



J. Benjamin Davis
PARTNER

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Ben Davis advises banks and other financial institutions on a variety of issues related to financial institution services and operations. His practice also includes helping financial institutions address regulatory compliance issues, including data security, payment systems and consumer protection. In addition, Ben has experience helping companies draft and negotiate general business contracts, from general commercial terms and conditions to complex licensing and services agreements.

BANK AND FINANCIAL INSTITUTION SERVICES/OPERATIONS

Ben advises banks and other financial institutions on a wide variety of issues related to financial institution services and operations. He has drafted and negotiated customer-facing and vendor-facing agreements in such areas as core processing, Internet banking, e-statements, deposit operations, remote deposit capture, mobile banking (including mobile capture), wire transfer, ACH origination and processing, credit and debit cards, interest rate swap agreements, deposit account control arrangements, lockboxes, safe deposit boxes, overnight depositories, ATMs, cash delivery services, and merchant services. Ben also has extensive experience with check negotiation and check fraud issues as well as powers of attorney.

"I love helping clients solve problems. When you've practiced law for a while you hopefully develop a pretty extensive toolkit—but the most important skill you can bring to the table is the ability to truly listen to your client's needs."

BANK AND FINANCIAL INSTITUTION REGULATORY COMPLIANCE

Ben advises clients on a range of regulatory compliance issues affecting financial institutions and companies, including issues involving consumer protection requirements, such as: the Truth in Lending Act (Regulation Z); the Truth in Savings Act (Regulation DD); the Electronic Funds Transfer Act (Regulation E); unfair, deceptive, or abusive acts or practices (UDAAPs) under the Dodd-Frank

Act; the Real Estate Settlement Procedures Act (RESPA); the federal Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act); the North Carolina SAFE Act; electronic transactions (such as the Electronic Signatures in Global and National Commerce Act (E-Sign Act)); the Uniform Electronic Transactions Act (UETA); and financial institution reporting, including the Bank Secrecy Act and requirements stemming from the U.S. Treasury Department's Office of Foreign Assets Control (OFAC).

In addition to working with various federal banking agencies (including the FDIC, Federal Reserve and Consumer Financial Protection Bureau) in addressing client needs, Ben has experience representing clients before the Office of the North Carolina Commissioner of Banks as well as in the North Carolina General Assembly.

FINANCIAL PRIVACY AND DATA SECURITY

Ben has worked with numerous clients on addressing issues arising from financial privacy and data security requirements, including privacy notices, attestation standards for third party IT audits, responses to security breaches, and restrictions involving disclosures of financial information to law enforcement, federal and state agencies and private third parties. Ben has advised clients on requirements stemming from Title V of the Gramm-Leach-Bliley Act (Regulation P), the federal Right to Financial Privacy Act, the North Carolina Financial Privacy Act, FFIEC guidance involving internet banking and data security, the Payment Card Industry Data Security Standards (PCI DSS), the federal Freedom of Information Act and North Carolina's public records laws.

EXPERIENCE

Ben has worked with radio and television stations, as well as cable companies, in meeting regulatory compliance requirements imposed by the Federal Communications Commission.

SERVICES

Financial Services and Banking

Government Relations & Public Policy

Media, Publishing & Communications

Privacy

Regulatory & Administrative

CREDENTIALS

Honors & Recognitions

Selected by his peers for inclusion in *The Best Lawyers in America*® in Banking and Finance Law (2013-2023)

Education

Yale Law School, J.D., 1998; Managing Editor, *Yale Journal of Law & the Humanities*, 1996-97

Wake Forest University, B.A., 1994, *magna cum laude*; Phi Beta Kappa

Admissions

North Carolina

U.S. District Court for the Eastern District of North Carolina

PROFESSIONAL & CIVIC

Member, North Carolina Bar Association (2002-present)

Member, Business Section, American Bar Association (2002-present)

Member, Wake County Bar Association (2002-present)

Member, North Carolina Professional Lobbyists Association (2011-present)

ABOUT ME

One of my formative experiences as a young man was attending the U.S. Army's Airborne School at Fort Benning, Georgia. There are a lot of valuable things one learns on the way to graduating from jump school, but one was particularly surprising. We were taught that after your parachute has opened and you're about to land, the worst thing you can do is look down. If you do, you're likely to think the ground is closer than it really is; as a result, you can extend your legs too soon and end up badly hurt. We were trained instead to keep our eyes on the horizon – that way, you're not distracted by the ground and you can rely on your training once you feel your feet touch the ground.

I've found that's pretty good advice for practicing law, as well. Short-term challenges have a way of distracting us from the bigger picture; keeping our eyes on the horizon is the key to positioning clients for long-term success.

NEWSROOM

News

Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2023 Guide
08.18.2022

72 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2022 Guide
The Best Lawyers in America®, 08.19.2021

73 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2021 Guide
The Best Lawyers in America®, 08.20.2020

55 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2020 Guide
The Best Lawyers in America®, 08.15.2019

55 Brooks Pierce Attorneys Recognized in *The Best Lawyers in America*® 2019 Guide
The Best Lawyers in America®, 08.15.2018

Speaking Engagements

Ben Davis to Address Elder Abuse at North Carolina Bankers Association's Workshop
02.19.2019

Brooks Pierce Partner Speaks at 2015 Real Property Hot Topics Program
02.24.2015

Publications

Ten Important Changes in the N.C. Uniform Power of Attorney Act
12.19.2018

FCC Fines Cable Operator Following Data Breach Investigation
Digital Media and Data Privacy Law Blog, 11.17.2015

Ben Davis Authors North Carolina Bankers Guide to Powers of Attorney
04.30.2008