

Blockchain and Digital Currency

Overview

Carlton Fields is at the forefront of identifying the numerous complex legal issues faced by today's innovators.

Digital currencies, smart contracts, and blockchain/distributed ledger technologies have ushered in a new era of innovation that we believe has the potential to disrupt the way we interact with one another, our governments, and private industry. As innovation continues, the technology's potential to transform how business is conducted presents new challenges and opportunities across nearly every conceivable industrial sector.

As the law in this area develops, Carlton Fields has taken a forward-looking approach to working with clients on blockchain-related issues, including those arising from the use of cryptocurrencies and smart contracts. The members of our interdisciplinary blockchain practice are committed to embracing and maximizing the transformative potential of this technology.

Digital Currency and Blockchain Technology Solutions

Our attorneys provide counsel for a wide range of industries, including insurance, financial services, health care, digital media, entertainment, interactive gaming, and technology. We handle legal issues related to blockchain technology, including distributed ledger technology, initial coin offerings, smart contracts, and Internet of Things (IoT) and machine-to-machine payment systems.

Statutory and Regulatory Compliance Advice

- FinCEN compliance and enforcement proceedings
- Internal Revenue Service and tax advice/planning
- Securities and Exchange Commission compliance and enforcement proceedings
- Commodity Futures Trading Commission compliance and enforcement proceedings
- State money transmitter licensing and money services business compliance
- Anti-money laundering and "know your customer" compliance
- Congressional/legislative hearings

General Corporate and Business Transactions Assistance

- Mergers and acquisitions
- Venture capital and private investments
- Capital markets and securities
- Data privacy and cybersecurity
- Intellectual property protection

Litigation Support

- Regulatory/enforcement actions
- Privacy and cybersecurity
- Asset seizure and forfeitures
- Smart contract issues

Experience

- Represented cryptocurrency exchange in connection with corporate formation and regulatory advice, including issues relating to SEC and CFTC licensure.
- Counseled developers and entrepreneurs on the legal issues pertaining to the development and maintenance of permissionless and permissioned blockchain protocols, including regulatory and corporate advice.
- Represented digital currency exchanges and money transmitters in conducting 50-state analysis of application of state money transmitter rules to cryptocurrency-focused business models.
- Represented cryptocurrency companies before various state regulators in order to obtain or receive clarity on application of state money transmission license.
- Advised numerous digital currency payment processors on issues pertaining to capital formation and early stage financing, as well as corporate formation issues such as registration in foreign jurisdictions including Gibraltar, Malta, Singapore, Mexico, Bermuda, Puerto Rico, and Cayman Islands.
- Advised high-frequency/algorithmic trading funds dealing in various digital currencies on issues related to fund formation and regulatory compliance.

- Counsel to several digital currency payment processors on anti-money laundering and "know your customer" compliance.
- Counseled numerous companies in conducting technical analysis, building "minimum viable ecosystems" and token design.
- Pre-litigation and settlement counseling regarding liability associated with attempts to hard fork the Bitcoin blockchain.
- Analysis of securities and other regulatory issues related to token sales, including analysis of regulatory implications of security token offerings, initial coin offerings, token curated registries, air drops, and applications utilizing the Lightning Network.
- Provided numerous instances of litigation and regulatory mitigation strategies for completed token sales.
- Provided analysis and privacy counseling regarding application of the GDPR and other privacy regulations to data stored on decentralized networks.

Insights

09.08.2022

SEC Clobbers Crypto Lending Platform but Allows Some Retooling

06.29.2022

NFT Perspectives: A Discussion With Artist and Filmmaker Haik Kocharian

06.24.2022

New Crypto Bill Seeks to Regulate Digital Assets and Their Markets

05.11.2022

401(k) Climate Change and Crypto Considerations: DOL Nurtures the Former but Clips Crypto at the Roots

10.14.2021

New DOJ Enforcement Team Suggests DOJ May Take Additional Efforts to Recover Cyberattack Ransoms

04.09.2021

State Regulations on Virtual Currency and Blockchain Technologies (Updated March 2021)

Thomson Reuters

08.25.2020

Exponential Growth: What Research Into Blockchain and Cryptocurrencies Tells Us About Law Practice Disruption

LegalTech News

07.31.2020

Digital Assets and Blockchain Technology: U.S. Law and Regulation

07.27.2020

New York's Relaxed BitLicense Could Still Take Lessons From Wyoming's Permissive Approach

07.23.2020

Bank Regulator Clarifies Crypto Custody Rules

07.14.2020

State Regulations on Virtual Currency and Blockchain Technologies (Updated July 2020)

Thomson Reuters

07.06.2020

Is Cryptocurrency Use an Automatic Badge of Fraud?

