

## **CURRICULUM VITAE**

### **MARK E. BUDNITZ**

#### **EDUCATION**

1966            B.A., Dartmouth College  
1969            J.D., Harvard Law School

#### **EMPLOYMENT**

1988 - present            Professor of Law (Full Prof. since 1993)  
                                 Georgia State University College of Law  
1984 - 88                Chief, Branch of Reorganization, Atlanta Regional Office,  
                                 Securities and Exchange Commission  
1979 - 84                Emory University School of Law  
                                 Associate Professor, 1979-84  
                                 Adjunct Professor, 1984-88  
1975 - 79                Executive Director, National Consumer Law Center, Inc.  
1973 - 75                Supervising Attorney and Instructor, Civil Clinical  
                                 Program, Boston University School of Law  
1973 - 75                Staff Attorney, Greater Boston Legal Services  
1971 - 73                Litigation Coordinator and General Counsel, National  
                                 Consumer Law Center, Inc.  
1969 - 71                Staff Attorney, Community Legal Assistance Office,  
                                 Cambridge, Massachusetts

#### **PROFESSIONAL AFFILIATIONS AND COMMUNITY SERVICE**

Member, American Law Institute, 2000-present  
Board of Directors, National Consumer Law Center, 2002-present  
Member, Board of Directors, Atlanta Legal Aid Society, 1990 - present  
                                 Executive Committee, 1994 - 1996, Audit Committee, 2005-present

Member, Board of Directors, Americans For Fair Lending, 2006-present

Georgia Electronic Commerce Association, Privacy Committee, 2001 - present

American Bar Association, Business Law Section

Co-Chair, Task Force on Consumer Involvement, UCC Committee, 1995-2003

Co-Chair, Working Group on Consumer Protection, Cyberspace Law Committee,  
1998-2003

Awarded Fellowship by Consumer Financial Services Committee, 1989-1994

Georgia Department of Human Resources Electronic Benefit Transfer Client Advocate  
Advisory Council, 1994 - 97

Chair, Board of Directors, Consumer Law Center of the South, 1996-2001

Editorial Board, Consumer Financial Services Law Report, 1998-present

Business Law Section, State Bar of Georgia, 1993 - present

## **BAR ADMISSIONS**

Georgia (active) and Massachusetts (retired)

Federal District Courts of Georgia and Massachusetts

## **AWARDS**

1998 Writing Competition Award, American College of Consumer Finance Services  
Lawyers

Patricia T. Morgan Award for Outstanding Faculty Scholarship

## **SUBJECTS TAUGHT AT GSU COLLEGE OF LAW**

Electronic Commerce

Sales

Commercial Paper & Payment Systems

Consumer Protection

## **PUBLICATIONS**

### Books

Consumer Banking and Payments Law (2000); Second Edition (2002); Third Edition  
(2005); and Supplements.

The Law of Lender Liability, Revised Edition (A.S. Pratt 1994). Bi-annual supplements from 1991 to present.

Counseling and Representing Financially Distressed Businesses, with Gary Shapiro (The Harrison Company 1993)(Periodic Supplements until 2003).

Fair Credit Reporting Act, with Will Ogburn (1<sup>st</sup> ed. 1971).

### Articles

“Commentary: Technology as the Driver of Payment System Rules: Will Consumers Be Provided Seatbelts and Air Bags?,” Symposium Issue: Rethinking Payment Law, 83 Chicago-Kent Law Review 909 (2008).

“Developments in Payments Law 2008,” 12 Journal of Consumer & Commercial Law 2 (2008).

“The Federalization and Privatization of Public Consumer Protection Law in the United States: Their Effect on Litigation and Enforcement,” 24 Georgia State University Law Review 663 (2008).

“Developments in Payment Systems Law 2005-2006,” 10 Journal of Consumer & Commercial Law 116 (2007).

“Deceptive Claims for Prepaid Telephone Cards and the Need for Regulation,” (with Marlowe & Rojo), 19 Loyola Consumer Law Review 1 (2006).

