

CURRICULUM VITAE

MARK E. BUDNITZ

EDUCATION

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

EMPLOYMENT

2011 - 2015	Professor of Law Emeritus (teaching, research, & writing part-time)
2009-2011	Bobby Lee Cook Professor of Law
1988 - 2011	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
Consultative Group, Restatement of the Law, Consumer Contracts, 2014 - present

Member, Retail Payments Risk Forum Advisory Group, Atlanta Federal Reserve Bank,
2009 - 2012

Board of Directors, National Consumer Law Center, 2002-present

Member, Board of Directors, Atlanta Legal Aid Society, 1990 - 2009
Advisory Committee, 2009-present

Member, Board of Directors, Americans For Fairness In Lending, 2006 - 2010

Georgia Electronic Commerce Association, Privacy Committee, 2001 - 2006

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

Business Law Section, State Bar of Georgia, 1993 - 2011

BAR ADMISSIONS

Georgia (inactive) and Massachusetts (retired)
Federal District Courts of Georgia and Massachusetts

AWARDS

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

2005 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); Fourth Edition (2009); and annual Supplements until 2012; contributor 2013 - present

The Law of Lender Liability, Revised Edition (A.S. Pratt 1994). Bi-annual supplements from 1991 to 2010

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

Fair Credit Reporting Act, with Will Ogburn (1st ed. 1971)

Articles

“Touching, Tapping, and Talking: The Formation of Contracts In Cyberspace,” 43 Nova L. Rev. 235 (2019).

“The Legal Framework of Mobile Payments: Gaps, Ambiguities and Overlap,” Social Science Research Network Legal Studies Research Paper No. 2016 – 22 (2016)(revised and updated version of 2015 Pew report)

“The National Consumer Law Center From Its Birth to 2013,” Social Science Research Network Legal Studies Research Paper No. 2016 – 06 (2016)

“The Legal Framework of Mobile Payments: Gaps, Ambiguities and Overlap,” The Pew Charitable Trusts (2015)

“Mobile Banking: Gaps in the Law Impede Risk Assessment,” 32 Banking & Financial Services 11 (2013)

“Buyer Beware: Georgia Consumers Can’t Rely on the Fair Business Practices Act,” John Marshall L. J. 507 (2013)

“Mobile Financial Services: The Need For A Comprehensive Consumer Protection Law,” 27 Banking & Finance L. Rev. 213 (2012)

“The Development of Consumer Protection Law, the Institutionalization of Consumerism, and Future Prospects and Perils, 26 Georgia State Law Rev. 1147 (2010)

“The Federalization and Privatization of Public Consumer Protection Law in The United States: Their Effect On Litigation And Enforcement,” 24 Georgia St. L. Rev. 663 (2008)

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

“Commentary: Technology as the Driver of Payment System Rules: Will Consumers Be Provided Seatbelts and Air Bags?” 83 Chicago-Kent L. Rev. 909 (2008)

“2005-2006 Developments in Payment Systems Law,” 3 Journal of Consumer and Commercial Law 116 (2007)

“Deceptive Claims for Prepaid Telephone Cards and the Need for Regulation.” (With Marlowe & Rojo), 19 Loyola Consumer Law Rev. 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)

Note, "Vagrancy Laws Invalid As Too Vague And As Improper Exercise of Police Power," 3 Harvard Civil Rights Civil Liberties L. Rev. 439 (1968)

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

SELECTED PROFESSIONAL ACTIVITIES FROM 2000

- 2019 Presenter, "Principles and Programs to Protect Consumers From the Deleterious Effects of Technological Innovation," 17th International Association of Consumer Law

- 2019 Attended Annual Meeting of the American Law Institute, Co-Movant of Proposed Amendment to section on Modification of Contracts in Tentative Draft Restatement of the Law of Consumer Contracts

- 2019 Trainer, "Electronic Signatures in Sales Contracts," Consumer Task Force, Atlanta Legal Aid Society

- 2018 Presenter, "The Legal Framework of Mobile Payments: The New World of 2018," 2018 Nova Law Review Symposium, Progression 2018: Using Law to Facilitate an Efficacious Innovative Economy.

