

SARAH JANE HUGHES

INDIANA UNIVERSITY SCHOOL OF LAW
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ACADEMIC AND PROFESSIONAL EMPLOYMENT:

School of Law, Indiana University, Bloomington, Indiana. University Scholar and Fellow in Commercial Law (1998 to present). Adjunct Associate Professor (Full-Time), (1991-1998). Visiting Associate Professor (1988-1989 and 1989-1990; Fall 1990).

Honors Received: Reporter, Uniform Law Commission Drafting Committee on the Virtual Currency Business Regulation Act (May 2015 to present); Reporter, Study Committee on Alternative and Mobile Payments, Uniform Law Commission, March 2014 to May 2015); Reporter, Standing Committee on Payments Systems, Permanent Editorial Board for the Uniform Commercial Code, 2003 to present; Reporter, Study Committee on the Check Truncation Act of 2002 (later enacted as the Check Clearing for the 21st Century Act), National Conference of Commissioners on Uniform State Laws, November, 2002 to present; 2003 -2007 & 2010-2013 Pro Bono Public Service Commendations, Washington State Bar Association; Recipient, Leon Wallace Distinguished Teaching Award (1992-1993) (first female recipient; only untenured recipient to that date); Gavel Awards for 1999-2000, 1996-1997, and 1995-1996 (one given by each graduating class for outstanding service to the class); TERA Award (peer-reviewed award for teaching excellence sponsored by the University; one of the first group of recipients) (1996-1997).

Courses taught: Sales; Negotiable Instruments; Secured Transactions; Commercial Transactions (various combinations of the traditional commercial law courses); Banking Regulation; White Collar Crime; Information Privacy; International Business Transactions.

The Columbus School of Law, The Catholic University of America, Washington, D.C., Visiting Assistant Professor, Spring 1991. *Course taught*: Commercial Transactions (two sections).

Federal Trade Commission, Washington, D.C. and Seattle, Washington, August, 1974 through August, 1988, Attorney-Advisor and Confidential Legal Advisor.

EDUCATION:

University of Washington School of Law, Seattle Washington, J.D., 1974. Board of Editors, Washington Law Review.

Mount Holyoke College, South Hadley, Massachusetts. A.B., Political Science, cum laude, 1971.

BAR MEMBERSHIPS: District of Columbia (active since 1975); State of Washington (admitted 1974, inactive since 1993).

MAJOR PUBLICATIONS:

Books and Book Chapters in Progress:

ECONOMIC SANCTIONS LAW IN THE UNITED STATES AND ITS EXTRATERRITORIAL APPLICATIONS: TRENDS AND CONCERNS (working title). Edward Elgar Press. (invited book) (in progress, but suspended during multilateral talks with Iran and ongoing implementation).

A Historical Analysis of Substitutes for Legal Tender and Their Implications for the Regulation of Virtual Currencies, in RESEARCH HANDBOOK ON ELECTRONIC COMMERCE LAW, John A. Rothschild, ed., chapter on electronic payments and virtual currencies (invited book chapter with Stephen T. Middlebrook) (submitted April 2015; accepted; publication forthcoming early 2016, Edward Elgar Press).

Articles Accepted for Publication but not in Print:

Developments in the Law concerning Electronic Payments and Financial Services, 71 BUS. LAW. – (forthcoming Fall 2015-Winter2016), with Stephen T. Middlebrook.

Books and Book Chapters in Print:

RADIO FREQUENCY IDENTIFICATION DEVICES, NEAR-FIELD COMMUNICATIONS, AND MOBILE PAYMENTS – A GUIDE FOR LAWYERS, Curator, General Editor (with

Candace M. Jones and Stephen T. Middlebrook) and Contributor, American Bar Association, July, 2013 with second printing January 2014).

RESPONDING TO NATIONAL SECURITY LETTERS: A PRACTITIONER'S GUIDE, co-authored with David P. Fidler, American Bar Association, March 2009.

HAWKLAND SERIES ON THE U.C.C. (treatise), Vol. 10A – NON-UCC PAYMENTS, with Professor Fred H. Miller, Professor Kathleen Patchel, and Steven O. Weise, Esq., 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015, Thomson-West Publishing Co., Minneapolis, MN. (Launched in 2008, Volume 10A is now more than 1,000 pages in length.)