“Home Banking Agreements: Don’t Bank On Them,” (with Ferry, Clifford & Saunders), 61 Business Lawyer 641 (2006).

“Consumer Payment Products and Systems: The Need for Uniformity and the Risk of Political Defeat,” 24 Annual Review of Banking and Financial Law 247 (2005).

“Payment Systems Update 2005,” 8 Journal of Texas Consumer Law 66 (2005).

“Payment Systems Update,” 8 Journal of Texas Consumer Law 66 (2005).

“The High Cost of Mandatory Consumer Arbitration,” 67 Law & Contemporary Problems 133 (2004)

“Consumer Payment Systems: New Products and Services, New Laws and New Problems,” 56 Consumer Finance Law Quarterly Report 52 (2002).

“Ensuring the Future,” 7 *The Consumer Advocate* 5 (June 2001) (issue discussing teaching Consumer Protection in law schools)

“Consumers Surfing for Sales in Cyberspace: What Constitutes Acceptance and What Legal Terms and Conditions Bind the Consumer?” 16 *Georgia State Law Rev.* 741 (2000).

“Privacy Rules: Areas of Concern and Controversy,” *Consumer Financial Privacy: Complying with the Gramm-Leach-Bliley Act and the Final Rules* (2000).

“Consumer Privacy in Electronic Commerce: As the Millennium Approached, Minnesota Attacked, Regulators Refrained, and Congress Compromised,” 14 *Notre Dame Journal of Law, Ethics & Public Policy* 821 (2000)(Symposium on Privacy and the Law).

Editor & contributor, *Consumer ADR in the Borderless Online Marketplace* (materials published by ABA for Annual Meeting)(contributed “Developments in Consumer Arbitration Case Law: 1997-April 2000”).

“Privacy Protection for Consumer Transactions in Electronic Commerce: Why Self-Regulation is Inadequate,” 49 *S. Caro. Law Review* 847 (1998)(Symposium on Conducting Business Over the Internet).

“Stored Value Cards: The Need For Regulation,” 46 *American University Law Review* 1027 (1997)(Symposium on The Electronic Future of Cash).

“The FTC’s Consumer Protection Program During the Miller Years: Lessons For Administrative Agency Structure and Operation,” 46 *Catholic U. Law Review* 371 (1997).

"Arbitration of Disputes Between Consumers and Financial Institutions: A Serious Threat to Consumer Protection," 10 *Ohio St. J. on Dispute Resolution* 267 (1995).

"Consumer Issues in Revised Articles 3 and 4 of the UCC," *Consumer Finance Law Quarterly Report* 119 (1993).

"Electronic Money in the 1990's: A Net Benefit or Merely a Trade-Off?" 9 *Georgia State University Law Review* 747 (1993).

"The Revision of U.C.C. Articles Three and Four: A Process Which Excluded Consumer Protection Requires Federal Action," 43 *Mercer Law Review* 827 (1992).

"Consumer Bankruptcy Developments," 47 *Business Lawyer* 1299 (1992).

"The Consequences of Bulk in Our Banking Diet: Bulk Filing of Checks and the Bank's Duty of Ordinary Care When it Pays Forged Checks Under the 1990 Revision to the

Uniform Commercial Code," 63 Temple Law Review 729-791 (1990).

"The Duties Imposed By Bankruptcy Courts Upon Mortgagees At Foreclosure Sales: How To Avoid Avoidance Under Section 548," 46 The Business Lawyer 1183 (1991).

"Chapter 11 Business Reorganizations and Shareholder Meetings: Will the Meeting Please Come to Order, or Should the Meeting Be Cancelled Altogether?" 58 George Washington Law Review 1214-1267 (1990).

"Fees of Professionals and Expenses of Members Appointed to Official Committees in Chapter 11 Cases" (with Robinson) Norton Bankruptcy Law Adviser (Nov. 1987).

