



# Justin S. Wales

SENIOR COUNSEL

LOS ANGELES

**P** : 310.843.6334

**F** : 310.843.6335

MIAMI

**P** : 305.530.0050

**F** : 305.530.0055

CONNECT

[jwales@carltonfields.com](mailto:jwales@carltonfields.com)

[LinkedIn](#)

## Overview

Justin Wales serves as co-leader of the firm's Blockchain and Digital Currency Practice. He represents a wide range of blockchain, fintech, and financial services clients on fundraising and regulatory matters, including executing compliant token offerings. A recognized leader in the burgeoning cryptocurrency industry and early cryptocurrency adopter, Justin provides business and technical product counseling for his clients, as well as advice regarding domestic and international corporate formation options, intellectual property protection, and other general corporate matters. He speaks and writes often about the intersection between law and technology, and authors the premier treatise, published by Thomson Reuters, on the application of state rules on blockchain and virtual currency businesses.

Justin is also an experienced litigator who serves clients with constitutional and intellectual property disputes, including First Amendment, trade secret, and access to government-held information claims, as well as defense counsel for his financial services or cryptocurrency clients.

## Experience

### Blockchain and Virtual Currency Representation

- 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 processor 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, airdrops, and applications using 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.

### **First Amendment and Constitutional Representation**

- *Tracy v. Fla. Atl. Univ.*, No. 18-10173 (appeal pending, 11th Cir.) and 9:16-cv-80655. Appeal representing professor fired in retaliation for blogging activity and raising facial and as-applied constitutional challenges to school's vague and viewpoint-discriminatory policy.
- *Hurchalla v. Lake Point Phase I & II* (appeal pending, Fla. 4th DCA). Representing environmentalist sued for petitioning government regarding concerns about environmental impacts of development project.
- *Root v. C. Steven McMillan, John A. Youmans, New Country Motor Cars of Palm Beach, LLC d/b/a Ferrari of Palm Beach, and New Country Motor Car Grp., Inc.*, No. 50-2016-CA-008921 (Fla. Cir. Ct.) (pending). Counsel to Ferrari defendants in suit brought by employee for defamation, conspiracy to defame, violation of Florida's Whistleblower Act, and implied duty of good faith and fair dealing.
- *Zoological Wildlife Found., Inc. v. Humane Society of the United States, Inc.*, No. 1:15-cv-23529 (S.D. Fla. 2017). Successful defense of Humane Society in libel suit brought by founder of zoo who was also convicted of multiple felony crimes.
- *Henn v. Ferrari N. Am., Inc.*, No. 0:16-cv-61830 (S.D. Fla. 2016). Defense counsel to Ferrari of North America Inc. in defamation suit. Plaintiff voluntarily dismissed suit in response to Ferrari's motion to dismiss.
- *Wollschlaeger. v. Governor, Fla.*, No. 12-14009 (11th Cir. 2016) (reh'g en banc pending). Counsel for American Bar Association seeking rehearing of panel opinions and seeking en banc affirmance of district court injunction precluding enforcement of Florida Firearm Owners' Privacy Act.
- *Hoefling v. City of Miami*, 811 F.3d 1271 (11th Cir. 2016). Reversed district court order dismissing Section 1983 suit of mariner against city that alleged it violated mariner's Fourth and Fifth Amendment Rights after it seized and destroyed his vessel without notice.
- *Obergefell v. Hodges*, Nos. 14-556, 14-562, 14-571 and 14-574 (U.S. 2015). Represented the Campaign for Southern Equality and Equality

Federation in support of marriage equality before the U.S. Supreme Court.

- *Pareto v. Ruvin*, No. 2014-1661-CA-01 (Fla. Cir. Ct. 2015). Represented plaintiffs in constitutional challenge to Florida's same-sex marriage ban.
- *Int'l Players Championship v. Matheson*, 190 So. 3d 643 (Fla. 3d DCA 2015). Moved for summary judgment on professional tennis center developer's challenge to decades-old development restrictions on Crandon Park. Decision affirmed by Florida's Third District Court of Appeal.
- *Club Madonna, Inc. v. City of Miami Beach*, No. 1:13-cv-23762, 2015 WL 5559894 (S.D. Fla. Sept. 22, 2015), awarding attorneys' fees under 42 U.S.C. § 1988 in the amount of \$102,460.660; No. 13-23762, DE 45 slip op. (S.D. Fla. 2014), granting dismissal with prejudice in frivolous civil rights action.
- *Eisenberg Dev. Corp. v. City of Miami Beach*, 95 F. Supp. 3d 1376 (S.D. Fla. 2015), finding entitlement to attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1927, Federal Rule of Civil Procedure 11, and the court's inherent authority; No. 13-23620, DE 172 slip op. (S.D. Fla. 2014), granting final summary judgment in favor of defendant; 54 F. Supp. 3d 1312 (S.D. Fla. 2014), granting in part motion for judgment on the pleadings; 1 F. Supp. 3d 1327 (S.D. Fla. 2014), granting in part motion to dismiss.
- *Biscayne Bay Waterkeeper v. United States Army Corps of Engineers* (2014). Represented various environmental organizations in suit against Army Corps of Engineers challenging their failure to comply with specific Endangered Species Act requirements.

