



Andrew M. Hinkes

Partner

Miami
+1.305.539.3354

Drew.Hinkes@klgates.com

OVERVIEW

Nominated as one of Coindesk's Most Influential People in Blockchain in 2017, Andrew "Drew" Hinkes is a partner in the firm's Miami office. Drew's transactional, regulatory and litigation practice focuses on digital assets, blockchains, smart contracts, and how those new technologies intersect with existing law and regulation, and impact legal relationships. He has advised diverse clients ranging from startups to multinational regulated businesses regarding securities matters, payment systems, money services business and money transmitter regulation, secured transactions including crypto assets, structuring and governance over decentralized entities and applications, non-fungible tokens, stablecoins, and other related emergent technologies.

Andrew is a member of the Complex Commercial Litigation and Disputes practice group, and digital assets and blockchain subgroups.

PROFESSIONAL BACKGROUND

Drew was appointed as an Adjunct Associate Professor by the NYU Stern Business School and an Adjunct Professor of Law by the NYU School of Law, where he co-teaches "Digital Currency, Blockchains, and the Future of the Financial Services Industry," and is a Lecturer at Externado Universidad de Colombia, based in Bogota. Since 2019, Drew has been involved in law reform to facilitate innovation in commercial law as applied to digital assets, serving as an observer for Uniform Law Commission/American Law Institute, Uniform Commercial Code and Emerging Technologies Digital Assets Working Group, and multiple UNIDROIT Working Group on Digital Assets and Private Law subgroups. In 2020, Drew co-authored a textbook, "Digital Assets and Blockchain Technology: U.S. Law and Regulation," which is used to teach digital assets and blockchain law by multiple law schools. Drew has published multiple law review articles related to crypto assets and decentralized technology systems, and frequently lectures at academic symposia and industry trade conferences.

ACHIEVEMENTS

- Nominated as one of Coindesk's Most Influential People In Blockchain, 2017
- Daily Business Review, Florida Legal Trailblazer, 2019

- Florida Super Lawyers (various categories), 2013-2015, 2018
- South Florida Legal Guide, Top Up and Comer, 2016-2017

PROFESSIONAL / CIVIC ACTIVITIES

- Business Section of The Florida Bar, Crypto Task Force, Member, 2017-present
- Digital Currency and Ledger Defense Coalition, Member, 2018-present
- Uniform Law Commission/American Law Institute Digital Assets Working Group, Observer, 2019-present
- UNIDROIT Working Group on Digital Assets and Private Law, Observer, 2020-present

SPEAKING ENGAGEMENTS

- Speaker, "Fintech and Privacy," Northwestern University Journal of International Law and Business Symposium, Chicago, IL, Mar. 3, 2021
- Moderator, "DeFi Panel," The North American Bitcoin Conference, Miami, FL, Jan 28, 2021.
- Panelist, "Commercial law in the 21st Century," Association of American Law Schools, January 5, 2021
- Guest Lecturer: "Entrepreneurial Strategy and Law," UCLA Anderson School of Law, Los Angeles, CA, November 5, 2020.
- Guest Lecturer: "State Legislation" for "Blockchain Digital Currency and Law," Penn State Dickinson School of Law, Carlisle, PA, October 26, 2020.
- Guest Lecturer: "Securities" for "Blockchain & Cryptocurrency Law," Nova Southeastern Shephard Broad Law Center, Davie, FL October 20, 2020.
- "THE 20/20 VISION: BLOCKCHAIN & THE FUTURE OF LAW SYMPOSIUM," Paper Presenter and Panelist, University of Iowa, Journal of Corporation Law, October 16, 2020.
- "Emerging Issues Related to Cryptocurrency" International Association of Financial Crimes Investigators Training Session, Oct. 6, 2020.
- "Governance of Blockchain Systems," CLE Presentation, at Wyohackathon Blockchain Stampede, Cheyenne, WY, September 24, 2020.
- "Secured & Custodial Transactions involving Crypto Assets," Presenter and Panelist, UNIDROIT Exploratory Workshop on Digital Assets and Private Law, (Virtual) Sept. 17, 2020.
- "Crypto Legal Update," Presenter, Southeastern Association of Law Schools, Fort Lauderdale, FL, July 30, 2020.
- "Regulation of Central Bank Digital Currencies," Cardano Virtual Summit, 2020, July 2, 2020.

