STITES & HARBISON PLLC



Richard A. Vance

Title: Senior Member

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Rick Vance's practice focuses on real estate law, antitrust, trade associations, financial institutions and the industrial hemp industry. He is based in the Louisville office.

CAPABILITIES

Practice Areas

- Financial Services Litigation
- Real Estate & Land Use Litigation
- Antitrust, Consumer Protection & Attorney General Defense
- Creditors' Rights & Bankruptcy
- Financial Institutions
- Trade Association Law

RECENT ASSIGNMENTS

- **Compliance and Real Estate**:
  - Assists affordable housing trust funds with low income housing projects
  - Assists banks and financial institutions with compliance with state and federal statutory and regulatory licensing and compliance

- Assists out-of-state lenders with compliance and real estate documentation and transactions and formal legal opinion advice
- Assists the Kentucky Bankers Association in analyzing and drafting real estate and banking legislation, including the Uniform Commercial Code
- Advises national clients on Kentucky legislative and regulatory developments

- **Antitrust and Trade Associations**:
  - Advises national and state trade associations on antitrust issues such as industry surveys and information sharing, membership and trade show policies, and product certification and standard setting programs
  - Prepares HSR premerger notifications and defends second requests
  - Advises hospitals, physician practices and other healthcare providers on the antitrust aspects of strategic transactions
  - Defends companies against competition claims, including tying, price discrimination and dealer termination
  - Defends antitrust investigations of the Federal Trade Commission, Department of Justice and Kentucky Attorney General

- **Litigation**:
  - Defends banks and financial institutions against TILA, RESPA, TCPA, FDCPA, UCC, usury and other statutory and common law claims
  - Defends investigations and enforcement actions brought by the Consumer Financial Protection Bureau (CFPB), FDIC, and Kentucky Attorney General
  - Real estate and title insurance litigation

  Representative cases:
  - *Consumer Financial Protection Bureau v. Borders*, 2017 U.S. Dist. LEXIS 108384 (W.D. Ky. 2017), 2018 U.S. Dist. LEXIS 46906 (W.D. Ky. 2018)
  - *Countrywide Home Loans, Inc. v. Kentucky Bar Association*, 113 S.W.3d 105, 119 A.L.R. 5th 641 (Ky. 2003)
  - *Rogan v. Bank One*, 457 F.3d 561 (6th Cir. 2006)
  - *American General Home Equity, Inc. v. Kestel*, 253 S.W.3d 543 (Ky. 2008)
  - *JIG Real Estate v. Countrywide Home Loans, Inc.*, 712 S.E.2d 820 (Ga. 2011)

BAR ADMISSIONS

- Kentucky

- U.S. Court of Appeals for the 6th Circuit
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky
- U.S. Bankruptcy Court for the Eastern District of Kentucky
- U.S. Bankruptcy Court for the Western District of Kentucky

RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

- Title Agencies Did Not Violate RESPA Affiliated Business Rule

  The Title Insurance Law Newsletter, American Land Title Association, September 2017 *,with Michael Denbow, David B. Owsley II and T. Morgan Ward Jr.*

- Legal Issues Facing Associations

  2023 KSAE (Kentucky Society of Association Executives) Convention, French Lick, Ind., October 16-18, 2023

- Charity Begins at Home: But local lawyers are reaching out to neighbors here and across the world

  By RJ Smith, *SuperLawyers.com*, December 11, 2020

- Contracts Being Tested by COVID-19

  ,with Alison M. Zeitlin Stites & Harbison Client Alert, March 18, 2020

- Coronavirus and Association Meetings

  Kentucky Society of Association Executives (KSAE) newsletter, March 16, 2020

- State Comments on USDA's Interim Final Rule Governing Hemp Production

  Stites & Harbison Client Alert, February 10, 2020

- Information You Need on the COVID-19 Coronavirus

  Stites & Harbison, PLLC March 2020

- Tips for Retailers: Banking and Credit Card Processing

  Panel member, Kentucky Hemp Industries Association Holiday Conference & Tradeshow, Murray State University, Murray, KY, December 20, 2019

- Ask a Hemp Lawyer!