- 2016 Presenter, "Mobile Payments Regulatory Gaps, Ambiguities and Overlap," sponsored by The Pew Charitable Trusts & Silicon Valley Community Foundation

- 2015 Comments to American Law Institute on Preliminary Draft No. 2, Restatement of the Law, Consumer Contracts

- 2015 Comments to American Law Institute on Preliminary Draft No. 1, Restatement of the Law, Consumer Contracts

- 2014 Comments to Federal Reserve Board on its Public Consultative Paper regarding how to improve the payment system

- 2014 Statement to Consumer Financial Protection Bureau regarding request on the use of mobile financial services by consumers
- 2014 Presenter, “Mobile Banking & Mobile Payments,” webinar sponsored by Sheshunoff Consulting & Solutions
- 2013 Presenter, “Mobile Banking & Mobile Payments,” webinar sponsored by Sheshunoff Consulting & Solutions
- 2013 Panelist, “Glimpsing the Horizon: Emerging Issues In Technology Law,” 28th Annual Technology Law Institute, State Bar of Georgia
- 2013 Comment letter on Proposed Act to Modernize N.Y. Uniform Commercial Code, Judiciary Committee, N.Y. State Assembly
- 2013 Presenter, “Buyer Beware: Georgia Consumers Can’t Rely on the Fair Business Practices Act,” Law Journal Symposium, John Marshall Law School (Atlanta)
- 2013 Co-author of comment letter to Consumer Financial Protection Bureau on proposed amendment to its Remittance Rule
- 2012 Presenter, “Mobile Banking & Mobile Payments,” webinar sponsored by Sheshunoff Consulting & Solutions
- 2011 Panel Moderator, “Rationalizing Laws and Regulations,” The Role of Government in Payments Risk and Fraud, a conference sponsored by the Retail Payments Risk Forum, Atlanta Federal Reserve Bank
- 2011 Presenter, “How We Pay: Consumer Concerns With Mobile Financial Services,” conference sponsored by FDIC & Federal Reserve Bank of Boston
- 2011 Adviser to Georgia Watch’s Court Watch project
- 2011 Expert Reviewer, National Conference of Bar Examiners
- 2011 Presenter, Developments in Payments Law, 2011 Consumer Law Workshop, Georgia Trial Lawyers Association
- 2011 Presenter, “Mobile Banking & Mobile Payments,” webinar sponsored by Sheshunoff Consulting & Solutions
- 2010 Presenter, “E-Commerce: Fundamental Principles and Current Issues,” CLE program --- The Internet and the Law: Current Issues for Civil, Criminal, and Transactional Practitioners, Barristers Educational Services

- 2010 Presenter, "Law Reform Needed To Empower Consumers Who Use Mobile Financial Services," Mobile Payments: Global Markets, Empowered Consumers and New Rules? Conference sponsored by University of Washington School of Law and Berkeley Law School
- 2010 Presenter, Teaching Payments Law in a Consumer Law Class, Teaching Consumer Law In the New Economy conference, University of Houston Law Center
- 2010 Podcast, "Mobile Payments and Banking," Atlanta Federal Reserve Bank
- 2008 Trainer, Payment Systems and Payment Cards, Division of Financial Practices, Federal Trade Commission
- 2008 Consultant, World Bank, Mobile Banking Project
- 2008 Presenter, "Big Change, Small Change: New Technology and New Problems in Electronic Banking," Annual Conference, National Assoc. of Consumer Agency Administrators
- 2008 Presenter, "Developments In Payments Law 2008: Drawing Lines Becomes More Problematic," Teaching Consumer Law, U. of Houston Law Center
- 2007 Presenter, Public Law Litigation and Enforcement: Comparative Perspectives, GSU Center for the Comparative Study of Metropolitan Growth
- 2007 Trainer, Garnishment of Exempt Federal Benefits and Child Support Stored Value Cards, Georgia Legal Services Attorneys
- 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 Consumer Payment System Law," Mercer University School of Law Faculty
- 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 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”