- Guest Lecturer: “Blockchain, Virtual Currencies, and Tokens: Business and Legal Issues,” Fordham University School of Law, New York, NY. March 20, 2020.
- “Blockchain, Cryptocurrency, and Insurance,” Panelist, ABA Tort Trial and Insurance Practice Section, Annual Conference, Phoenix, AZ., Feb. 21, 2020.
- “Bagels & Blockchain,” Eisner Amper, New York, NY, Feb. 19, 2020.
- “Crypto Regulatory Panel,” Moderator, The North American Bitcoin Conference, Miami, FL, Jan. 16, 2020.
- “A Contentious Currency – The Law and Politics of Bitcoin,” Max Planck Institute Luxembourg, Luxembourg, Nov. 15, 2019.
- Cryptoasset Regulation Symposium, University of Arkansas School of Law, Fayetteville, AR, Oct. 25, 2019.
- “The Fourth Amendment, Third Party Doctrine and Cryptocurrencies,” Block(Legal)Tech, Chicago, IL, Oct. 24, 2019.
- “Is Blockchain the New Internet for Sports and Entertainment?” Annual Conference for ABA Forum on the Entertainment and Sports Industries, Las Vegas, NV. Oct. 13, 2019.
- “Bitcoin, Blockchain and Insurance, Panelist,” APCIA National General Counsel Conference, Baltimore, MD. Sept 23, 2019.
- “Tokens and Securities Law,” WyoHackathon, Laramie, WY, Sept. 19, 2019.
- “Digging Deeper into Blockchain; Regulatory & Legislative Updates,” Panelist, 2019 American Bar Association Business Section Annual Meeting, Washington DC, Sept. 14, 2019.
- “Cryptocurrency Comes of Age; Notable Regulatory Actions and a Look Ahead,” Panelist, Federal Bar Association Annual Meeting & Convention, Tampa, FL, Sept. 6, 2019.
- Regulatory Panel, Southeastern Association of Law Schools, Boca Raton, FL, Jul. 31, 2019.
- “Cryptoassets and Evidence” Florida Bar Annual Conference, Orlando FL, with Zachary Cantazaro, Daniel Maland, Joshua Schmidt., Jun. 28, 2019.
- The Bitcoin Taxes Podcast. Jun. 24, 2019.
- “Coindesk Live,” Consensus 2019, May 15, 2019.
- “Reinventing the Wheel: Security Tokens as a New Asset Class,” Consensus 2019, Markets Stage, May 14, 2019.
- MIT Enterprise Forum of South Florida, at CIC Miami, Mar. 20, 2019.
- Guest Lecturer, “Digital Currencies, Blockchains, and the Future of Financial Services,” New York University School of Law, New York, New York. Apr. 15, 2019.
- “Cryptocurrency and Blockchain: Markets, Models and Opportunities,” Guest Lecturer, University of Chicago Booth School of Business, Chicago, IL, Feb 28, 2019.

- CLE Webinar: “CRYPTOCURRENCY | BENEFITS & RISKS OF ITS USE WEBINAR PART 3,” New York State Bar Assn, Panelist, with Ron Hedges and Tracy Molino, Feb 26, 2019.
- “Tokenization of Securities,” at KoreConX's KoreSummit, Panelist, with Gregory Strong, Robin Sosnow, and Simon Riveles, in Miami, Florida, Feb 20, 2019
- “Security Token Offerings,” Moderator, The North American Bitcoin Conference, Miami, FL, Jan. 17, 2019.
- “Structuring Token Offerings of the Future,” Moderator, BlockchaingeDC, Washington DC, Jan. 14, 2019.
- “Tax and Estate Planning for Crypto Assets,” Chicago Estate Planning Council, Chicago, IL, December 13, 2018.
- CLE Webinar: “CRYPTOCURRENCY | BENEFITS & RISKS OF ITS USE WEBINAR PART 1,” New York State Bar Assn, Panelist, with Ron Hedges and Tracy Molino, Dec. 10, 2018.
- “Blockchain Technology Overview and Regulatory Landscape,” Panelist, NASAA Corporation Finance Training, New Orleans, LA, Nov. 27, 2018.
- “Interview with Drew Hinkes,” The Cryptolaw Podcast, Nov. 4, 2018.
- Guest Lecture, DPELC-MSL Speaker Series, Northwestern University, Oct. 23, 2018.
- “Cryptocurrencies and Securities Fraud,” Panelist, PIABA Annual Conference, Bonita Springs, FL, Oct. 10, 2018.
- “Cryptocurrency/Blockchain Regulation: Beyond the Basics,” Nova Southeastern University, Oct. 8, 2018.
- “Show Me the Money: Cryptocurrency Trading and Investment Concerns,” with John Roth and Karl Muth, Block(Legal)Tech, Chicago Kent College of Law, Aug. 9, 2018.
- “Cryptocurrencies, Blockchains, and Real Estate Innovation,” Florida CCIM, Miami, FL, Jul. 13, 2018.
- “Impact of Blockchain,” Panelist, Florida Bar Annual Convention, Orlando, FL, Jun. 13, 2018;
- “Bitcoin and Blockchains: The Basics and Beyond”, Panelist, Heritage Foundation Resource Bank Meeting, Fort Lauderdale, FL, Jun. 6, 2018;
- Blockchain and Real Estate Round Table, with Todd Miller, George Mason University Center for Real Estate Entrepreneurship, Fairfax, VA, May 22, 2018;
- “Initial Coin Offerings,” Panelist, 2018 Blockchain Technology, Digital Currency and ICO National Institute, New York, NY, Apr. 27, 2018;
- “How Blockchain Will Disrupt The Real Estate Industry,” George Mason Center for Real Estate Entrepreneurship, Apr. 24, 2018.
- “Bitcoin and Blockchain Basics,” Panelist, Business Section of the Florida Bar Intellectual Property Section, 2018 IP Symposium, St. Petersburg, FL, Apr. 13, 2018.
- “KodakOne and Blockchain for Photographers,” B&H Photography Podcast, Mar. 23, 2018.

