge of payment systems, we help financial institutions comply with system requirements and resolve inevitable disputes. We also have experience in product design, the development of emerging payment systems and products and the complex contracts under which these systems and products operate.

We have extensive experience managing the regulatory risks of developing and documenting products and the outsourced services supporting those products, and counseling financial services companies on operational issues, including:

- Federal and state regulatory examinations.
- Regulatory enforcement trends at the nation's banking regulators, Consumer Financial Protection Bureau (CFPB) and Federal Trade Commission (FTC).
- Anti-Money Laundering (AML/BSA) and "know-your-customer" (KYC) issues.
- OFAC and other government sanctions programs.
- Posting order issues and other day-to-day deposit and check issues.
- Overdraft programs and compliance.
- Unfair and Deceptive Acts or Practices (UDAP) and Regulation AA issues.
- Abandoned/unclaimed property (escheatment) compliance.
- Federal money services business (MSB) registration and compliance and state money transmitter licensing laws.
- Financial privacy and information security (for example, the Gramm Leach Bliley Act and Regulation P).
- Electronic Fund Transfer Act (EFTA) and Regulation E.
- Fair Credit Reporting Act (FCRA) and Regulation V.
- Equal Credit Opportunity Act (ECOA) and Regulation B.
- Garnishments, particularly in a multistate branching context.

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FINANCIAL PRODUCTS

We advise financial institutions and their service providers, as well as non-bank lenders, money transmitters, credit bureaus, digital wallet providers, prepaid card/stored value account issuers and program managers, retailers, e-commerce marketplaces, social media and content platforms, lenders and other third parties, such as internet-based platforms, on a wide range of legal, regulatory compliance, corporate governance and business issues, such as:

- Helping clients design innovative credit products to comply with federal and state laws.
- Establishment of partnerships between banks and technology companies (including digital wallet, payment processing, marketplace lending, bill payment and deposit programs).
- Due diligence in connection with acquisition of assets related to consumer and commercial financial products and services.
- Bank branching, fees, interest rate exportation and preemption issues.
- Drafting customer-facing documents, disclosures, communications and other content.
- Pre-dispute consumer arbitration agreements.
- Compliance with the laws of all 50 states governing: money transmission, gift card/gift certificates, usury and consumer credit, including laws governing small loans, credit service organizations and retail installment sales.
- Structuring programs to satisfy exemptions from money transmitter or lending licensing requirements and, where needed, handling application processes and maintaining licenses for FinTech clients.
- Compliance with federal laws, regulations, guidance and enforcement trends, including the federal Bank Secrecy Act (BSA), E-SIGN, EFTA/Regulation E, GLBA/Regulation P, FRCA/Regulation V and TILA/Regulation Z.

CONTACT: Mark Hargrave | 816.691.2434 | mark.hargrave@stinson.com

CONTACT: McGregor K. Johnson | 816.691.2485 | mcgregor.johnson@stinson.com

CONTACT: Heidi S. Wicker | 202.728.3009 | heidi.wicker@stinson.com

TEAM

Audrey N. Carroll

Stephen J. Cosentino, CIPP

Michelle A. Fox

Zane A. Gilmer

Mark Hargrave

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McGregor K. Johnson

Mike W. Lochmann

Maria A. Macoubrie

Eric T. Mikkelson

Evan H. Murlette

Natalie Nelson

Jordan Ortmeier

Todd M. Phelps

Anastasia D. Stull

Tessa R. Trelz

George F. Verschelden

Michal E. Whitney, CIPP

Heidi S. Wicker

Thomas C. Witherspoon

RELATED CAPABILITIES

Automotive Finance

Bank M&A and Capital Markets

Banking & Financial Services

Commercial Lending

Consumer Financial Services

Structured Finance & RMBS Litigation

Tax Credit & Impact Finance

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NEWS

Eric Mikkelson Analyzes FinCEN's Proposal to Extend AML Rules to Investment Advisers in *Bloomberg Law* Column

04.12.2024

Lochmann Opines on the FDIC's Proposed Regulations for Bank M&A in *The Banker*

03.29.2024

Buy-Now-Pay-Later Loans, Potential for CFPB Regulation Examined by Tom Witherspoon in *Law360*

03.27.2024

Stinson Payments & Financial Products Attorneys Examine NY's Revised Credit Surcharge Law in *Law360* Article

02.28.2024

Stinson Associate Selected for 2024 U.S. Bank Law Division Spotlight on Talent Program

02.05.2024

Murdock Discusses Firm Growth, Future Plans with *Kansas City Business Journal*

11.06.2023

Law360 Highlights Expansion of DC Office, Overall Firm Growth

10.23.2023

Law360 Highlights Anastasia Stull's Arrival to Stinson

10.16.2023

Stinson Adds FinTech and Financial Services Partner to DC Office

10.10.2023

Stinson's FinTech Attorneys Analyze Impact of MMTMA in *Law360* Article

08.15.2023

Stinson's Heidi Wicker Elected President-Elect of Women in Housing & Finance

06.16.2023

Wicker Discusses Career, FinTech Innovations with *Attorney at Law Magazine*

01.20.2023

Evolving Nature of Payments Infrastructure, Metaverse Detailed by Wicker in the *New York Law Journal*

11.17.2022

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Law360 Highlights Wicker Joining the Firm and Murdock's Goals for Firm Growth

10.06.2022

Stinson Welcomes FinTech and Payments Partner Heidi Wicker to DC Office

09.13.2022

Michelle Fox Selected to FDCC Ladder Down Program

02.10.2022

Ten Stinson Attorneys Named 2022 Lawyers of the Year by *Best Lawyers in America*

08.19.2021

Stinson Grows Banking Practice with Two Attorneys in Kansas City

02.03.2021

PUBLICATIONS

CFPB Hits Back on Trade Groups' Challenge to Small Business Lending Rule (Section 1071)

04.22.2024

Wisconsin Adopts Model Money Transmission Modernization Act, Joining 19 Other States

04.12.2024

Update on CFPB Small Business Lending Data Collection Rule Under Section 1071

03.30.2024

FinCEN Proposes Expanding AML Rules to Investment Advisers

02.21.2024

New York Amends Existing Credit Card Surcharge Prohibition

01.12.2024

New Jersey Joins Other States in Limiting Credit Card Surcharges

09.05.2023

Modernization of Money Transmission Laws

07.13.2023

CFPB Proposes Rule to Establish Public Registry of Non-Bank Entities Subject to Consumer Financial Protection Related Orders

01.05.2023

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