



Financial institutions and non-bank companies in the financial technology (FinTech) space are contributing to rapid technological advances and innovation in the development, offering, and delivery of core financial products and services. Winston's FinTech, Banking & Payments attorneys support these companies throughout the entire FinTech business life cycle, from proof of concept through maturity, including regulatory compliance and risk management, structured finance, M&A, and private equity, intellectual property (IP) management and licensing, and supervision and enforcement. Notably, our FinTech regulatory attorneys collectively have more than 50 years of experience as both external and in-house counsel to financial institutions implementing FinTech offerings, such as Marketplace Lending (MPL), Buy-Now-Pay-Later (BNPL), Banking-as-a-Service (BaaS), Cards, Payments, and more.

Our team includes:

- *Chambers*-ranked attorneys for Banking & Finance;
- the former deputy general counsel and chief compliance officer of Cross River Bank, one of the country's most active financial institutions in the FinTech space;
- attorneys with advanced technical degrees, allowing them to provide superior counsel to financial institutions and FinTech companies integrating new technologies; and
- thought leaders in the space who routinely speak at the annual conferences and events of some of the largest FinTech industry organizations.

Key Contacts

[Juan Azel](#)

[Carl Fornaris](#)

Areas of Focus

Regulatory Compliance & Risk Management

Our financial services regulatory attorneys collectively have more than 50 years of experience as both external and in-house counsel to financial institutions implementing FinTech offerings, including prominent player Cross River Bank. This experience aids us in providing effective counsel to financial institutions and FinTechs in the development, implementation, and execution of risk management frameworks—including tailored consumer and financial crime compliance management systems (CMS)—that identify, manage, and control the risks associated with the development, offering, and delivery of cutting-edge FinTech products and services, such as MPL, BNPL, BaaS, and more.

We understand the regulatory issues associated with each phase of the life cycle, such as compliance with federal and state consumer-protection laws and regulations; fair lending statutes and regulations; the Community Reinvestment Act (CRA); BSA/AML and OFAC regulations; and other AML and economic sanctions program requirements for offering, originating, and/or servicing FinTech products and services in the U.S., EU, and Latin America.

We also advise regulated institutions and their boards facing threatened informal and formal enforcement matters, including MRAs, board resolutions, MOUs, cease-and-desist, prohibition, restitution, and civil money penalty actions in consent orders or contested proceedings.

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Regulatory Enforcement & Defense

We advise a wide range of financial services clients on federal and state supervisory examinations and in developing and implementing corrective action and remediation responses for numerous agencies, including, the Office of the Comptroller of the Currency (OCC), Consumer Financial Protection Bureau (CFPB), Federal Reserve Board (FRB), Federal Deposit Insurance Corporation (FDIC), Financial Crimes Enforcement Network (FinCEN), Treasury / Office of Foreign Assets Control (OFAC), New York State Department of Financial Services (NYDFS), New Jersey Department of Banking and Insurance (NJDOBI), and Florida Office of Financial Regulation (FOFR).

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Borrowing, Lending & Structured Finance

We represent lenders and both new and established FinTech platforms, advising on formation, program development and structuring, bank partnerships, regulatory compliance, debt and equity financing, forward flow sale transactions, and securitization. Our team is a recognized leader in the industry, with a particular focus on bespoke structures and emerging and/or “esoteric” asset classes. Our FinTech clients span a broad array of asset types, including BNPL, consumer lending, franchise lending, healthcare payment plans, point of need lending, point of sale finance, real estate finance, small business lending, as well as various stages in the business cycle, from startups to mature market leaders and unicorns. Our transactions have been shortlisted for deal of the year awards, and notably, our team was recognized for its excellence as “Esoteric ABS Law Firm of the Year” at *GlobalCapital's* 2017 U.S. Securitization Awards. Several of our practitioners have been recognized as leading lawyers in the field.

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M&A / Private Equity

Our M&A / Private Equity attorneys handle the full range of financial services deals for public and private FinTech and payment firms, from M&A transactions and minority investments to assistance with asset purchases that typically accompany fund reorganization transactions. Our awareness of the most common issues that arise in a deal context allows us to optimize deal structure, ensure speed-to-market execution, and protect client interests in every phase of a transaction.

Additionally, Winston serves as outside general counsel to several FinTech portfolio companies and their management teams. We have significant experience with general corporate governance, regulatory/compliance matters, benefits, bank amendments, add-on financings, refinancings and restructurings, and IPOs. Our team understands the strategic and operational needs of portfolio companies and has developed a wide range of service delivery models that enable our portfolio company clients to better manage their legal costs.

