



## Dori K. Bailey

### Member

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### Profile

**Dori is a financial institutions regulatory attorney who has significant experience representing a wide array of financial institutions, including community and regional credit unions, community, regional and multi-national commercial banks and thrift institutions.**

Dori has substantial experience advising federally chartered and state chartered financial institutions regarding highly complex and extensive financial institution regulations. Dori is uniquely positioned to provide comprehensive legal advice to her financial institution clients. She has considerable experience working as a banker in the industry, and she understands the business of banking and the financial institutions market. Dori draws upon her substantial experience in legal and business matters to provide a customized and responsive approach to client needs, and to assist each client in meeting its specific business goals within the legal and regulatory framework for that institution.

Dori has advised her clients regarding the many complex regulatory issues that financial institutions may encounter, including the following:

- Privacy and Data Security
- Suspicious Activity Reporting
- Fraud Investigations
- Money Laundering
- Lender Liability
- Insider Lending
- Charter Conversions
- Mergers & Acquisitions
- De Novo Branching
- Federal Preemption
- Regulatory Appeals
- Disclosure Requirements
- Record Retention
- Right of Setoff
- Restraining Notices
- Electronic Funds Transfers
- Funds Availability
- Trust Accounts
- Whistleblower Protection
- Indemnification of Directors & Officers
- Corporate Governance Matters

Dori has particular experience conducting fraud investigations, including suspected bank fraud, check fraud, loan fraud and mortgage fraud, and assisting with the associated regulatory filings. Dori has also assisted clients in navigating bank and credit union examinations and engaging with regulators. Dori has successfully argued regulatory appeals for her financial institution clients.

### Education

- Cornell Law School (J.D. 1999)
- State University of New York at Albany (B.S., *magna cum laude*)

### Bar/Court Admissions

- New York
- Maryland
- District of Columbia

### Practices

- Financial Institutions Regulatory
- Business and Transactions
- Mergers and Acquisitions
- Commercial Lending
- Cybersecurity and Data Privacy

Dori also has extensive experience drafting and negotiating all types of agreements and preparing disclosure statements and corporate governance documents for her financial institution clients, for example:

- Confidentiality Agreements
- Cash Management Services Agreements
- Escrow Agreements
- Paying Agent Agreements
- Custody Agreements
- Software License Agreements
- Subordination Agreements
- Loan and Security Agreements
- Guaranty Agreements
- Pledge Agreements
- Master Services Agreements
- Professional Services Agreements
- Consulting Agreements
- Vendor Agreements
- Data Storage Agreements
- Member Service Agreements
- Deposit Account Agreements
- Disclosure Statements
- Charters
- Bylaws

Dori also has extensive knowledge regarding the myriad of laws and regulations that apply to financial institutions, including the following:

- Bank Holding Company Act
- Bank Merger Act
- Bank Secrecy Act
- Change in Bank Control Act
- Community Reinvestment Act
- Dodd Frank Wall Street Reform and Consumer Protection Act
- Electronic Fund Transfer Act
- Equal Credit Opportunity Act
- Electronic Signatures in Global & National Commerce Act
- Fair Credit Reporting Act
- Federal Credit Union Act
- Federal Deposit Insurance Act
- Fair Housing Act
- Federal Reserve Act
- Gramm-Leach-Bliley Act
- Home Ownership and Equity Protection Act
- Homeowners Protection Act
- Military Lending Act
- National Bank Act
- New York State Banking Law
- Privacy of Consumer Financial Information
- S.A.F.E. Mortgage Licensing Act
- Savings and Loan Holding Company Act
- Servicemembers Civil Relief Act
- Truth in Lending Act
- Truth in Savings Act
- Uniform Commercial Code

Dori assists every financial institution client with a comprehensive and coordinated approach to provide a high quality result that is customized and responsive to her client's needs.

## Honors & Affiliations

- Recipient of the 2015 American College of Consumer Financial Services Lawyers Annual Writing Competition Award for A Defense of the Doctrine of Preemption: Revealing the Fallacy that Federal Preemption Contributed to the Financial Crisis, 16 *U. Pa. J. Const. L.* 1041-1107, 2014
- Research Editor, *Cornell International Law Journal*, 1998-1999

## Representative Presentations

- Recent Bank Failures and the Basics of FDIC Insurance, Update and Discussion on Legal and Practical Issues, March 28, 2023
- Dealing with a Contentious Examination: Do's and Don'ts from the Frontline, New York Credit Union Association, Compliance & Legal Conference, September 23, 2022
- The Three C's of Minority-Owned and Women-Owned Business Enterprises: Control, Certification, and the Constitution, Central New York Women's Bar Association Annual Meeting, April 28, 2016
- The *New York Times* and Credit Rating Agencies: Indistinguishable Under First Amendment Jurisprudence, Syracuse University College of Law Faculty Workshop Series, September 10, 2015
- Commenter, A Structural Case for Prosecutorial Declination, Syracuse University College of Law Faculty Incubator Workshop, April 23, 2015
- A Defense of the Doctrine of Preemption: Revealing the Fallacy that Federal Preemption Contributed to the Financial Crisis, American College of Consumer Financial Services Lawyers Annual Meeting, April 18, 2015
- Speaker/Panelist, Innovation Today: The Legal Challenges of Funding Startups, Boston University School of Law, Review of Banking and Financial Law Symposium, February 27, 2015

## Representative Publications

- Quoted in "Banks, OCC Face Litigation Headaches After Supreme Court Ruling," *Bloomberg Law*, May 31, 2024
- "Setting the Stage for High Court BofA Escrow Interest Case," *Law360*, Feb. 26, 2024
- "The *New York Times* and Credit Rating Agencies: Indistinguishable Under First Amendment Jurisprudence," 93 *Denv. U. L. Rev.* 275, 2016
- "Preemption Principles: Weighing the Impact of Dodd-Frank," 34 No. 7 *Banking & Fin. Services Pol'y Rep.* 1, 2015
- "A Defense of the Doctrine of Preemption: Revealing the Fallacy that Federal Preemption Contributed to the Financial Crisis," 16 *U. Pa. J. Const. L.* 1041-1107, 2014

## Other Activities

- CNY Arts, Inc., Board Member
- Fayetteville-Manlius Little League, Assistant Coach
- Girl Scouts of the United States of America, Troop Leader