- “Smart Contracts and Real Estate,” Credit Suisse Real Estate Blockchain Seminar, New York, NY, Jan 16, 2018;
- Investing in ICOs and Token Sales, Panelist, World Funding Summit, Los Angeles, CA, Nov, 18, 2017;
- Fintech and International Trade, Panelist, Lynn University International Business Symposium, Boca Raton, FL, Nov, 15, 2017;
- “Bitcoin Bootcamp,” Miami Beach Law and Technology Council Dinner, Miami Beach, FL, Oct. 19, 2017:
- Bitcoin, Blockchains, and Real Estate; Miami Realtors RCA Commercial Conference, Coral Gables, FL, Oct. 13, 2017;
- “Blockchain Bootcamp,” Law Review Symposium: Entrepreneurship 2.0, at Nova Southeastern University, Davie, FL, Oct. 6, 2017;
- “Regulatory Update,” Panelist, BlockchainDC, Washington D.C., Jul. 28, 2017;
- “ICOs and a Survey of Florida Law,” Wyncode Academy, Miami, FL, Jun. 3, 2017;
- “Bitcoin and Matrimonial Law,” American College of Matrimonial Lawyers, 39th Annual Institute, Orlando, FL, May 4, 2017;
- “What Every Estate Planner Needs to Know About BITCOIN, Virtual Currency Transfers, Taxes and the Evolving Law and Regulations,” Notre Dame Tax & Estate Planning Institute, South Bend, IN, Oct. 29, 2016;
- “Smart Contracts and Decentralized Autonomous Organizations, Panelist, Blockchain DC, Washington D.C. Aug. 2, 2016;
- “BitCounting,” American Women's Society of Certified Public Accountants, Boca Raton, FL, Jul. 25, 2016;
- Consumers' Research Bretton Woods 2016 Conference, Workshop Participant, Bretton Woods, NH, Jul. 10-13, 2016;
- “Beyond Bitcoin; How Blockchain Will Change Real Estate Forever,” Panelist, MIT World Real Estate Forum, Cambridge, MA, May 20, 2016;
- “Bitcoin for Lawyers: Bitcoin, Virtual Currencies, and the Law,” The Bar Association of Montgomery County, Maryland, Rockville, MD, Feb. 4, 2016;
- “Blockchain: The Next Big Thing in Capital Markets?” Panelist, Misys Connect Forum Americas, Miami, FL, Nov. 10, 2015;
- “Bitcoin and Real Property,” with Wilhelmina Kightlinger, American Bar Association Real Property & Trust and Estates Spring Symposium, Washington DC, Apr. 30, 2015;
- “Bitcoin and Real Property,” Old Republic Title Company Annual Conference of Counsel, Tampa, FL Apr. 16, 2015;

ADDITIONAL BACKGROUND

Prior to his legal career, Drew worked in computer consulting and for an international bank.

EDUCATION

- J.D., University of Miami School of Law, 2005 *cum laude*
- A.B., Washington University in St. Louis, 2000 *cum laude*, with *Eliot Honors*

ADMISSIONS

- Bar of Florida
- United States District Court for the Southern District of Florida

