



## Jeremy M. McLaughlin

### Partner

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### OVERVIEW

Jeremy McLaughlin is a partner in the firm's San Francisco office and a member of the Payments, Bank Regulatory, and Consumer Financial Services group. His practice focuses on regulatory compliance and enforcement for fintechs, digital asset/cryptocurrency companies, and other consumer financial products and services, including emerging payment and prepaid products. He also maintains an active litigation practice, focusing on dispositive issues and appeals for consumer financial services matters.

Jeremy represents a broad range of clients across the financial services, fintech, and digital assets industries, ranging from startups to blockchain platforms to some of the world's largest financial institutions. They have included money services businesses, cryptocurrency platforms, token issuers (including NFTs), digital wallet providers, DeFi platforms, banks, retailers, credit and prepaid card companies, debt collectors, and mortgage lenders and servicers.

Jeremy counsels clients on compliance with state and federal consumer protection laws, money transmitter laws, international remittances, anti-money laundering laws, abandoned property laws, gift card rules, sweepstakes laws, and payment network rules, as well as advising on privacy, data security, and credit and licensed lending laws. He assists clients negotiate and draft agreements involving payment technologies and licensing issues, custodial arrangements, and draft terms and conditions and disclosures for new products. He also serves as regulatory counsel in connection with investments, including conducting due diligences of payment companies and digital asset/cryptocurrency platforms.

In his litigation practice, Jeremy focuses on appeals and dispositive motions before state and federal courts, especially proceedings involving consumer financial laws. He has defended clients in class actions involving state and federal consumer protection laws, such as the Electronic Fund Transfer Act (EFTA & Regulation E), Truth in Lending Act (TILA & Regulation Z), Telephone Consumer Protection Act (TCPA), Credit Card Accountability Responsibility and Disclosure Act (CARD Act), UDAP, and UDAAP. He has prepared over 10 briefs for the US Supreme Court, and dozens of briefs for federal and state appellate courts. He has argued before the Ninth Circuit Court of Appeals.

Jeremy is a regular speaker at fintech and cryptocurrency conferences and a regular contributor to the FinTech Law Blog and the Consumer Financial Services Watch Blog.

## PROFESSIONAL / CIVIC ACTIVITIES

- Bay Area Lawyers for Individual Freedom (2011-present)
- Lambda Legal, San Francisco Leadership Executive Committee (2010-present)
- Little Brothers- Friends of the Elderly, Board of Directors (2010-2012)

## SPEAKING ENGAGEMENTS

- *Fintech Trends, Developments, and New Directions*, 2021 Consumer Financial Services Symposium, April 2021
- *Fintech Developments*, MSBA Fintech Working Group, February 2021
- *It's Groundhog Day for Payments*, Webinar, February 2021
- *Finally, the Killer Crypto Application: Central Bank Digital Currencies & Stablecoins*, Innovative Payments Association, August 2020
- *The Present and Future of Cryptocurrency*, ACI Fintech & Emerging Payment Systems, July 2020
- *The State of NFT Regulation*, NFT.NYC 2020, New York City, February 2020
- *Payments & Payment Systems*, State Bar of Georgia, Atlanta, February 2020
- *Money Transfers: Regulation & Compliance*, International Money Transfer & Payments Conference, Miami, November 2019
- *Blockchain & VCs: New Frontiers in Compliance & Regulation*, International Money Transfer & Payments Conference, Miami, November 2019
- 2018 Consumer Financial Services Symposium, December 2018
- *The New Role of the New CFPB*, International Money Transfer & Payments Conference, Miami, November 2018
- Scary Topics and Spooky Trends in FinTech Webinar, November 2018
- Getting Your House in Order: Best Practices for Fintechs Preparing for Investment/Acquisition, BayPay & K&L Gates Event, February 2018
- Recent Rules Affecting MSBs: Beneficial Ownership Rule & NYDFS Rule 504, International Money Transfer & Payments Conference, Miami, November 2017
- Future of Blockchain Technology, Panel discussion at Blockchain Technology for Cybersecurity and Social Impact conference, June 2017
- Entering the U.S. Market- Seizing Opportunity, Panel discussion, Toronto, February 2017
- CFPB Servicing Rules Episode VI: Return of the Rulemakings, Webinar, September 2016

