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Kirstin D. Kanski and Yana Rusovski Discuss Fair Access and Debanking Risks in Law360

Spencer Fane attorneys Kirstin D. Kanski and Yana Rusovski authored the article The Debanking Minefield: Navigating Fair Access in 2026, recently published by *Law360*.

In the article, originally a firm blog post, the team examines the evolving regulatory landscape surrounding debanking and fair access to financial services, including new federal rules, proposed legislation, state laws, and increased scrutiny of financial institutions' account decisions. They explain how banks and credit unions must balance fair-access expectations with legitimate risk management obligations while ensuring decisions are individualized, objective, and based on documented financial and compliance factors. The article outlines key steps institutions should take to review policies, assess historical practices, and prepare for heightened regulatory and litigation risks.

"The momentum is strong and the path is clear for Congress to codify how access to the banking system is to be determined. Now that 'reputational risk' has been sunset, it remains important for institutions to evaluate how operating procedures and account decisions will hold up in the new era of 'fair access,'" the team wrote.

Kirstin maintains a comprehensive banking and financial services practice in which she provides strategic legal advice to financial institutions on a variety of bank regulatory matters, including enterprise risk management, corporate governance, charters and activities, data privacy, consumer compliance, payment systems, digital assets, third-party risk, regulatory applications, mergers and acquisitions, exams, enforcement actions, and remediation. She has significant experience in the design and implementation of enterprise compliance, risk, data privacy, ethics, and investigation programs.

Yana's practice focuses on the legal needs of clients in the real estate, finance, and government sectors, with particular emphasis on regulatory compliance, preventive counseling, and defending against enforcement actions. She helps clients identify and manage fair housing and fair lending risks, including those arising from AI and automated decision-making tools, while developing strategies to resolve disputes and protect business goals. With extensive experience handling HUD and government investigations, Yana provides practical guidance tailored to clients' operational needs.

Read the team's full article here. Please note, a subscription may be required.