

ROSS MALLIOUX

Banking Expert Witness · Independent Consultant

Operations · Lending · Standards of Care

Fayetteville, Arkansas · Nationwide Casework

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PROFESSIONAL SUMMARY

Independent expert witness and former senior banking executive with more than 40 years of progressive executive responsibility in community and regional financial institutions. Career roles include Chief Lending Officer, Division President, Market President, Senior Vice President, and Director of Mortgage Lending, with institution-wide responsibility for retail banking and deposit operations, residential mortgage lending, commercial and consumer lending, credit administration, internal controls, regulatory compliance, and fraud prevention.

Executive oversight has encompassed the full range of operational, lending, and consumer-facing functions through which deposits, payments, and funds movement are conducted in a community and regional banking environment. Direct involvement in federal regulatory examinations, in litigation as a designated bank representative, and in the disposition of foreclosed and bank-owned assets.

Engaged by retaining counsel to provide independent analysis and expert opinion on banking practices, standards of care, and operational and lending conduct in litigation and arbitration. Work commonly includes document-intensive review, identification of relevant banking policies and procedures, comparison of institutional conduct to accepted practices, and preparation of opinions for report, deposition, and trial purposes.

Testimony experience includes United States District Court, United States Bankruptcy Court, Arkansas state courts, and federal grand jury proceedings.

AREAS OF EXPERTISE

Representative and non-exhaustive, based on professional experience.

Banking Operations and Standards

- Generally Accepted Banking Practices (as informed by regulatory guidance, institutional policies, and examiner expectations)
- Retail Banking Operations and Internal Controls
- Retail Deposit Operations, Teller Functions, and Customer-Service Activities
- Payment Systems, Funds Movement, and Consumer Transaction Processing
- Negotiable Instruments and Check Processing; Endorsement Verification and Check Fraud (UCC Articles 3 and 4)
- BSA/AML Compliance, Customer Authentication, and Branch-Level Fraud Prevention
- Identity Fraud Prevention and Customer Identification Program (CIP) Practices
- Wire Fraud, Business Email Compromise, and Recall-Request Handling
- Elder Financial Exploitation Detection and Bank Response
- Institutional Governance and Standards of Care

Lending and Credit Administration

- Residential Mortgage Lending Practices
- Commercial, Construction, and Consumer Lending Practices
- Consumer and Commercial Credit Administration
- Credit Underwriting, Credit Report Analysis, and Borrower Capacity Verification
- Loan Documentation and Disclosure Practices (TRID, RESPA, TILA, Fair Lending, Ability-to-Repay)
- Real Estate Closing Funds Flow and Coordination with Title and Settlement Agents
- Commercial Loan Workout, Forbearance, and Loss Mitigation Practices
- Loan Default, Collection, and Lender Reliance on Borrower and Third-Party Representations

- Foreclosure, Collateral Recovery, and Disposition of Bank-Owned Assets
- Insider Transactions, Regulation O, and Conflicts of Interest in Lending

Litigation Support and Standards Analysis

- Banking Standards of Care and Causation Analysis
- Damages and Mitigation Analysis in Lending and Banking Disputes
- Regulatory Examination and Compliance Practices
- Litigation Support, Expert Reports, and Testimony

EXPERT WITNESS PRACTICE | PLAINTIFF AND DEFENSE

Provides independent banking-expert opinion in litigation and arbitration involving retail banking operations, lending practices, credit administration, regulatory compliance, and standards of care applicable to financial institutions. Accepts engagements from both plaintiff and defense counsel. Assignments frequently involve review of transaction records, loan files, policies and procedures, internal controls, and regulatory materials to evaluate whether conduct was consistent with accepted banking practices under the circumstances presented.

Representative Subject-Matter Areas

- Bank operational, lending, and credit-administration standards of care
- Funds movement, payment processing, and customer transaction disputes
- Real-estate closing, title-company, and settlement-agent banking issues
- Loan origination, documentation, and consumer-disclosure practices
- Foreclosure, collateral recovery, and bank-owned asset disposition
- Internal controls, fraud prevention, and BSA/AML compliance practices

TESTIMONY EXPERIENCE

Testimony experience to date includes the following forums:

- United States District Court, Western District of Arkansas — Trial testimony in matters involving financial and banking issues
- United States District Court, Western District of Arkansas — Grand jury testimony in financial and banking issues
- Arkansas state courts — Depositions and trial testimony in civil litigation involving banking and financial matters
- United States Bankruptcy Court — Testimony in adversary proceedings

A case-specific list of testimony provided within the preceding four years (Rule 26(a)(2)(B)(v)), and a list of publications authored within the preceding ten years (Rule 26(a)(2)(B)(iv)), are furnished in connection with individual engagements as required.

PROFESSIONAL EXPERIENCE · 1984 – PRESENT

Ross Mallioux Expert Witness LLC *Fayetteville, Arkansas*

Principal, Banking Expert Witness & Independent Consultant | February 2026 – Present

Provides independent expert witness and consulting services in litigation and arbitration involving banking operations, lending practices, credit administration, fraud, compliance, and standards of care applicable to financial institutions. Retained by plaintiff and defense counsel to review documents, evaluate institutional conduct, prepare expert reports, and provide deposition and trial testimony.

First National Bank of Fort Smith *Fort Smith, Arkansas*

Senior Vice President, Director of Mortgage Lending | February 2022 – January 2026

\$2+ billion privately held regional bank operating 22 branches across western and northwest Arkansas and eastern Oklahoma.

