

# Publications

## The Bankers' Statement – Fall 2022

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### AUTHORED ARTICLE | Fall 2022

## CFPB Issues Guidance on Bank Overdraft Fees and Returned Check Fees

After months of public pronouncements calling into question bank overdraft fee practices, the Consumer Financial Protection Bureau (CFPB) has now issued guidance on the legality of so-called “surprise” overdraft fees, as well as the fees some banks charge for bounced checks.

## ‘Home Alone II’ – Exploring Strategic Alternatives (or lack thereof)

With historic rate changes and new accounting rules, not to mention inflation, and with caution as the watchword in the financial services industry, bank M&A activity is “cautious” at best in the current environment.

## Your Vote Matters! Protecting Lenders’ ‘Sacred’ Voting Rights in Syndicated Loans

The 2022 mid-term election cycle has finally drawn to a close, but voting-rights issues for lenders participating in “club” and syndicated multi-lender credit facilities are still squarely in season.

## ‘Stayin’ Alive’ – Collaborative Opportunities for Community Banks Redux

With continued apologies to the BeeGees, the goal of “Stayin’ Alive” in the current environment for some community banks has become a triage involving a challenging search for expense reductions and a likewise challenging search for ways to enhance income (both difficult at best in the current economic environment) versus finding a strategic partner.

## Congratulations, Jeff!

Vorys would like to extend its sincerest congratulations to **Jeff Smith** on his retirement. Over his career, Jeff has advised hundreds of bank clients on everything from regulatory matters to mergers and from acquisitions to de novo bank formations. He has written seemingly countless articles, has been quoted in dozens of publications and has served as a trusted advisor, mentor and friend to his clients and colleagues. Please join us in congratulating Jeff on an outstanding career and wishing him the very best in retirement.

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## About the Vorys Banking Group

With nearly 20 lawyers dedicated to our banking practice, we have hundreds of years of combined practical, hands-on experience in the banking industry. We have been named a "Top Lead Legal Advisor" by *American Banker* magazine and a Go-To Law Firm® in banking and finance, securities and corporate transactions by Fortune 500 general counsel.

Our group has extensive experience with all aspects of bank corporate and regulatory legal matters, and our attorneys are in constant contact with senior representatives of state and federal banking agencies concerning a diverse variety of significant client matters. We have been intimately involved in the comprehensive rewrite of Ohio banking laws, currently underway with the Ohio Division of Financial Institutions. In fact, since the inception of this project, one of our lawyers, along with representatives from the Ohio Division of Financial Institutions and the Ohio Bankers League, has been a member of the four-person team tasked with handling the rewrite.

We represent public and non-public institutions, from community banks and thrifts to large, multinational financial institutions throughout the United States including clients in Ohio, Washington, D.C., Pennsylvania, Maryland, Virginia, Arizona, Florida, Indiana, Michigan, Kentucky, Missouri, New York, North Carolina, South Carolina and West Virginia.

We assist our clients with bank, thrift, holding company and non-bank affiliate formations; securities law matters; board governance and education; regulatory enforcement actions involving state and federal agencies; mergers, acquisitions and divestitures; branch acquisitions and divestitures; regulatory compliance; capitalization, recapitalization and private equity as well as debt transactions; litigation; employment law matters; executive compensation and benefit plans; tax matters; and the negotiation of all types of contracts. We also represent financial institutions and other institutional lenders, as well as borrowers, in all types of complex commercial and real estate financings, bankruptcies and restructurings.

If you have an idea for an article you would like us to pursue, please contact your Vorys attorney. We hope you enjoy the read.