Learn more about our [M&A](#) and [Private Equity](#) Practices

Payment Firms

We understand the nuances between different types of FinTechs and the varied regulatory requirements for payment firms. We regularly counsel payment firms on strategy and legal risk and requirements at a national and state level. We understand the pros and cons of bank-partnerships between FinTechs and financial institutions, as well as the benefits and challenges of charters, and we assist with the licensing process and related issues for domestic payment firms and international companies entering the U.S. marketplace.

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Cryptocurrencies, Digital Assets & Blockchain Technology

Rapid growth in the digital asset space, combined with regulatory uncertainty, make it difficult for companies to know what standards to follow. Companies participating in the industry and their partners should ensure that policies, procedures, and operations are properly scaled, as failure to do so can result in enforcement actions. Winston's cross-practice Digital Assets & Blockchain Technology Group helps clients navigate existing and developing legal challenges surrounding blockchain technologies. Our team draws upon experience from lawyers in our corporate, securities, tax, litigation, regulatory, and intellectual property practices, as well as others, to advise clients from startups and DAOs to the largest financial services firms in the world. We are recognized thought leaders and are called upon by government officials, regulators, and major institutions to provide guidance regarding blockchain technology, and have taught and published widely on blockchain regulation. Our presence in Miami, Silicon Valley, Shanghai, New York, London, and other international hubs gives us a global perspective on legal and regulatory developments in the industry.

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Intellectual Property

On behalf of FinTech companies, we negotiate and draft IP licenses and transfers; provide strategic guidance on optimal structures for IP and IT transactions; evaluate copyright, trademark, and patent portfolios, and handle related due diligence activities. We also represent financial institutions in patent infringement suits and have successfully defended a global financial institution in defending its proprietary technology related to payment processing, mobile check deposits, and electronic bank transactions.

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Venture Capital

We regularly represent venture capital firms, corporate venture funds, and other strategic investors, family offices, angel investors, and high-net-worth individuals in connection with their equity and debt investments in FinTech companies. We have extensive experience with all stages of venture capital financings, including seed-stage, early-stage, and growth-stage financings, with transaction sizes ranging from US\$500,000 to US\$1B or more.

Privacy & Data Security

Our Privacy & Data Security attorneys represent more clients in the financial services industry than any other sector. We have extensive financial industry knowledge, with a history of representing companies before domestic and international regulatory agencies, legislatures, and courts. Our attorneys also help clients navigate through arbitration panels and international tribunals. Our experience includes helping clients with the electronic delivery of financial services and the establishment of internet banking programs, advising financial institutions on Gramm-Leach-Bliley compliance, and representing clients before the Consumer Financial Protection Bureau (CFPB).

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Related Capabilities

Antitrust/Competition

Antitrust Transactions

Trademark Litigation, Prosecution & Brand Protection	Capital Markets	
Commercial Litigation & Disputes	Compliance Programs	
Copyright-Infringement Litigation	Corporate Governance	
Employee Benefits & Executive Compensation		
Cryptocurrencies, Digital Assets & Blockchain Technology	Europe	
European Disputes, Regulatory & Compliance	European Transactions	Asia

Recent Experience

TKB Critical Technologies 1 Closes US\$230M IPO

Related Insights & News

CLIENT ALERT

CFPB Issues Open Banking Rule Making It Easier for Customers to “Divorce” Their Banks

DECEMBER 5, 2024

SEMINAR/CLE

Women in FinTech Financial Crimes Compliance Brunch and Roundtable

NOVEMBER 20, 2024

WEBINAR

How Will the U.S. Election Results Impact Your Financial Services Businesses and Clients?

NOVEMBER 15, 2024

SPEAKING ENGAGEMENT

Juan Azel Moderates Panel at Money 20/20 USA

OCTOBER 27, 2024

CLIENT ALERT

Burdensome Proposed FDIC FBO Account Rules Loom Large for Banks and

SPEAKING ENGAGEMENT

Juan Azel Discusses Brokered Deposits on American Fintech Council Panel

SEPTEMBER 26, 2024

CLIENT ALERT

U.S. Banking Regulators Target Bank-Fintech Partnerships

AUGUST 14, 2024

BLOG

The Digital Securities Sandbox – An Expansion of UK Financial Technologies

JUNE 4, 2024

SPONSORSHIP

Winston & Strawn Sponsors, Partners Speak at SFVegas 2024

FEBRUARY 25, 2024

CLIENT ALERT

U.S. Federal Banking Regulators Release Final Interagency Guidance on Third-Party Risk Management

JUNE 14, 2023

CLIENT ALERT

CFPB Finalizes Rule on Small Business Lending Data Collection

MAY 16, 2023

SPONSORSHIP

Winston & Strawn Sponsors, Speaks at Fintech Nexus USA 2023

MAY 10-11, 2023