

Insurance, Banking & Financial Services Industry Group

Jones Walker's Insurance, Banking & Financial Services Industry Group addresses the needs of a broad spectrum of global and domestic financial service businesses, including insurance and reinsurance companies (with respect to life/annuities, health, title and captive insurers), investment companies, offshore funds, producers (including insurance agents, third party administrators, managing general agents and broker/dealers), investment advisers, pension fund administrators, banks and other financial services companies, and insurance regulators. We also represent property and casualty insurers, ERISA plans and plan fiduciaries, third-party administrators, HMOs, PPOs, and insurance brokers.

Our Insurance, Banking & Financial Services Industry Group attorneys also represent domestic and foreign commercial banks, savings associations, and other financial institutions in the areas of corporate and securities matters, state and federal banking regulatory issues, mergers and acquisitions, thrift stock conversions, bank and thrift charter conversions, employee benefits, and taxation.

Our attorneys belong to numerous trade and professional organizations, including the Life Insurers Conference, the Association of Life Insurance Counsel, the American Bar Association TIPS Life Insurance Law Committee, the Defense Research Institute's Life, the Health and Disability Insurance and ERISA Committee, the International Bar Association, and the InterAmerican Bar Association. They are featured as speakers for professional, trade, and business seminars and are published on a regular basis.

Banking

With regard to banking-related transactional work, our attorneys have handled a wide variety of matters related to mergers and acquisitions, including the acquisition of savings institutions by publicly traded companies; the acquisition of financial institutions with financial assistance being provided by the Federal Deposit Insurance Corporation (FDIC); the acquisition of financial institutions, on an intra-state and an interstate basis, by other financial institutions and by holding companies thereof; the acquisition of thrift institutions by commercial banks and bank holding companies; and the

acquisition of mutual thrift institutions by merger/conversion. We have also represented institutions undertaking mutual holding company reorganizations, supervisory conversions, and initial public offerings pursuant to the requirements of both federal and state regulatory authorities.

Jones Walker represents various financial institutions, including commercial banks, investment banking firms, and other creditors, as well as select borrowers in a wide range of financing transactions. These transactions involve secured and unsecured loans, letters of credit and other credit enhancement devices, acquisition financings, project financings, asset-backed securities transactions, equipment and transportation equipment (aircraft, marine vessel, rolling stock, containers and trailers) financings, including leases, oil and gas loan financings, leveraged lease financings, and loan syndications.

Attorneys in Jones Walker's Business & Commercial Litigation, Bankruptcy, and White Collar Crime practices represent financial institutions, commercial banks and others in virtually any type of investigation, dispute, or litigation arising from the financial services industry. Our representation has included lender liability disputes, workouts, bankruptcy cases, surety matters, D&O disputes, failed-bank and related litigation and arbitration. We also handled investigations and litigation involving check kiting and Ponzi schemes, embezzlement, money laundering, and related criminal matters.

In addition, we represent domestic and international financial institutions in their capacities as trustee or escrow agents for significant financial transactions, particularly where the transaction involves projects based in Central and South America. We are also actively involved in venture capital finance transactions. Jones Walker regularly represents venture funds in the raising and investment of monies, and has represented numerous companies in obtaining investments of funds from venture capital-oriented investors.

Insurance

Jones Walker's, Insurance, Banking & Financial Services Industry Group, working with attorneys in the firm's Miami and Washington, D.C. offices, addresses the needs of a broad spectrum of global and domestic financial service businesses. We assist clients in the development, distribution, and intermediation of insurance, annuities and investment products, including

advice on regulatory enforcement issues and with respect to the sale of offshore insurance products under the laws of Bermuda, the Cayman Islands, and numerous other offshore jurisdictions. In addition, the firm advises clients on structuring offshore funds and alternative investment products.

We advise financial services clients with respect to broker-dealer regulatory compliance counseling and advocacy, United States and foreign country securities laws in connection with offer and sale of variable products, foreign law advice regarding insurance company formation, authorization, solvency, insurance policies, and mergers and acquisitions. The firm also advises financial services clients, including insurers, banks, mutual funds and registered broker/dealers, with respect to the USA Patriot Act, the Foreign Assets Control Regulations administered by OFAC, and regulation by the Committee on Foreign Investment in the United States (CFIUS).

We also assist clients in connection with:

- Regulatory enforcement issues for a global market
- Global compliance—USA Patriot Act, Sarbanes-Oxley Act, Office of Foreign Assets
- Control Regulations, and Foreign Corrupt Practices Act
- Tax structuring of domestic and international financial services transactions
- Sale of offshore insurance products including Bermuda operations
- United States and foreign law advice regarding insurance company formation, authorization, solvency, insurance policies, mergers, and acquisitions
- Regional and international trade agreements—WTO Agreement, the General Agreement on Trade in Services (GATS), NAFTA, FTAA
- EU Insurance Directives
- Captive insurers and reinsurance
- Industrial Life Insurance
- Broker-dealer regulatory compliance counseling and advocacy
- United States and foreign country securities laws in connection with offer and sale of variable products and capital formation

Government Relations

Attorneys in the Insurance, Banking & Financial Services Industry Group often work closely with our Government Relations practice, based in Washington, D.C. We represent a broad variety of insurance and financial services entities before various government departments and committees. Our government relations team is comprised of a mix of attorneys who work together to attend to insurance clients' lobbying needs and connections to the legislature; clients benefit from the knowledge and experience of former chairs of committees in both Louisiana houses and a former senior life insurance company executive. This group handles matters before the Senate Commerce Committee and the House Financial Services Committee, and has interacted with the House Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises.

Insurance & Financial Services Litigation

- Sales practice and market conduct class action defense
- Class action defense of life, health and disability insurance, and ERISA claims
- Bad faith litigation
- Insurance and reinsurance arbitration
- ERISA claims, preemption, and fiduciary issues
- Reinsurance and stop loss policy litigation
- Broker-dealer and securities litigation
- Agent errors and omissions
- Agent misrepresentations
- Non-insurance financial services litigation
- Policy exclusions, including: suicide, intoxication, criminal conduct and intentional self-inflicted injury
- Rescission and misrepresentations in application
- Interpleader
- Subrogation
- State insurance laws and conformity of policies with statutory requirements

- Appearances before insurance commissioner's office and regulatory agencies
- Unfair claims settlement practices