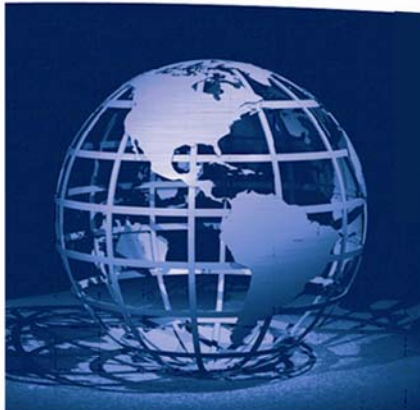




Gide Loyrette Nouel  
International Law Firm



2011

## Banking and Financial Litigation

Algiers  
Beijing  
Brussels  
Bucharest  
Budapest  
Casablanca  
Hanoi  
Ho Chi Minh City  
Hong Kong  
Istanbul  
Kyiv  
London  
Moscow  
New York  
Paris  
Saint Petersburg  
Shanghai  
Tunis  
Warsaw



## Banking and Financial Litigation

Banking and financial litigation covers the handling of any dispute relating to the validity and performance of banking and financial operations, as well as any dispute relating to the **civil, criminal and disciplinary liability** of businesses in the banking and financial sectors and of their managers. It is a litigation that is:

- **technical**: it requires thorough expertise in a whole raft of complex rules and a solid understanding of accounting and financial practices;
- **organisational**: liability, including criminal liability, of banking and financial institutions is increasingly sought on the basis of an organisational fault;
- **disproportionate**: the economic power of banking and financial institutions and their correlating duties to inform and advise their customers too often lead to a form of presumption of their own liability.

Considering the media-driven factors and financial stakes involved, it is a **strategic** litigation.

### Assistance at all Stages of a Dispute

#### Risk Assessment

- Measuring regulatory, ethical and litigation risks
- Preventing disputes arising
- Conducting risk audits in these different fields

#### Crisis Management

Legal crises and disciplinary measures, often reported in the media, can considerably harm a company's reputation and the image of its field of business. Members of the Banking and Financial Litigation team work with their clients' communications departments and agencies to explain their position in the media.

#### Disciplinary procedures

The team advises its clients how best to avoid committing infringements against the professional rules governing their business. It also defends clients before disciplinary bodies and the competent courts.

#### Amicable dispute resolution

Whenever possible, the team is committed to finding negotiated and confidential settlements and to implementing alternative dispute resolution methods.

#### The Lawsuit

As the final stage of a dispute, the lawsuit should be considered as a strategic tool. Gide Loyrette Nouel helps clients to establish, in a thorough and suitable manner, all legal means necessary for a successful outcome to their claims, in the direct interest of the case, and to prevent any future mass litigation.

# Banking and Financial Litigation

The Banking and Financial Litigation team regularly defends the interests of banks, investment companies, institutional issuers, investment funds, UCITs and their respective administrators. It also defends the managers of these establishments before all competent jurisdictions, including the criminal courts.

Our lawyers are highly experienced, extremely thorough, and have a perfect understanding of the workings and procedures of the financial, banking and judicial worlds. This gives them an unparalleled capacity to handle matters in these fields.

Gide Loyrette Nouel is regularly instructed in disciplinary, civil and criminal disputes arising from the full range of banking and financial activities.

## France

Gide Loyrette Nouel A.A.R.P.I.  
26, cours Albert 1<sup>er</sup>  
75008 Paris  
Tel +33 (0)1 40 75 60 00  
Fax +33 (0)1 43 59 37 79  
E-mail: [info@gide.com](mailto:info@gide.com)

## United Kingdom

Gide Loyrette Nouel LLP  
125 Old Broad Street  
London EC2N 1AR  
Tel +44 (0)20 7382 5500  
Fax +44 (0)20 7382 5501  
E-mail: [gln.london@gide.com](mailto:gln.london@gide.com)

For further information:  
[www.gide.com](http://www.gide.com)



Gide Loyrette Nouel

## Areas of Expertise

### Disciplinary litigation

The team regularly assists its clients, regulated entities and their managers in disciplinary proceedings before the *Commission bancaire* and the *Commission des sanctions de l'Autorité des marchés financiers* (the banking commission and the financial markets disciplinary commission).

### Litigation arising from Market Manipulation and Stock Exchange Offences

Our lawyers handle all disputes concerning stock exchange offences (issuing false information, market rigging, insider trading, etc.) and infringements of the rules governing regulated markets.

### Money Laundering

The Banking and Finance Litigation team assists clients to ensure that all **transactions comply with rules in force** and in any subsequent disciplinary or criminal litigation that may arise, notably in relation to anti-money laundering regulations.

### Asset Management & Private Banking

Our lawyers represent the interests of institutions called into question in their capacity as asset managers for third parties and depositaries. In the field of **Private Equity**, the team assists its clients to manage risks and disputes arising from their equity investments and/or the management of the companies they have invested in. The team also advises on all disputes concerning the **administration of securities** (reception and transmission, execution and negotiation of orders, bookkeeping, compensation, global custody, etc.).

### Litigation concerning Financing, Investments and Capital Markets

The team assists with all disputes:

- arising from its clients' **advisory** activities (IPOs, privatisations, mergers-acquisitions, reconciliations, restructurings, accounting and financial engineering, etc.) ;
- concerning **financing** and related guarantees, the renegotiation of debt whether or not within the scope of voluntary arrangements, legal actions for granting inappropriate credit, abusive contractual breaches, and breaches of professional duties;
- arising from **capital markets** transactions (issuance of financial instruments, derivative products, securitisations, etc.) ;
- as a result of activities related to **financial analysis** and **ratings**, publication of financial opinions and predictions, and issuing economic and financial information.