"The Finicky Computer, the Paperless Telex and the Fallible Swiss: Bank Technology and the Law," 25 Boston College Law Review 259-303 (1984), reprinted in Fonseca, Handling Consumer Credit Cases (1986).

"The Sale of Credit Life Insurance: The Bank as Fiduciary," 62 University of North Carolina Law Review 295-327 (1984), reprinted in National Insurance Law Review 129 (1984).

"Federal Regulation of Consumer Disputes in Computer Banking Transactions," 20 Harvard Journal on Legislation 31-98 (1983), reprinted in Corporate Counsel's Manual 833 (1984).

"Problems of Proof When There's a Computer Goof: Consumers versus ATMs," 2 Computer Law Journal 49-65 (1980).

"The Impact of Electronic Funds Transfer Systems on Consumers," 13 University of San Francisco Law Review 361-404 (1979).

Editor, Harvard Civil Rights Civil Liberties Law Review, 1968-1969.

## **SELECTED PROFESSIONAL ACTIVITIES**

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|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2008 | Panelist, "Consumer Issues in a Changing Environment," Conference on Risk & Fraud in Retail Payments: Direction and Mitigation, Federal Reserve Bank of Atlanta       |
| 2008 | Trainer, "Payment Systems and Payment Cards," Division of Financial Practices, Federal Trade Commission                                                               |
| 2007 | Panelist, "Big Change, Small Change: New Technology and New Problems in Electronic Banking," Annual Meeting of National Association of Consumer Agency Administrators |

- 2007 Panelist, "Public Law Litigation and Enforcement: Consumer and Environmental Law," Conference on Public Law Litigation and Enforcement, Comparative Perspectives, Georgia State College of Law
- 2007 Presenter, "Garnishment of Exempt Benefits and Child Support Payment Cards," Atlanta Legal Aid & Georgia Legal Services
- 2006 Presenter, "Deceptive Claims for Prepaid Telephone Cards & the Need for Regulation," University of Georgia
- 2006 Presenter, "Consumer Payment Products and Systems: The Need For Uniform & Universal Rules," Consumer Advisory Council, Federal Reserve System
- 2006 Presenter, "UCC Articles 1,23,4, and 4A and Secured Lending Transactions, Business Law Section, State Bar of Georgia
- 2006 Presenter, "Payment Systems, Legal Update," The Past, Present and Future of Consumer Law, University of Houston Law Center
- 2005 Presenter, "The Need for Uniformity in Payment Systems," faculty colloquium at Mercer School of Law
- 2005 Presenter, Payment System Developments, Consumer Litigation Conference, Minneapolis, MN
- 2004 Presenter, "Consumer Payment Systems Update." Int'l Conference for Law Professors, University of Houston Law Center
- 2004 Presenter, "Regulatory Issues Facing the Prepaid Card Industry," Workshop at Philadelphia Federal Reserve Bank
- 2004 Presenter, "Payday Lending on the Internet," Payday Lending Regulatory Summit, Conference of State Bank Supervisors and the National Association of Consumer Credit Administrators
- 2004 Led Workshop on the Need for Uniformity in Consumer Payment Systems Law, Philadelphia Federal Reserve Bank