06.24.2020

The Coming Storm: DeFi and Bankruptcy Courts

02.24.2020

Foreign Token Sales May Be Subject to U.S. Securities Laws

Los Angeles Lawyer

11.22.2019

Bitcoin is Speech: Notes Toward Developing the Conceptual Contours of Its Protection Under the First Amendment

University of Miami Law Review

10.24.2019

Set It and Regret It?: Smart Contracts, Injunctions, and Fraudulent Transfers, Part I

Medium

10.04.2019

Carlton Fields Rolls Out Blockchain, Crypto, and Virtual Currency State Legislation Tracker

08.29.2019

State Regulations on Virtual Currency and Blockchain Technologies

Thomson Reuters

08.06.2019

Regulating Privacy on the Blockchain Starts With Understanding the Meaning of “Personal Data”

07.24.2019

2019 State Blockchain, Crypto, and Virtual Currency Legislation Tracker

07.11.2019

SEC Adds to Guidance on Digital Assets

07.11.2019

Cryptocurrency Regulatory Complexities Multiply

07.03.2019

Impact of New State Remote Sales and Use Tax Laws on Gaming

07.03.2019

How State Remote Sales and Use Tax Statutes May Impact Crypto Assets

Bloomberg Law

07.03.2019

Impact of New State Sales and Use Tax Laws on Remote Commerce

07.03.2019

What to Do If the SEC Comes Knocking on Your Door

05.24.2019

Discovering Cryptoassets: A Journey into the Unknown

Pretrial Practice & Discovery

05.01.2019

Throw Away The Private Key, or The Private Key Holder?

Northwestern Journal of Technology and Intellectual Property

10.01.2018

SEC: Ether and Bitcoin Are Not Securities

08.29.2018

Is Cryptocurrency Money? Depends on Your State

LongHash

05.15.2018

Future of Cryptocurrency Insurance is Tough to Predict

Daily Journal

03.31.2018

SEC Sidelines Funds Focused on Cryptocurrencies

12.29.2017

Regulators Continue to Scrutinize Initial Coin Offerings

11.16.2017

SEC Warns About ICO Promotion

10.06.2017

SEC Files First ICO Enforcement Action

09.27.2017

When High-Tech Cryptocurrencies Meet Low-Tech Scammers

09.26.2017

SEC Cautions on Use of Distributed Ledger/Blockchain Technology to Raise Capital

12.22.2016

Should Your Company Purchase Bitcoin to Pay a Cyber Ransom?

02.19.2016

Hashfast's \$1 Million Question: Is Bitcoin a Currency or Commodity?

CoinDesk

02.18.2016

Bitcoin in Bankruptcy: Is It Commodity or Currency?

Law360

12.23.2015

Bitcoin: Currency, Property, and Now, Commodity

10.09.2015

Virtual Currencies & the Current State of the Law

06.29.2015

What Bankruptcy Trustees Need to Know About Bitcoin

Law360

07.13.2014

Regulatory and Commercial Law Concerns Relating to Bitcoin and Internet Payment Systems

The Cramdown

04.22.2014

Deal carefully with bitcoins until legislation catches up

Our Team

Additional Members



Richard A. Denmon

SHAREHOLDER

Tampa

☎ 813.229.4219



William Giltinan

SHAREHOLDER

Tampa

☎ 813.229.4241



Austin L. Jackson

ASSOCIATE

Los Angeles

☎ 310.843.6338



Thomas F. Morante

SENIOR COUNSEL

Miami

☎ 305.539.7252



William G. Najmy

ASSOCIATE

Tampa

☎ 813.229.4941



Ilan A. Nieuchowicz

SHAREHOLDER

West Palm Beach

☎ 305.539.7381



Dennis J. Olle
SHAREHOLDER

Miami
☎ 305.539.7419



Gail Podolsky
SHAREHOLDER

Atlanta
☎ 404.815.2714



Rahul P. Ranadive

SHAREHOLDER

Miami

☎ 305.539.7237



Charles T. Sharbaugh

OF COUNSEL

Atlanta

☎ 404.815.3388



Charles W. Throckmorton

SHAREHOLDER

Miami

☎ 305.539.7284



Barry Leigh Weissman

SHAREHOLDER

Los Angeles

☎ 310.843.6322



Michael L. Yaeger

SHAREHOLDER

New York

 212.380.9623

Related Capabilities

Practices

- Banking, Commercial, and Consumer Finance
- Health Care
- Real Estate
- Corporate Law and Governance
- Crypto Insolvency and Fiduciary Practice
- Cybersecurity and Privacy
- Financial Services Regulatory
- Government Law & Consulting

Industries

- Banking, Commercial, and Consumer Finance
- Health Care
- Real Estate
- Securities & Investment Companies
- Technology

- Intellectual Property
- International
- Media, Entertainment, Music & Sports
- Private Equity and Venture Capital
- Securities Transactions and Compliance
- Tax
- Technology
- White Collar Crime & Government Investigations
- AdTech