  Panel member, Kentucky Hemp Industries Association Holiday Conference & Tradeshow, Murray State University, Murray, KY, December 20, 2019

- Into the Weeds of the USDA Hemp Regulations

  Stites & Harbison Client Alert, December 3, 2019

- Sowing the Seeds and Reaping the Benefits of Kentucky's Newest Booming Industry

  Industrial Hemp: A Lender's Guide, Consumer Financial Services Committee Monthly Call-In Program, August 21, 2019

- Kentucky's Industrial Hemp Opportunity and Banks

Panelist, Kentucky Bankers Association Conference, French Lick, Indiana, April 16, 2019

- Kentucky General Assembly Approves Electronic Recording and Notarization
  Stites & Harbison Client Alert, April 9, 2019
- Industrial Hemp: A Lender's Guide
  UK Conference on the Law of Financial Institutions, October 2018
- 2018 Farm Bill Finally Blossoms Into Law, Hemp Here to Stay
  Stites & Harbison Client Alert, December 21, 2018
- Banks, Loan Software, and UPL
  Kentucky Banker, November/December 2017
- RESPA Developments: CFPB v. Borders and Borders
  Mortgage Bankers Association of America, Litigation Committee Conference, July 25, 2017 *,with T. Morgan Ward Jr.*
- Developments before the Consumer Financial Protection Bureau
  Keeneland, April 13, 2017
- Regulatory Climate Under the Trump Administration
  ,with W. Blaine Early III and Dustyn B. Jones Creditors' Rights & Bankruptcy Seminar, Keeneland Race Track, Lexington, KY, April 13, 2017
- Securities and Antitrust Issues for HR Professionals?
  Stites & Harbison Legal Update, December 7, 2016
- How Are Banks Affected by the Employment Executive Orders?
  Kentucky Banker Magazine, May 2016
- Banking on Industrial Hemp
  Kentucky Banker Magazine, April 2016
- Hot Topics in Banking and Real Estate Litigation
  ,with W. Blaine Early III, Brian R. Pollock and Chrisandrea L. Turner Keeneland, April 23, 2015
- Hot Topics in Real Estate Litigation
  University of Kentucky Conference on Financial Institutions Law, September 19, 2014
- Judge Vacates $22 Million Verdict and Orders New Trial
  Stites & Harbison Client Alert, August 19, 2014
- WDKY holds that service charge on delinquent account violates Kentucky Usury Law!
  Stites & Harbison Client Alert, July 16, 2014
- Healthcare Mergers: Idaho Judge to Unwind Acquisition of Medical Practice
  Stites & Harbison Client Alert, February 7, 2014
- SCOKY to Review “Secret Lien” Case
  Stites & Harbison Client Alert, January 24, 2014
- Sixth Circuit refuses to enforce HUD’s 10 Factor Affiliated Business Arrangement Policy Statement

Stites & Harbison Client Alert, December 18, 2013

- Antitrust and Trade Associations
  Thirsty Thursday, Stites & Harbison networking event, May 23, 2013
- Antitrust and Employment Law
  Employment Service Group, Stites & Harbison, February 26, 2013
- Antitrust 101
  Asphalt Institute, February 12, 2013
- Kentucky Condemnation and Eminent Domain
  a chapter in *Kentucky Real Estate Law and Practice*, University of Kentucky Monograph Series (4th ed. 2012)
- Kentucky's Unique Guaranty Statute
  Consumer Finance Law Quarterly Report, Spring-Summer, 2005, Vol. 59, Nos. 1-2, July 19, 2005
- Kentucky's New Predatory Lending Law
  Consumer Finance Law Quarterly Report, Spring-Fall 2003, Vol. 57, Nos. 2-4, May 2003

FIRM LEADERSHIP

- Audit Letter Response Committee, Member
- Opinions Committee, Member (former Chair)

MEMBERSHIPS

- American Bar Association, Consumer Financial Services Committee
- Kentucky Bar Association
- Louisville Bar Association

COMMUNITY INVOLVEMENT

- Homeless and Housing Coalition of Kentucky, Board of Directors
- Kentucky Hemp Industries Association, Board of Directors
- Kentucky Habitat for Humanity, Pro Bono Counsel and Volunteer

EDUCATION

- University of Kentucky College of Law J.D. with high distinction, 1984
- University of Virginia B.A. with distinction, Government and Foreign Affairs, 1978

MORE THAN STITES & HARBISON

Rick began his career as a consumer protection investigator with the Federal Trade Commission in Washington, D.C. Rick is a former member of the Governing Committee of the Conference on Consumer Finance Law and a past board member for Kentucky Housing Corporation (KHC). He has built houses with Habitat for Humanity across the United States, as well as in Hungary, the Philippines and Mexico. He is also building an orphanage in Guatemala. Rick is the former President and current pro bono counsel for Kentucky Habitat for Humanity. Rick likes outdoor activities such as kayaking and mountain biking.

ACCOLADES

- *Martindale-Hubbell*® AV-Preeminent® Peer Review Rated
- *Best Lawyers in America*®, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law; Litigation - Banking and Finance; Litigation - Bankruptcy (2022-27)
- *Kentucky Super Lawyers*® (2013-26)
- *Louisville Magazine* Top Lawyers (2016)