Book chapter in *The Best of Internet Law*, (Bowne Publications, 2001), based on my 1999 article "A Case for Regulating Cyberpayments." (The book won a nation-wide award in the Best of Cyberspace Law publications in 2002.)

Articles in Peer-Reviewed or Law-School Journals in Print:

Advancing a Framework for Regulating Cryptocurrency Payments Intermediaries, 32 YALE J. REG. 428 (Summer 2015), with Stephen T. Middlebrook.

Are These Game Changers? Developments in the Law Affecting Virtual Currencies, Prepaid Payroll Cards, Online Tribal Lending, and Payday Lenders, 70 BUS. LAW. 261 (Winter 2014-2015), with Stephen T. Middlebrook.

Regulating Cryptocurrencies in the United States: Current Issues and Future Directions, 40 WM. MITCHELL L. REV. 813 (2014), with Stephen T. Middlebrook.

Did the National Security Agency Destroy the Prospects for Confidentiality and Privilege When Lawyers Store Clients' Files in the Cloud – and, What, if Anything, Can Lawyers and Law Firms Realistically Do in Response? 41 N. KY. L. REV. 405 (2014).

Privacy and Data Security and Virtual Currencies: A Complex of Domestic and Foreign Compliance Standards and Issues to Consider, 13 PRIV. & SEC. LAW REPT. 1933 (Nov. 2014).

Did New York State Just Anoint Virtual Currencies by Proposing to Regulate Them, or Will Regulation Spoil Them for Some? 71 WASH. & LEE L. REV. ONLINE 51 (2014).

Virtual Uncertainty: Developments in the Law of Electronic Payments and Financial Services, 69 BUS. LAW. 263 (Nov. 2013), with Stephen T. Middlebrook.

L'Embaras du Choix: A Year of Developments in the Laws Affecting Remittance Transfers, Credit Cards, and Certain Prepaid Cards, 68 BUS. LAW.233 (Nov. 2012).

Red Skies in the Morning – Professional Ethics at the Dawn of Cloud Computing, 38 WM. MITCHELL L. REV. 111 (2011) (invited symposium article) (with Roland L. Trope).

Developments in the Laws Governing Electronic Payments, 67 BUS. LAW. 259 (Nov. 2011).

Payments Data Security Breaches and Oil Spills: What Lessons Can Payments Security Learn from the Laws Governing Remediation of the Exxon Valdez, Deepwater Horizon, and Other Oil Spills? 5 BROOKLYN JOURNAL OF CORPORATE, FIN. & COMM. LAW 111 (Nov. 2010) (invited symposium article).

Developments in the Laws Governing Electronic Payments Through Gift Cards, Debit and Prepaid Cards, Credit Cards, and Direct Deposits of Federal Benefits, 66 BUS. LAW. 159 (Nov. 2010).

Federal Payroll, Gift, and Prepaid Card Developments: FDIC Deposit Insurance Eligibility and the Credit CARD Act of 2009, 65 BUS. LAW. 261 (Nov. 2009).

Developments in the Laws Affecting Electronic Payments and Stored-Value Products: A year of Stored-Value Bankruptcies, Significant Legislative Proposals, and Federal Enforcement Actions, 64 BUS. LAW. 219 (Nov. 2008), with Patricia J. Allouisie and Stephen T. Middlebrook.

Duty Issues in the Ever-Changing World of Payments Processing: Is It Time for New Rules?, 83 CHIC. KENT L.J. 721 (2008)) (symposium issue for the Rethinking Payments Law Symposium, April 27, 2007, sponsored by the Federal Reserve Bank of New York and New York City Area Law Schools).

Electronic Fund Transfers and Other Non-U.C.C. Payment Methods (Volume 10), Hawkland on the Uniform Commercial Code Series (Nov. 2007 with 2008 & 2009 updates) (with Frederick H. Miller). (new volume for the Hawkland series).

Developments in the Law Concerning Stored-Value Cards and Other Electronic Payments Products, 63 BUS. LAW.237 (Nov. 2007), with Stephen T. Middlebrook and Broox W. Peterson.

Developments in the Law Concerning Stored Value and Other Prepaid Products, 62 BUS. LAW. 229 (Nov. 2006) (with Stephen T. Middlebrook and Broox W. Peterson).

