

## 2023 Banking Institute

March 30-31, 2023, Ritz-Carlton, Charlotte, NC

[Register here.](#)

### Agenda

#### Wednesday, March 29

**Reception** - Hosted by Kane Russell Coleman & Logan PC, Dallas and Houston, TX.

#### Thursday, March 30

11:00-11:30 Registration and Coffee

11:30-12:30 **Sustainable Finance: The Products, Bank Disclosure, and Risk Management**

A panel of leading industry experts will discuss some of the most popular sustainable finance products as well as the evolving bank climate change disclosure and prudential risk management frameworks.

- David Bloom, Truist Financial Corporation (coordinator)
- Tori Kaplan, Truist Financial Corporation
- Elizabeth Kirk, White & Case LLP
- Graham Steele, U.S. Department of the Treasury
- Margaret Tahyar, Davis Polk & Wardwell LLP

12:30-1:15 Lunch

1:15-2:00 **Bank Counsel Conversation – Lauren Mogensen, Bank of America with Asha McCorvey, Institute Editor, *North Carolina Banking Institute* journal**

This always-popular segment of the Banking Institute features Lauren Mogensen, Global General Counsel for Bank of America. Mogensen is a member of the company's executive team and is responsible for overseeing the company's legal functions around the world. She began her legal career in private practice at Edwards & Angell, LLP (now Locke Lorde LLP) and left a partnership there to join FleetBoston Financial. Mogensen has been with Bank of America since 2004 in various roles in a variety of company units, with her most recent role being Global Compliance and Operational Risk Executive for Bank of America.

2:00-2:15 Break

**2:15-3:30      Crypto & Stablecoins: Operational issues, categories and types, AML, bank regulatory treatment, registration at CFTC and SEC**

Crypto assets have been much in the news lately with the spectacular collapse of FTX. How do we move forward from this dramatic event? What will the future regulatory landscape look like? How will the industry adjust? These and many other questions will be addressed by the panel.

- Eric Ghysels, UNC Kenan-Flagler Business School (coordinator)
- Josias Dewey, Holland & Knight LLP
- Michael Piwowar, Milken Institute

**3:30-3:45      Break**

**3:45-5:00      What is a Bank? ILCs, Fintechs, and True Lender**

This panel will discuss the law regarding banks and the ability of non-traditional entities to obtain a “bank” charter or participate in the “banking” business through partnerships, alliances, and other arrangements with “banks.” Is the law keeping up with the changes brought about by technology and innovation but continuing to ensure a level playing field given the costs of compliance for those with bank charters?

Specific discussion topics will include the Industrial Loan Company (ILC) charter; the OCC proposal to grant fintech national bank charters; the offering of deposit and lending products by fintechs working with banks, including white label credit card programs and other financing programs; and the issues of preemption and true lender.

- Jerry Hurst, RBC Bank (USA) (coordinator)
- Andrew Gerlach, Sullivan & Cromwell
- Lewis Goodwin, Square Financial Services
- Lee Reiners, Duke Financial Economics Center

**5:00-6:00      Reception hosted by Johnston Clem Gifford PLLC, Dallas, TX**

The opportunity to mix and mingle with the participants, including the program speakers and the law students who produced the *North Carolina Banking Institute* journal is always a highlight of the Banking Institute.

**6:00-6:50      Center for Banking and Finance Scholarship Presentation and Exploring the Banking Institute Journal**

Please join us for the presentation of our NCBI journal student scholarships, funded by our Board of Advisors. The student editors will then introduce each staff writer to provide a short summary of their note published in Volume 27 of the journal.

## Friday, March 31

7:15 – 8:15 Breakfast

### **8:30-9:45 Developments in UDAAP As an Enforcement Tool**

A panel of federal regulators, senior in-house counsel, and experienced practitioners will address developments in Unfair, Deceptive or Abusive Acts and Practices. UDAAP based enforcement actions are occurring with increasing regularity. The panel will discuss supervisory and enforcement issues and trends in the applicability and scope of UDAAP under both the Federal Trade Commission Act and the Dodd-Frank Act.

- Ed O’Keefe, Moore & Van Allen (coordinator)
- Erin Henderson, U.S. Bank
- Drew Kohan, Federal Reserve Board
- Matt Pearson, Bank of America
- John Stoker, Moore & Van Allen

9:45-10:00 Break

### **10:00-10:45 Clifford Lecture on Consumer Law - Samantha Berg, Next Street in conversation with Adam Gillette, Editor-in-Chief, *North Carolina Banking Institute* journal**

Samantha Berg is the Co-CEO of NextStreet in New York City. Before starting at NextStreet, Berg founded FITMARK, a consulting firm for data and fintech startup companies. Prior to this, she worked as an Executive Vice President and Chief Marketing Officer for Amalgamated Bank. She also served as the Chief of Staff for the Commercial Bank and a Senior Vice President in Business Bank Marketing at Capital One. Berg has worked as an executive at Citi, assisting small business partnerships and overseeing bank deposit products. For more than ten years, she was at Chase Bank in several departments, including Small Business Banking, Technology, and Consumer Financial Services.

*The Clifford Distinguished Lecture on Consumer Law was established by the UNC School of Law and friends following Professor Clifford’s death. Donald Clifford was the Aubrey L. Brooks Professor and served as a faculty member of Carolina Law from 1964 to 2004, specializing in commercial and consumer law. He founded the law school’s very successful Festival of Legal Learning and served as a member of the Board of Advisors for the Center for Banking and Finance.*

**10:45-12:00 Antitrust/Competition Issues: Planned New Bank Merger Guidelines and DOJ Cartel Guidance**

The panel will discuss the competition review process for bank mergers and acquisitions, the DOJ's planned new bank merger guidance and where it stands currently, and the current DOJ guidance on cartel activity as applied to banks.

- David Freeman, Arnold & Porter (coordinator)
- Daniel Meade, Cadwalader
- Sonia Pfaffenroth, Arnold & Porter

**12:15-1:00 The Tenth George and Susan Beischer Address – Michael Barr, Federal Reserve Board of Governors in conversation with Morgan Mumford, Executive Editor, North Carolina Banking Institute journal**

Michael Barr is the Vice Chair for Supervision for the Board of Governors of the Federal Reserve System. Before joining the Federal Reserve, Barr served as the Joan and Sanford Weill Dean of Public Policy at the University of Michigan. He also served as a professor of public policy and law at the university, teaching financial regulation and international finance. He helped found the University of Michigan's Center on Finance, Law & Policy and co-founded the law school's International Transactions Clinic. Prior to his work at the university, Barr worked as the Assistant Secretary for Financial Institutions as well as a Special Advisor to President Clinton at the U.S. Treasury Department and a special advisor and policy counsel at the U.S. State Department.

**Unfortunately, Fed Vice Chair Barr had to cancel this engagement since he will be testifying before Congress during this time. We are working to assemble a discussion of the events of past few weeks to replace this segment of the Banking Institute.**

*In the Beischer Challenge, George and Susan Beischer agreed to match up to \$1 million of gifts and pledges to the Center for Banking and Finance. The gift was completed in 2011. In honor of this transformative gift to the Center, its board of advisors voted to name the after-dinner address at the annual Banking Institute in honor of the Beischers. We are pleased that the Beischer Address is an annual opportunity to honor the memory of George and Susan and remember their generosity.*

**1:00-2:30 Center for Banking and Finance Board of Advisors Luncheon Meeting**