OTHER PUBLICATIONS

- *The Limits of Code Deference*, *Journal of Corporation Law*, (2021 expected).
- Autonomous Businesses (2021, expected), in Carla Reyes and Kristin Johnson, *Handbook on Artificial Intelligence and the Law*, Cambridge University Press.
- Digital Assets and Blockchain Technology: U.S. Law and Regulation, Edward Elgar, (2020)(with Daniel Stabile and Kimberly Prior).
- "Recovery by ICO Token Investors May be Challenged in Bankruptcy," Carlton Fields, Aug. 12, 2020, (with Adam Smith).
- "Bank Regulator Clarifies Crypto Custody Rules," Carlton Fields, July 23, 2020 (with Justin Wales and Matt Kohen).
- "Is Cryptocurrency Use a Badge of Fraud?" Carlton Fields, July 6, 2020 (with Ilan Nieuchowicz).
- "The Coming Storm: DeFi and Bankruptcy Courts," Carlton Fields, June 24, 2020 (with David Gay).
- "US Supreme Court's Computer Fraud Ruling Has Big Implications for Crypto," *Coindesk*, June 16, 2020.
- "Impact of New State Sales and Use Tax Laws on Remote Commerce," *Bloomberg Law*, July 3, 2019.
- "How State Remote Sales and Use Tax Statutes May Impact Crypto Assets," *Bloomberg Law*, July 3, 2019.
- Andrew M. Hinkes, THROW AWAY THE KEY, OR THE KEY HOLDER? COERCIVE CONTEMPT FOR LOST OR FORGOTTEN CRYPTOCURRENCY PRIVATE KEYS, OR OBSTINATE HOLDERS, 16 *Nw. J. Tech. & Intell. Prop.* 225 (2019).
- "Discovering Cryptoassets: A Journey into the Unknown," *ABA Pretrial Practice & Discovery Newsletter*, Spring 2019.

- “The Security Token Market Needs Better Lingo,” *CoinDesk*, Feb. 9, 2019.
- “How Tokenized Private Placements of Securities and the Development of Markets will Create Trading Liquidity and Enhance Demand,” *Medium.com*, Jan. 3, 2019.
- “The Past, Present and Near Future of Cryptocurrency Regulation,” yBitcoin, May 15, 2018.
- “OFAC’s Bitcoin Blacklist Could Change Crypto,” *CoinDesk*, Mar. 24, 2018, with Joseph Ciccolo.
- “Florida’s Money Laundering Statute Won’t Affect Most Bitcoin Users,” *CoinDesk*, Apr. 28, 2017.
- “Protecting Consumers in the Digital Currency Economy,” *Consumers’ Research*, Oct. 25, 2016, (Contributing Author).
- “Blockchain and Title: The Distant Frontier.” ALTA Title News, Sept. 2016.
- “Why Florida’s Bitcoin Ruling Could Lead to Legislative Action,” *CoinDesk*, Aug. 3, 2016.
- “Hacks Happen: What Are Your Rights in Florida If You Are Hacked?” *Daily Business Review*, Jun. 22, 2016.
- “A Legal Analysis of the DAO Exploit and Possible Investor Rights,” *Bitcoin Magazine*, June 21, 2016.
- “The Law of The DAO,” *CoinDesk*, May 19, 2016.
- “Bitcoin In Bankruptcy: Is It Commodity Or Currency?” *Law360*, Feb. 18, 2016.
- “Beyond Regulation: Why Bitcoin’s Pressing Problem is Civil Law,” *CoinDesk*, Feb. 2, 2016.
- “Why Private Blockchains will not Replace Relational Databases (yet),” *The Business Journals*, Jan. 19, 2016.
- “Why Lawyers Collecting Judgments Need to Understand Bitcoin,” *The Business Journals*, Aug. 19, 2015.
- “False Alarm: Why The Japanese Ruling May Not Spell Doom for Bitcoin Ownership Rights,” *Bitcoin Magazine*, Aug. 17, 2015.
- “What Bankruptcy Trustees Need To Know About Bitcoin,” *Law360*, Jun. 8, 2015.
- “Two Key Lessons from Sand Hill Exchange,” *Bitcoin Magazine*, May 6, 2015.
- “A Closer Look At Florida’s Attempt To De-Anonymize Websites,” *Law360*, Mar. 20, 2015.
- “Blockchains, Smart Contracts, and the Death of Specific Performance,” *Inside Counsel*, Jul. 29, 2014.

NEWS & EVENTS

- 1 October 2021, South Florida Explored: Cryptocurrency, FinTech, Transportation and More, hosted by Miami Realtors (*Event*)
- 16 June 2021, K&L Gates Enhances Digital Currency and Blockchain Technology Capabilities with Additions to Miami and Los Angeles Offices (*Press Release, Practice & Regional News*)

MEDIA MENTIONS

- Quoted, "New Hampshire man sues IRS over data collected from cryptocurrency accounts," *WashingtonTimes.com*, 26 July 2021
- Quoted, "House Moves to Consider Unamended Infrastructure Bill," *CoinDesk.com*, *Nasdaq.com*, and *Yahoo.com*, 25 August 2021

AREAS OF FOCUS

- Complex Commercial Litigation and Disputes