Stored-Value Cards: A Perspective from South of the Border – the Canadian-US

Border, That Is, Published by the IT Canada Association for Participants in the Tenth Annual Canadian IT Law Association Conference, Toronto, Canada, October 27, 2006.

A Crash Course in Check 21 for Business Lawyers: Answering Your Bank, Consumer, and Corporate Client Questions, a presentation in print and power-point prepared for the Spring Meeting of the American Bar Association's Business Law Section, April 2, 2005, Nashville, Tennessee.

"Promoting the Use of Electronic Payments: What Role Will/Can Consumer Protection Play?" Spring 2001 in Proceedings of the October, 2000 Workshop on Promoting the Use of Electronic Payments: Considering Further Requirements, sponsored by the Federal Reserve Bank of Chicago, Chicago, Illinois.

A Case for Regulating Cyberpayments, 51 ADMIN. L. REV. 809 (Summer, 1999), invited for the symposium "Regul@tion\$.gov: Coming to Terms with On-Line Commerce", sponsored by the Washington College of Law, American University, Washington, D.C., on March 26, 1999.

Essay, "Law Enforcement Monitoring of Electronic Payments Systems, in L. Richard Fischer, ed., PRIVACY IN ELECTRONIC COMMERCE (American Bankers Association, Sept. 1997). (Invited)

A Call for International Legal Standards for Retail Electronic Payment Systems, 15 ANN. REV. BANKING L. 197 (Apr. 1996) (lead article).

Banking and Deposit Insurance: An Unfinished Agenda for the 1990's, 68 IND. L. J. 835 (1993). (Invited)

Policing Money Laundering Through Funds Transfers: A Critique of Through Funds Transfers -- A Critique of Bank Secrecy Act Regulation, 67 IND. L. J. 283 (1992). (Invited as part of a symposium on banking and financial services).

Congressional Testimony:

House of Representatives, Committee on Energy & Commerce, Subcommittee on Commerce, Manufacturing and Trade, The Disruptor Series: Mobile Payments, December 1, 2015.

Senate, Committee on Banking, Housing and Urban Affairs, Virtual Currencies, November 19, 2013.

Senate, Committee on Banking, Housing and Urban Affairs, Mobile Payments, July 12, 2012.

2015 Presentations (not yet updated).

2014 Presentations:

“At What Cost Do Faster Payments Come? Current Payment “rails,” Faster Alternatives, and Math-Based Currencies,” at 2014 Payments Symposium, Federal Reserve Banks Payments Working Group, hosted by the Federal Reserve Bank of Chicago, September 25, 2014, presenter and discussant.

"Virtual and Digital Currencies: the Path to Legitimacy and the Need (or Not) for a Regulatory Framework for Consumer Protection," at the Annual Meeting of the Business Law Section of the American Bar Association, September 12, 2014, Chicago, presenter and co-chair.

“DOJ’s ‘Operation Choke Point,’ State Enforcement Initiatives, and FTC’s Proposed Outright Bans: Are They Inspired Public Policy Enforcement through Payment Systems or Misguided Intervention?" at the Spring Meeting of the Business Law Section of the American Bar Association, Los Angeles, CA, April 12, 2014, moderator.

Public Service Publications/ Comments in Regulatory Proceedings:

Comments on Proposed Rule concerning Garnishment of Accounts Containing Federal Benefit Payments, to be codified at 31 C.F.R. pt. 212, June 16, 2010, including template materials for other comments provided by Indiana Legal Services, Inc. offices. (Comment is available on the www.regulations.gov website.)

Comments on Proposed Amendments to DOJ Guidelines on Funding for Criminal Intelligence Systems, 28 C.F.R. Part 23, filed September 2, 2008 (template drafts for use by the Electronic Information Privacy Center and other privacy and consumer groups). (Comments are available on the www.regulations.gov website.)

Request for Rulemaking Extending Deposit Insurance to Payroll Cards, filed with the Federal Deposit Insurance Corporation, August 29, 2008 (with Gail Hillenbrand, Senior Counsel, Consumers Union, and others). [The FDIC adopted a final rule extending deposit insurance to payroll cards in response to our request on October 15, 2008.]