## All Insights

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
07.03.2019	What to Do If the SEC Comes Knocking on Your Door
05.22.2019	S1:E8 - Censoring Online Influencers: FTC Endorsement Guidelines and the First Amendment
04.19.2019	State Regulations on Virtual Currency and Blockchain Technologies
08.29.2018	Is Cryptocurrency Money? Depends on Your State
06.04.2018	In Crypto Litigations Mandatory Arbitration Agreements May Not be Immutable
03.22.2018	The US Supreme Court Just Opened the Gates to Filing Crypto Class Actions in State Courts
12.19.2017	Bitcoin And Taxes: If Not HODLing, Consider Donating

09.27.2017 When High-Tech Cryptocurrencies Meet Low-Tech Scammers

---

08.01.2017 Podcast: What is so important about blockchain?

---

04.05.2017 11th Circuit Finds Skim Milk Labeling Restriction Violated Dairy Farm's First Amendment Rights

---

01.15.2016 Your View: The Right to an Imperfect Jury

---

01.04.2016 Don't Let The Two Issue Rule Send Your Appeal Down the Drain

---

11.30.2015 FAA Treats "Commercial" Newsgatherers and Citizen Journalists Differently

---

11.01.2015 Open Government Manual

---

11.01.2015 Access

---

06.29.2015 Love Wins, Now What?

---

04.01.2015 Recent Developments in Business and Corporate Litigation

---

02.23.2015 Higher Education and Local Government are Holding Back Miami's Tech Scene

---

10.01.2014 Significant Recent Developments in Class Action Law

---

07.01.2014 50 State Survey and Open Government Manual

---

01.01.2014 The Effects of Recent Technology Developments on Appellate Practice

---

04.01.2013 FUTURLAWMA: 21st Century Solutions to 31st Century Problems

---

02.22.2013 Class Waivers May Prevent Triumph for Cruise Passengers

---

07.31.2011 Beyond The Sail: The Eleventh Circuit's Thomas Decision and its Ineffectual Impact on the Life, Work, and Legal Realities of the Cruise Industry's Foreign Employees

---

06.01.2011 Interpreting the Federal Arbitration Act: May an Arbitrator Issue a Prehearing, Nonparty Subpoena?

## All News

03.27.2019	Carlton Fields Adds Renowned Virtual Currency Lawyer Andrew Hinkes
03.22.2019	Carlton Fields Hires Prominent Blockchain Attorney Andrew (Drew) Hinkes
03.19.2019	Carlton Fields Attorney Justin Wales Wins Daily Business Review On The Rise Award
02.05.2019	Carlton Fields Blockchain Attorneys Provide Commentary on Court Ruling Affecting Bitcoin Regulation
08.29.2018	Carlton Fields Attorneys Author State-by-State Analysis of Bitcoin Rules
07.23.2018	Carlton Fields Attorney Interviewed About Bitcoin Creator
07.16.2018	A Year After the ICO Craze, Here Come the Lawsuits
07.01.2018	Carlton Fields Attorney Justin S. Wales Promoted to Senior Counsel
06.04.2018	In Crypto Litigation, Mandatory Arbitration Agreements May Not Be Immutable
04.06.2018	Tiny Towns, Small States Bet on Bitcoin Even as Some Shun Its Miners
03.01.2018	State Regulations on Virtual Currency and Blockchain Technologies
12.19.2017	Bitcoin: If Not HODLing, Consider Donating
12.08.2017	Carlton Fields' Bitcoin/Blockchain Practice Featured in Of Counsel
09.27.2017	When High-Tech Cryptocurrencies Meet Low-Tech Scammers