- Beyond Regulation: What the CFPB Expects from Payment Processors, Webinar, August 2016
- 870 Pages in 90 Minutes: What the CFPB's Prepaid Proposal Means for Your Business, Webinar, December 2014

## EDUCATION

- J.D., Georgetown University Law Center, 2008 (*Annual Survey Editor, American Criminal Law Review*)
- B.A., Dickinson College, 2003 (*cum laude*)

## ADMISSIONS

- Bar of California
- United States Court of Appeals for the Eleventh Circuit
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

## LANGUAGES

- Italian

## THOUGHT LEADERSHIP POWERED BY HUB

- 22 July 2021, Payments Across the Globe Miniseries - Trends in Singapore (*Podcast*)
- 6 July 2021, Never Ending True Lender Uncertainty (*BlogPost*)
- 24 June 2021, Payments Across the Globe Miniseries - Trends in Germany (*Podcast*)
- 10 June 2021, Payments Across the Globe Miniseries - Cryptocurrencies and Digital Assets in the U.S. (*Podcast*)
- 8 June 2021, Crypto and Digital Asset Businesses Take Note - Capitol Hill Legislators and Regulators are Turning Up the Heat Even More on Cryptocurrencies (*Webinar*)
- 25 May 2021, Taking Bitcoin to the Bank: FDIC Seeks Comments on Bank Services for Digital Assets (*BlogPost*)
- 22 April 2021, Payments Across the Globe Miniseries - Trends in Australia (*Podcast*)

- April 2021, 2021 Consumer Financial Services Symposium - Virtual Edition: Panel 1 - Fintech Trends, Developments, and New Directions (*Webinar*)
- 25 March 2021, The Coming Blockchain Revolution in Consumption of Digital Art and Music: The Thinking Lawyer's Guide to Non-Fungible Tokens (NFTs) (*Alerts/Updates*)
- 23 March 2021, First Cannabis-related Business SARs Penalty Against a Depository Institution (*BlogPost*)
- 2 February 2021, It's Groundhog Day for Payments! A New US Administration, a New UK Brexit: The Continuing Cycle of Change Keeps Banks and Fintechs on their Toes! (*Webinar*)
- 16 October 2020, European Commission's legislative proposals on crypto-assets and DLT (*Alerts/Updates*)
- 1 October 2020, California Enacts "Mini-CFPB" Law, Significantly Altering Financial Services Regulation in the State (*BlogPost*)
- 21 September 2020, CSBS Rolls Out Joint Examination Initiative for Nationwide Payments Firms (*BlogPost*)
- 14 September 2020, Remittance Companies in CFPB's Crosshairs (*BlogPost*)
- 29 July 2020, The OCC Tells Cryptocurrency Holders to Take It to the Bank: National Banks and FSAs Can Now (Definitively) Provide Custodial Services for Cryptocurrency (*BlogPost*)
- 13 July 2020, New York (More) Open for (Crypto) Business: NYDFS Proposes Important Changes to the BitLicense (*Alerts/Updates*)
- 27 June 2020, An Empire State Glimmer of Hope for Crypto (*BlogPost*)
- 21 May 2020, COVID-19: Its Impact on Banking, Fintech, and Payments: FAQs Part 2 (*Alerts/Updates*)
- 15 April 2020, COVID-19: A Boom or Bust for Digital Assets, Cryptocurrencies and Stablecoins? (*Webinar*)
- 8 April 2020, COVID-19: Impacts on Banking, FinTech & Payments: "Meet the Lawyers" Q&A Session (*Webinar*)
- 1 April 2020, COVID-19: Its Impact on Banking, Fintech, and Payments: FAQs (*Alerts/Updates*)
- 24 February 2020, The Massachusetts Supreme Judicial Court Considers the Effect of a State-Mandated Default Notice on the Validity of Non-Judicial Foreclosures (*Alerts/Updates*)
- 16 December 2019, To List or Not to List? NYDFS Seeks Comment on Proposed Rules Authorizing Bitlicensees to Self-Certify Cryptocurrency Listings (*BlogPost*)
- 12 December 2019, US Consumer Financial Protection Bureau Seeking Comments on Proposed Remittance Rule Revisions (*BlogPost*)
- 7 November 2019, The Privacist - Volume 2 (*Alerts/Updates*)
- 28 August 2019, Rhode Island & Nevada Enter the Cryptocurrency Fray (*BlogPost*)
- 27 June 2019, New FATF Guidance Will Significantly Impact the Crypto Industry (*BlogPost*)