Responsible for oversight of residential mortgage lending operations, including secondary market origination, portfolio mortgage products, processing, closing, and post-closing functions. Oversight extended to construction lending and adjustable-rate and balloon mortgage products subject to TRID disclosure requirements. Responsibilities encompassed oversight of lending practices subject to TRID, RESPA, TILA, Fair Lending, and Ability-to-Repay requirements, including policy development, operational controls, and supervisory practices.

Involved in the development and evaluation of mortgage compensation structures, marketing practices, and loan origination system configurations. Participated in modernization of secondary market pricing methodologies and strengthening of fraud prevention controls, residential construction underwriting standards, and loan documentation practices.

Chambers Bank *Fayetteville, Arkansas*

Senior Vice President, Mortgage Lending | November 2020 – January 2022

\$860 million privately held state-chartered bank operating 24 branches across western and northwest Arkansas.

Originated residential mortgage loans and supported growth of the northwest Arkansas mortgage lending market through direct production and customer development activities.

Bank OZK *Fayetteville, Arkansas*

Division President | April 2011 – October 2020

\$40 billion publicly traded regional bank operating branches across Arkansas, Florida, Georgia, North Carolina, Tennessee, and Texas.

Served as Division President with executive responsibility for an operating division spanning more than a dozen branches, with oversight of retail banking, deposit operations, consumer and commercial lending, and lending-related funding activities within the assigned market. Branch operations responsibilities encompassed the full range of consumer-facing retail banking functions, including deposit operations, teller and customer-service activities, account opening and customer authentication, cash and vault management, branch security, BSA/AML compliance at the branch level, internal controls, and the operational procedures applicable to deposits, payments, and funds-movement activity conducted by retail customers in the ordinary course of business.

Lending oversight encompassed origination, underwriting, funding, and disbursement of consumer, commercial, and construction credit, including the funding and disbursement of loan proceeds at closing through coordination with title companies, settlement agents, and other closing intermediaries. Supported due diligence and post-acquisition integration efforts related to retail and lending operations in Georgia, Florida, and North Carolina. Provided oversight of Community Reinvestment Act (CRA)-related lending activities and specialized lending programs. Led implementation of the Paycheck Protection Program (PPP) within Arkansas markets during 2020 pursuant to the CARES Act.

First Federal Bank *Fayetteville, Arkansas*

Chief Lending Officer · Loan Committee Chair · Division President | May 1984 – April 2011

\$750 million publicly traded state-chartered bank operating 12 branches; subsequently acquired by Arvest Bank. Member of the executive team responsible for the bank's conversion from private ownership to a public company in 1996.

As Chief Lending Officer, served as one of the five most senior executives of the bank, with institution-wide responsibility for residential mortgage lending, commercial lending, consumer lending, and construction lending activities. Responsibilities encompassed lending administration, underwriting standards, staffing, processing, closing, servicing practices, problem credit identification, exception management, and the operational practices by which loan proceeds were funded and disbursed at closing, including coordination with title companies, settlement agents, and other closing intermediaries. Served as the primary point of contact for federal regulatory examinations related to lending and credit administration. Managed and coordinated lending-related litigation, including retention of outside

counsel, oversight of problem credits, and disposition of foreclosed and bank-owned assets. Served as the bank's designated witness in litigation, including depositions and trial testimony.

As Loan Committee Chair, provided oversight of loan structuring, collateral evaluation, appraisal review, and underwriting methodology, including consideration of accepted lending principles, fair lending requirements, and ability-to-repay standards.

As Division President, managed retail banking operations for the largest operating division of the bank, including staffing, internal controls, branch operations, and adherence to accepted banking practices. Branch operations oversight encompassed the full range of consumer-facing retail banking functions, including deposit operations, teller and customer-service activities, account opening and customer authentication, cash and vault management, branch security, BSA/AML compliance at the branch level, and the operational procedures applicable to deposits, payments, and funds-movement activity conducted by retail customers in the ordinary course of business.

METHODOLOGY AND PROFESSIONAL STANDARDS

Opinions are formed by reference to accepted banking practices, applicable laws and regulations, regulatory guidance issued by federal and state banking authorities, and prudent risk-management principles in effect at the relevant time. The analytical framework considers institutional policies and procedures, system configuration, training and supervision, documentation practices, and the reasonableness of the actions taken under the facts and circumstances presented.

Materials typically reviewed include loan files, deposit and transaction histories, account records, system configuration documentation, institutional policies and procedures, regulatory examination materials, deposition testimony, correspondence, and other case-specific materials customarily relied upon by banking professionals in forming opinions in the relevant subject-matter areas. Where appropriate, analysis also considers customary allocation of responsibilities among bank personnel, customers, borrowers, title companies, settlement agents, and other third parties involved in the transaction or event at issue.

Opinions are independent of compensation paid and of case outcome, and are rendered without advocacy. Compensation is on an hourly basis and is not contingent upon the opinions expressed or the outcome of the matter.

SCOPE OF SERVICES

Engagements may include initial case assessment, document and discovery review, preparation of written expert reports compliant with Federal Rule of Civil Procedure 26 (and analogous state rules), review and rebuttal of opposing expert reports, deposition testimony, trial testimony, and consultation on case strategy and demonstrative materials.

EDUCATION AND CREDENTIALS

Bachelor of Science in Business Administration

Concentration in Finance, Banking & Real Estate · *University of Arkansas, Sam M. Walton College of Business*
· 1984

Certified Residential Appraiser (CR) — *formerly licensed*

Background and experience in valuation review, appraisal practices, and collateral oversight in lending operations.

Real Estate Broker — *formerly licensed*

Background in real-estate transactions relevant to mortgage and commercial real-estate lending.