Comments filed under the name of the Permanent Editorial Board for the Uniform Commercial Code, on proposed amendments to Regulation CC, 12 CFR Part 229, to implement the Check Clearing for the 21st Century Act, March 11, 2004 and June 8, 2004. Comment filed on proposed amendments to Regulation J, 12 CFR Part 210, to implement the Act, prepared for the Permanent Editorial Board, filed July 26, 2004, under my own name because of external time demands on members of the Permanent Editorial Board. (Comments available on the web site

of the Board of Governors of the Federal Reserve System, and on the American Law Institute web site.)

Report on the Check Clearing for the 21st Century Act, prepared for the Study Committee on Articles 3 and 4 and Check Truncation and for the Permanent Editorial Board for the Uniform Commercial Code, March, 2003 – publication forthcoming, January, 2004. (Prepared on a consultancy basis.)

Other Recent Professional Presentations:

Panel Member, “Regulating Mobile Payments Providers – What Consumer Protection Issues Should Regulators Worry About,” Conference of State Bank Supervisors Legal Affairs Conference, Raleigh, NC, August 25, 2011

Panel Member, Webinar on Mobile Payments Issues, Pepper, Hamilton, May 18, 2011.

Panel Member, “Hang on, My Bank Just Texted Me: New Developments & Issues in the Evolution of Mobile Payment Systems and Technology,” April 14, 2011, ABA Spring Meeting, Boston, MA (CLE presentation).

Reprinted on July 19, 2011 as an ABA CLE Webinar.

Co-moderator, “The Mobile Gold Rush: Panning for Mobile Payments,” August 6, 2010, ABA Annual Meeting, San Francisco, CA.

Co-moderator, “It’s a Whole New Card Game: New Federal Regulation of Debit, Prepaid and Gift Cards,” CLE Presentation at the Spring Business Section Meeting, April 22, 2010, Denver, Colorado. CLE repeated as an ABA Webinar, June 10, 2010.

Co-Moderator and Chair, “Hot Topics in Electronic Payments,” July 30, 2009, ABA Annual Meeting, Chicago, Illinois.

Co-Moderator and Chair, “What US Payments Lawyers Should Know about the Single European Payments Area,” April 19, 2009, ABA Spring Meeting, Vancouver, Canada.

Featured presenter, Privacy Coalition, Monthly Colloquium Series, Washington, D.C., September 25, 2008. (Invited talk on federal funding and oversight of state and local law enforcement databases and issues with their enforcement by DOJ from 2000-2008.)

Presenter, Annual Meeting, American Bar Association’s Business Section, *Responding to National Security Letters: A Practical Guide for Legal Counsel*,

with Jonathan S. Wilson, New York City, August, 2008. (Powerpoint distributed to every Business Section registrant at the meeting.)

Presenter, *A Primer on Electronic Payments Products*, Young Lawyers' Institute, Spring Meeting –Business Section, American Bar Association, with Stephen T. Middlebrook, Dallas, April 2008. (Powerpoint and supporting materials distributed to every Young Lawyers' Institute registrant.)

Presenter, Winter Working Meeting, American Bar Association's Cyberspace Law Committee, two presentations – one on white paper on uses of electronic payments and stored value in disaster relief and one on recent developments in stored value cards, Little Rock, January 2007.

Featured Presenter, IT Canada, Tenth Annual Canadian IT Law Association Conference, Toronto, Canada, October 27, 2006.

(Older presentations list available on request.)

PROFESSIONAL EXTERNAL SERVICE:

Publications Chair, Cyberspace Law Committee, American Bar Association, August, 2011 to present (serving third, two-year term).

Co-Chair and Co-Editor, Task Force on RFID/Book Project, Cyberspace Law Committee, American Bar Association, January 2009 to present.

Co-Chair, Subcommittee on Electronic Payments Products and Financial Services, American Bar Association, Business Section/Cyberspace Law Committee, August 2008 to August 2011.

Co-Chair, Working Group on Electronic Payment Services, American Bar Association, Business Section/ Cyberspace Law Committee, August 1998 to August 2008.

Reporter, Standing Committee on Payments, Permanent Editorial Board for the Uniform Commercial Code, October 2003 to March 2006. The Standing Committee ceased operation in March 2006.

Reporter, Study Committee on Check Truncation and the Check Clearing for the 21st Century Act, National Conference of Commissioners on State Laws, November, 2002, to present. First report to the Study Committee, February 18, 2003. Currently preparing additional materials for the Study Committee and possible Congressional testimony for Spring, 2003.