## Recognition

- Selected as a winner of the *Daily Business Review* “On the Rise” Award (2019)
- Selected as one of the *Miami New Times*’ “Most Fascinating People” (2016)
- Finalist, Greater Miami Chamber of Commerce HYPE “Difference Maker” (2016)
- Recipient, Urban Environment League’s Orchid Award for Community Organizing
- Selected for inclusion in *Florida Super Lawyers* Rising Stars (2019)

- Named to the "2015 New Leaders Council Fellows Class" of young progressive leaders

## Professional & Community Involvement

- The Florida Bar
  - Digital Currency Task Force
- Florida International Bankers Association (FIBA) Innovation Committee
- City of Miami Charter Review and Reform Committee
- Engage Miami
  - *Founder and Board Chair.* Engage Miami is an organization dedicated to raising millennial voter turnout and creating a culture of civic involvement within Miami-Dade County.
- Code For Miami
  - *Policy Advisor.* Organize and lead a brigade of civic hackers in drafting and implementing an Open Data Policy for Miami-Dade County.
- Buskerfest Miami
  - *Policy Advisor.* Organize and lead team of artists in advocating for legislation that protects the First Amendment rights of musicians and artists to perform on Miami's streets.

## Speaking Engagements

- "Cryptocurrency – The Currency of Disruption," MBAF, Miami (May 23, 2019).
- "Bitcoin, Blockchain and the Unpredictable Future of the Internet," Florida Council of 100, Miami (May 10, 2019).
- "The First Amendment as Applied to Bitcoin and Its Lightning Network," TABCONF, Atlanta (February 10, 2019).
- Weekly panelist on Tone Vays Bitcoin Law Review Podcast.
- Led roundtable on the adoption of proposed cryptocurrency-specific legislation before Florida's Office of Financial Regulation (August 16, 2018).
- Presentation at Startup FIU's Blockchain Panel, Miami (June 7, 2018).
- "Blockchain and Its Impact on Trade and Logistics," Beacon Council, Miami (May 31, 2018).
- "Blockchain and Its Impact on Existing Business Models," MBAF, Miami (May 10, 2018).
- "Crypto Law and Regulations," Strafford Webinar on Emergence of Blockchain: New Applications, Issues and Best Practices for Corporate Counsel (April 18, 2018).
- "Blockchain and Its Effect on Real Estate," Commercial Real Estate Women Network, Miami (March 28, 2018).
- "Legal Implications of Blockchain and Cryptocurrency," Synapse Innovation Summit, Tampa, FL (March 28, 2018).
- "AI and Its Effects on Everyday Business," MBAF, Miami (March 27, 2018).

- "Business and Technology Seminar," University of Miami Business School, Miami (March 21, 2018).
- "Panel Discussion: Capital Raising and Investing in the Age of Crypto's, ICO's and Blockchain," Crypto Forum Presented by Guzman & Company, Miami (February 22, 2018).
- "Florida Action Cast: Blockchain Podcast" (February 5, 2018).
- "The Law of Blockchain," Florida International University's StartUP FIU, Miami (September 29, 2017).
- "The First Amendment as a Check on Governmental Power," Florida International University Honors College, Miami (March 2017).
- "Talk Is Cheap: Reforming Miami's Busted Campaign Finance System" (February 2016).
- "The Supreme Court and the First Amendment," Florida Bar Annual Convention (June 2015).
- "Open Data Workshop," Code Across America (February 2015).
- "The Supreme Court and the First Amendment," The Florida Bar Annual Convention (June 2014).
- "First Amendment Jurisprudence of the Roberts Court: A Statistical Analysis," The Florida Bar Annual Convention (June 2013).
- "Checks and Balances," University of Miami School of Law Street Law Clinic, Miami (January 30, 2013).

## Credentials

### EDUCATION

- University of Miami School of Law (J.D., *summa cum laude*, 2012)
  - Order of the Coif
  - Bruce J. Winick Award for Academic Excellence (tuition scholarship awarded to top 1 percent of graduating class)
  - Dean's Merit Scholar
  - Daniel Pearson Scholarship
- University of California, San Diego (B.A., *magna cum laude*, 2009)

### COURT ADMISSIONS

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Southern District of Florida
- Florida State Courts

### BAR ADMISSIONS

- Florida
- California

## Areas of Focus

### PRACTICES

### INDUSTRIES

- Appellate & Trial Support
- Blockchain and Digital Currency
- Cannabis Law
- Esports and Electronic Gaming
- Litigation and Trials
- Technology
- Technology & Telecommunications