- 2003           Presenter, “No Access to Lawyers or Courts: A Significant Cause of Poverty,” at The Atlanta Conference on Poverty
- 2002           Panelist, “Logic and Experience of Electronic Contracts: Implications For Teaching Commercial Law and Contracts,” Association of American Law Schools Annual Meeting
- 2002           Panelist, “Consumer Protection,” Appleseed Foundation, Southern Regional Meeting
- 2002           Panelist, "What Is Consumer Law?" Teaching Consumer Law, A Conference For Law School Professors
- 2002           Presenter, "Consumer Payment Systems," Teaching Consumer Law, A Conference For Law School Professors
- 2002           Speaker, "The High Cost of Consumer Arbitration," at a conference on *The Coming Crisis in Mandatory Arbitration: New Perspectives and Possibilities*, Duke Law School
- 2002           Speaker, "Electronic Payments-Does No Paper Mean No Protection?" at the National Consumer Rights Litigation Conference
- 2001           Panelist, “What Price Privacy?” the Annual Fisher Memorial Program of the Conference on Consumer Finance Law
- 2001           Panelist, “2 B or Not 2 B: Consumer Payments on the Internet,” 2001 Spring Meeting, Business Law Section, American Bar Association
- 2001           Speaker, “Legislative Issues,” Privacy Working Group, Georgia Electronic Commerce Association
- 2001           Panelist, “Hot Topics in Consumer Arbitration,” ABA Annual Meeting
- 2000           Panelist, “Federal Privacy Legislation,” Consumer Financial Services Committee, Am. Bar Assoc.
- 2000           Panelist, “The Proper Role For Stakeholders in Developing and Implementing ADR Mechanisms,” Workshop on Alternative Dispute Resolution for Consumers in the Online Marketplace, sponsored by the FTC & the Dept. of Commerce
- 2000           Speaker, “Contract Issues: When Is There an Offer and Acceptance? Is Your Agreement Worth the Paper It Isn’t Written On?” Doing Business Online: Marketing and Transactional Issues (Law Seminars International)

- 2000 Moderator and panelist, "Consumer ADR in the Borderless Online Marketplace," ABA Annual Meeting
- 2000 Panelist, "Consumer Perspectives on Retail Payments," 2000 Retail Payments Systems Conference sponsored by the Food Marketing Institute
- 2000 Comment to the Federal Trade Commission, "Gramm-Leach-Bliley Privacy Safeguards Rule"
- 1999 Panelist, "Drafting a 'Bulletproof' Consumer Arbitration Agreement-Is It Possible?" Practising Law Institute Seminar on Arbitration of Consumer Financial Services Disputes
- 1999 Panelist, "Privacy and Profiling," Computers, Freedom & Privacy, The Global Internet Conference
- 1999 Panelist, "Special Workshop on Consumers and Public Key Infrastructure," Information Security Committee, Electronic Commerce Division, Section of Science & Technology, Am. Bar Assoc.
- 1999 Panelist, "The Promise and the Problems: Technology and Low Income Individuals," Equal Justice Conference: Pro Bono, Innovations and New Partnerships
- 1999 Speaker, "Electronic Commerce: New Laws That Affect Purchasing Management," Meeting of the National Association of Purchasing Management, Georgia
- 1999 Speaker, "Consumer Privacy Issues and Developments" Electronic Funds Transfer Association Meeting
- 1999 Speaker, "Consumer Arbitration and Truth in Lending Class Actions," Consumer Credit Committee, Federal Reserve Board's Consumer Advisory Council
- 1998 Panelist on Consumer Arbitration at Practising Law Institute seminar.
- 1998 Panelist on Consumer Arbitration at ABA Annual Meeting
- 1998 Presenter on Consumer Privacy at South Carolina Law Review symposium on Internet Commerce
- 1997 Panelist, Symposium on The Future of Electronic Cash, American University, Washington College of Law, April, 1997

- 1997           Presenter, "Contract Law and Recipient Obligations Under Welfare Reform," Training Conference for Georgia Legal Services Program Attorneys
- 1997           Testified at hearing conducted by the Federal Interagency Consumer Electronic Payments Task Force, presenting proposed Model Stored Value Card Protection Act
- 1997           Testified at hearing conducted by Federal Reserve Board on reform of Truth in Lending Act
- 1995           Lecturer, consumer protection in the United States, three day seminar for delegation from Anti-Monopoly Ministry, Republic of Belarus
- 1995           Panelist, "Electronic Benefits Transfer, Recent Developments and Policy Issues," Consumer Financial Services Committee, American Bar Association Annual Meeting
- 1995           Panelist, Consumer Arbitration, American Bar Association, Annual Meeting