

ABCs of Banking Law

Tuesday, March 26, 2024, 8:00 a.m. – 5:30 p.m.

Moore & Van Allen, Charlotte, NC

[Register here.](#)

Agenda

8:00 - 8:45 a.m. Registration and Breakfast

Check in and pick up your credentials. Choose your seat for the day. Coffee and breakfast will be available.

8:45 - 9:30 a.m. Introductions

Professor Broome will give an overview of the program, set expectations, and introduce the speakers. Attendees will introduce themselves to the group.

9:30 - 10:30 a.m. Overview of Bank Regulatory Structure and Law

Speaker: Karol Sparks

This class provides a chronological review of the major banking legislation from the passage of the National Bank Act in 1864 through the Dodd-Frank Act with particular emphasis on the legislation that created the federal banking agencies and the mandate of those agencies. The class will include a review of the organization and structure of each of the agencies, a brief discussion of the dual banking system and a description of the role of state bank regulators.

10:30 -- 11:30 a.m. Industry Structure, Bank and Holding Company Powers, and Regulatory Themes

Speaker: Lissa Broome

This class explores the structure of the industry and the basic powers limitations of the various entities in the structure. The session describes the regulatory themes that provide the basis for U.S. bank regulation, including limited entry, the separation of banking and commerce, the protection of the insured depository institution, the implications of federal deposit insurance, limitations on size, and other themes.

11:30 - 11:45 a.m. AM Break

11:45 - 12:45 a.m. Understanding a Bank through its Financial Statements

Speaker: Karol Sparks

This class will analyze the basic bank balance sheet and earnings statement with a view to understanding how banks gather funds, redeploy them, and earn money. Emphasis will be placed on current events that have reshaped bank balance sheets and the causes of such changes. The guidelines of the federal banking regulators governing the measurement of capital held by banking organizations will play a central role in the class. The session also includes a detailed discussion of the Basel III capital guidelines and the changes wrought by the Dodd-Frank Act.

12:45 - 1:15 p.m. Lunch

1:15 - 2:15 p.m. Prudential Limitations & Safety and Soundness

Speaker: Betsy Bodien

This class provides an overview of the various types of regulations that govern lending by banks, with a particular focus on the safety and soundness regulations of loans to one borrower and loans to insiders under Regulation O of the Federal Reserve Act. Sections 23A and 23B of the Federal Reserve Act and the Federal Reserve's Regulation W on affiliate transactions are perhaps the key safety and soundness measures of the Federal Reserve to protect banks, and this class will address this key structure in detail.

2:15 - 3:15 p.m. Activity and Investment Limitations

Speaker: Phill Wertz

This class focuses on an overview of permitted financial activities, including those that are financial in nature at the holding company and those that are the business of banking in the national bank. The securities activities are broken down into permissible underwriting and dealing and investment and agency. The class closes with a survey of permissible controlling and non-controlling investments, and the impact of the Volcker Rule.

3:15 - 3:30 p.m. PM Break

3:30 - 4:30 p.m. Supervision, Examination, and Enforcement

Speaker: John Stoker

The supervisory approach of the federal banking regulators and their exam process is markedly different from the more traditional interaction of investment banks with the SEC. This class explores those differences in approach, in the exam process itself, in any remedial actions to be taken to address exam issues and, finally, in the use of certain formal and informal enforcement tools in public or non-public proceedings. There is a practical emphasis on dealing with examiners, preparing for exams by the bank regulators, and in responding to exam findings and criticisms.

4:30 - 5:30 p.m. Deposit Insurance, Failure, and Resolution

Speaker: Eric Spitler

This class discusses the regulations governing insured bank deposits and the cost of deposit insurance. It then provides a detailed review of the failure and resolution process from the point of an adverse exam and a formal or informal enforcement action to the point of appointment of the FDIC as receiver for a bank and the alternatives available to the FDIC to resolve a failing bank. There will be some comparison and contrast of the FDIC receivership for insured depository institutions, the bankruptcy process for the parent holding company and other corporate affiliates, and the Orderly Liquidation Authority of the Dodd-Frank Act.

Evening

**Reception
The Ritz-Carlton**

Reception hosted by Kane Russell Coleman Logan PC, Dallas and Houston for attendees of The ABCs of Banking Law and the Banking Institute at the Ritz-Carlton Charlotte. Registered attendees for each program will receive an invitation with more details from Kane Russell. Join us to talk with the panelists, other participants at a reception. You may form relationships that will be helpful in the future.