

Witherspoon Explores Potential Impact of Bellwether Case on Bank Preemption in *Law360*

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Stinson LLP Partner [Tom Witherspoon](#) authored an article for *Law360* “Breaking Down ILL. Bellwether Case for Bank Preemption.”

Witherspoon examines the *Illinois Bankers Association v. Raoul* lawsuit and its implications for banking preemption. The case challenges Illinois’ new Interchange Fee Prohibition Act (IFPA), which aims to prevent banks and card networks from collecting interchange fees on the tax and tip portions of payment card transactions.

He unpacks how this case hinges on the doctrine of preemption, particularly under the Dodd-Frank Act, and raises pivotal questions about whether federal banking protections apply not only to banks, but also to their third-party partners such as card processors and networks.

“Because banks rely to a significant extent on third parties in order to deliver their products and services to customers, it would only be a matter of time before states with aggressive consumer protection and bank regulatory agendas targeted such third parties with regulations that cannot reach banks directly,” Witherspoon writes.

The article also examines how state parity laws and the U.S. Constitution’s dormant commerce clause may come into play, especially for state-chartered banks operating alongside national banks.

Witherspoon’s practice focuses on payments, consumer financial products and other bank and financial regulatory matters with an emphasis on compliance, financial transactional and litigation matters. He helps banks and other financial institutions navigate the complexities of federal and state law and regulation applicable to their operations, relationships, product development and compliance management.

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