

David W. Barton

Of Counsel

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Mr. Barton represents financial institutions in connection with corporate law and governance matters, mergers and acquisitions, general banking matters, loan documentation and workouts, regulatory matters, real estate transactions, and securities law.

For over 30 years he has acted as general counsel and trusted advisor to many of Michigan's community banks, working closely with bank CEOs and senior management on their day to day legal issues. Through his experience and familiarity with the community banking industry and the regulated environment in which it operates, Mr. Barton is able to quickly and efficiently identify issues and draw upon the diverse expertise and resources of his many Bodman colleagues to address any issue or need of our community bank clients.

Mr. Barton's work includes representation of banks and bank holding companies in merger transactions including counseling on related fiduciary duties, negotiation of definitive agreements, and preparation of necessary

practices & industries

Mergers and Acquisitions
Banking and Finance
Business

education

University of Toledo College
of Law, J.D.
Bowling Green State
University, B.S.

admissions

Michigan

regulatory applications and proxy materials. He also represents banks in establishing or acquiring new branches and in the acquisition or *de novo* formation of permissible non-banking businesses such as insurance agencies, title agencies, mortgage companies, investment services firms, and data processing companies, including negotiation of acquisition agreements and preparation of required regulatory applications. He advises bank holding companies and banks on non-banking investments under federal and state laws including the Bank Holding Company Act, Regulation Y and the Merchant Banking Rule, the Volcker Rule, and state and federal laws and regulations governing community development investment activities.

He also assists bank holding companies and banks in securities offerings including common stock, preferred stock, and subordinated debt, and advises companies on stock redemptions and stock repurchase programs. He counsels institutional and other large investors in the acquisition of substantial minority positions in banks and bank holding companies, advising them on structuring their investments to avoid control determinations under federal banking law. He has organized a number of *de novo* banks, representing organizers in all facets of formation including initial organizational agreements, preparation of state and federal regulatory applications, preparation of securities offering documents, acquisition of facilities, negotiation of vendor agreements, protection of trademarks and intellectual property, and structuring of employment agreements and plans.

His work includes commercial loan documentation, loan participations, and loan purchase and sale transactions. Mr. Barton also represents select non-banking businesses and individuals in business law and real estate matters.

Mr. Barton is Co-Chair of the Financial Institutions Committee of the State Bar of Michigan's Business Law Section. He is a member of the Business Law and Real

Estate Law sections of the state bar and has served as President and Treasurer of the Cheboygan County Bar Association. Mr. Barton also serves as a consultant to the Michigan Bankers Association General Counsel and Commercial Lending Committees. He serves as the Chair of Bodman's Community Bank Industry Team.

Mr. Barton has been listed in *Michigan Super Lawyers* under Banking and is AV Preeminent® Peer Review Rated by Martindale-Hubbell. *Traverse* magazine named him to its "A-List" of leading Northern Michigan lawyers.

While in law school, Mr. Barton was a member and an editor of the *University of Toledo Law Review*.

HONORS, AWARDS, AND RECOGNITION

- *Michigan Super Lawyers 2012-2015*, Banking
- *Traverse: Northern Michigan's Magazine*, "Northern Michigan's A-List"
- Martindale Hubbell® AV Preeminent® Peer Rated for Highest Level of Professional Excellence; Endorsed for High Ethical Standing

PROFESSIONAL AFFILIATIONS

- State Bar of Michigan
 - Business Law Section
 - Co-Chair, Financial Institutions Committee
 - Real Estate Law Section

PUBLICATIONS

- "Michigan Financial Exploitation Prevention Act," *Michigan Business Law Journal*, Fall 2022
- "Public Welfare Investments: The Unlikely Intersection of Bank Regulation and Private Equity," *Michigan Business Law Journal*, Fall 2019