Member of Advisory Group to the U.S. Department of State's Office of Legal Advisor, on the U.N. Convention on Guarantees (1997), which the United States has signed, but not ratified as of March, 2005.

Reporter, Cyberspace Law Committee, American Bar Association, White Paper Project on Safety and Soundness in Non-Depository Providers of Electronic Financial Services, November, 1998 to present. (Two publications from the project so far in the November, 2001, and November, 2002, issues of the *Business Lawyer*; one more article forthcoming.)

American Bar Association Representative to the Drafting Committee, Money Services Act, National Conference of Commissioners on Uniform State Laws, May, 2000 to present.

Observer, National Conference of Commissioners on Uniform State Laws, Drafting Committee for Revisions to Articles 3, 4, and 4A of the Uniform Commercial Code, April, 2000, to present.

Informal advisor to the Reporter, National Conference of Commissioners on Uniform State Laws, Drafting Committee for the Money Services Business Act, January, 1999 to May, 2000. Also served as Observer and as Member of the Task Force on Electronic Payments from October, 1999 to May, 2000.

Observer, National Conference of Commissioners on Uniform State Laws, Article 2 and 2A drafting committees, 1995-1998.

Observer, National Conference of Commissioners on Uniform State Laws, Article 9 drafting committee, 1995-1997.

Member, The Task Force on Stored-Value Cards, 1998 to present. (The Task Force is a joint working group of the American Bar Association's Section of Business Law that is sponsored by various subcommittees including the Uniform Commercial Code Committee, Subcommittee on Payments, the Banking Law Committee, Subcommittee on Domestic and International Payments and EFT Transactions, and the Cyberspace Law Committee.)

Member, Subcommittees on Cyberspace Law, Consumer Financial Services, Uniform Commercial Code, Payments, Banking Law, and Consumer Involvement, Business Section of the American Bar Association; *and* Antitrust Section of the American Bar Association.

Informal advisor, Legal Adviser's Office, Department of State, on international electronic commerce and electronic payments issues, particularly as these issues are considered by UNCITRAL and UNIDROIT. 1997 to present; ongoing projects cover electronic signatures, transferable records, electronic sales transactions, and choice of law presumptions in cross-border e-commerce transactions.

Member, American Bar Association's Business Section's Task Forces on Articles 1, 2, and 9, Spring 1992, to July, 1999.

Expert advisor, National Conference of Commissioners on Uniform State Laws, to the Drafting Committees for Uniform Commercial Code Articles 2 and 9 (invited), late 1995 to March, 1999.

Consultant-Observer, U.S. Office of Technology Assessment, Assessment of Information Technology and Control of Money Laundering, May, 1994, to September, 1997. (Now dissolved, the OTA was one of the research arms of the Congress.)

EXTERNAL HONORS:

Washington State Bar Association, Pro Bono Publico Service Commendations, 2003-2007, 2009, 2010, 2011 & 2014.

American Law Institute, elected to membership, October, 2000.

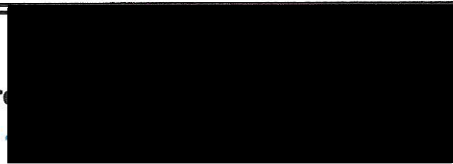
ARTS-RELATED VOLUNTEER ACTIVITIES:

Vice President & Assistant Treasurer and Past President of the Board of Trustees of The Yard, Inc., the colony for contemporary dance, Chilmark, Massachusetts; trustee and treasurer, October 2005 to January 2007; Advisory Board member, 1992 to October 2005.

Committee on Energy and Commerce
U.S. House of Representatives
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

1. Your Name: <i>SARAH JANE HUGHES</i>		
2. Your Title: <i>Univ. Scholar and Fellow in Commercial Law</i>		
3. The Entity(ies) You are Representing: <i>myself</i>		
4. Are you testifying on behalf of the Federal, or a State or local government entity?	Yes	No <input checked="" type="checkbox"/>
5. Please list any Federal grants or contracts, or contracts or payments originating with a foreign government, that you or the entity(ies) you represent have received on or after January 1, 2013. Only grants, contracts, or payments related to the subject matter of the hearing must be listed. <i>Neither the Mauer School nor Indiana University has contracts specifically related to the hearing on 12/1/2015 to my knowledge.</i>		
6. Please attach your curriculum vitae to your completed disclosure form.		

Signature



Date: *4-29-15*