- 1 May 2019, CFPB Seeking Comments On Possible Remittance Rule Revisions (*BlogPost*)
- 25 February 2019, Fintech Forward: Blockchain, ICOs, and Cryptocurrencies (*Podcast*)
- 13 February 2019, Trouble in Paradise: Florida Court Rules that Selling Bitcoin is Money Transmission (*Alerts/Updates*)
- 13 February 2019, California Regulator Seeking Comments on “Agent of the Payee” Exemption to Money Transmission Law (*BlogPost*)
- November 2018, Scary Topics and Spooky Trends in FinTech (*Webinar*)
- 28 June 2018, Vermont Signals Broad Interpretation of Money Transmitter Law (*BlogPost*)
- 6 June 2018, Understanding the Effect of Wyoming’s Blockchain and Cryptocurrency Legislation (*BlogPost*)
- 4 June 2018, Understanding the Effect of Wyoming’s Blockchain and Cryptocurrency Legislation (*Alerts/Updates*)
- 19 April 2018, New York Attorney General Launches Fact-Finding Mission into Virtual Currency Exchanges; Exchanges Divided on Response (*BlogPost*)
- 12 March 2018, Lurking Beneath the Surface: UDAP Claims in ICO Litigation (*Alerts/Updates*)
- 7 November 2017, Newly Released Virtual-Currency Businesses Act Augurs Increased State Regulation of Bitcoin, Ether, and other Digital and Crypto Currencies (*Alerts/Updates*)
- 17 August 2017, OCIE Observations from the Second Round of Cybersecurity Examinations (*Alerts/Updates*)
- 13 July 2017, New York moves money transmitters to NMLS (*BlogPost*)
- 4 April 2017, U.S. Supreme Court Sides with Merchants in Credit Card Surcharge Case, But the Fight Isn’t Over Yet (*Alerts/Updates*)
- 26 March 2017, Financial Inclusion and Robust Regulation Are on the Table as OCC Pushes Ahead With Fintech Charter (*BlogPost*)
- 21 March 2017, Financial Inclusion and Robust Regulation Are on the Table as OCC Pushes Ahead With Fintech Charter (*BlogPost*)
- 24 January 2017, Automobile Companies Collide With Payment Providers (*BlogPost*)
- 28 December 2016, Down But Not Out: The CFPB’s Future May Be Uncertain, But Industry Participants Must Remain Vigilant (*Alerts/Updates*)
- 7 December 2016, OCC Explores Special Purpose National Bank Charter for FinTech Companies (*BlogPost*)
- 6 December 2016, OCC Explores Special Purpose National Bank Charter for Fintech Companies (*Alerts/Updates*)

## OTHER PUBLICATIONS

- “Appendix: 50-State Virtual Currency Regulation Survey, Digital and Digitized Assets: Federal and State Jurisdictional Issues,” *ABA IDPPS Jurisdiction Working Group*, March 2019

## NEWS & EVENTS

- 15 June 2021, Fintech Meetup, hosted by Discover Global Network (*Event*)
- 1 June 2021, Summer of Learning Series: NFTs - A "flash in the pan"? Or a true "game-changer"? (*Event*)
- 24 February 2020, K&L Gates Names 41 New Partners Across Global Platform (*Press Release*)

## AREAS OF FOCUS

- Payments, Banking Regulation, and Consumer Financial Services
- Appellate Litigation
- Data Protection, Privacy, and Security
- Financial Institutions and Services Litigation
- Fintech Lending

## INDUSTRIES

- Financial Services
- Fintech