



Duncan B. Douglass

Partner

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Related Services

Corporate & Finance ■ Corporate & Business Transactions ■ Capital Markets & Securities ■ Mergers & Acquisitions ■ Financial Services ■ Payments & Fintech ■ Retail ■ Bank Regulatory ■ Blockchain & Digital Assets

Duncan Douglass co-leads Alston & Bird's Payments & Fintech Group and focuses on transactions, product development, and regulatory issues related to retail and wholesale payment systems and products. He is recognized in *The Best Lawyers in America*® and *Chambers FinTech*. He serves as chair of the ABA's Consumer Financial Services Deposit Products and Payment Systems Subcommittee. Duncan is editorial board chairman and a regular contributor to Thomson Reuters' *FinTech Law Report*.

Emerging Payment Services

Duncan represents numerous bank and fintech clients with product development, implementation, and compliance issues related to emerging and evolving payment products and systems, including digital currency, and real-time and mobile payments.

Payment Card Services

Duncan counsels payment card issuers and service providers in regulatory compliance matters, in structuring card issuance programs, and in negotiating co-branding, program manager, issuer processor, and sales/distribution agent agreements. He advises merchants, processors, and acquirers in regulatory matters and in negotiating sponsorship, acquiring, and processing agreements. Further, Duncan counsels PIN and signature-based card network operators in the structuring of partner relationships and in the development and implementation of network operating rules and procedures.

ACH and Check Services

Duncan advises financial institutions, processors, and merchants with ACH and check-based payments, including negotiating agreements on behalf of third party service providers, third party senders, retailers, and financial institutions related to the authorization, acceptance, and processing of ACH and check-based payments.

Representative Experience

- Represented numerous card issuing financial institutions in the negotiation of new credit, debit, and prepaid card issuing and processing relationships with all major payment card networks and processors.
- Counseled clients in the negotiation of payments acceptance and transaction processing and acquiring relationships.

- Provided extensive product development and regulatory compliance advice to a leading provider of B2B and C2B platform-based financial services in connection with the rollout of multiple product offerings in the U.S. and internationally.
- Represented a private equity firm in its bid to acquire a leading global merchant acquirer.
- Advised one of the nation's leading non-bank payment services companies in the development of innovative products and in the structuring and negotiation of various processing relationships with retailers, financial institutions, and third party service providers/vendors.
- Counseled major payment network operators in multiple domestic and international strategic alliance initiatives.
- Represented a provider of digital currency custody and platform services in connection with regulatory compliance and product development.
- Assisted a leading provider of digital wallet-based C2C, C2B and B2B funds transfer and payment services in various aspects of product development, regulatory compliance and establishing strategic partnerships.
- Developed network rules and participation agreements for a leading provider of real time payment transfers.

Publications & Presentations

Publications

- "FinTech Law Report: June/July 2023 Regulation and Litigation Update," *FinTech Law Report*, Vol. 26, No. 2, July/August 2023.
- "FinTech Law Report: February/March 2023 Regulation and Litigation Update," *FinTech Law Report*, Vol. 26, No. 2, March/April 2023.
- "FinTech Law Report: September/October 2022 Regulation and Litigation Update," *FinTech Law Report*, Vol. 25, No. 6, November/December 2022.
- "FinTech Law Report: May/June 2022 Regulation and Litigation Update," *FinTech Law Report*, Vol. 25, No. 5, September/October 2022.
- "FinTech Law Report: March/April 2022 Regulation and Litigation Update," *FinTech Law Report*, Vol. 25, No. 3, May/June 2022.
- "FinTech Law Report: January/February 2022 Regulation and Litigation Update," *FinTech Law Report*, Vol. 25, No. 2, March/April 2022.
- "FinTech Law Report: March 2016 Regulation and Litigation Update," *FinTech Law Report*, Vol. 19, No. 2, March/April 2016.
- "FinTech Law Report: January 2016 Regulation and Litigation Update," *FinTech Law Report*, Vol. 19, No. 1, January/February 2016.
- "FinTech Law Report: Regulatory & Litigation Update," *FinTech Law Report*, Vol. 18, No. 6, November/December 2015.
- "FinTech Law Report: Regulatory & Litigation Update," *FinTech Law Report*, Vol. 18, No. 4, July/August 2015.
- "FinTech Law Report: Regulatory & Litigation Update," *FinTech Law Report*, Vol. 18, No. 2, March/April 2015.

- “Regulatory & Litigation Update: CFPB Proposes “No-Action” Letter Policy; Federal Reserve Banks of Boston and Atlanta Publish Reports on Industry Tokenization Efforts; Federal Reserve Board Issues Report on Debit Card Fees Pursuant to the Durbin Amendment; CFPB Issues Bulletin Regarding Promotional Credit Card APRs; Senator Durbin Files Amicus Brief Urging the Supreme Court to Grant Certiorari in NACS v. Board,” *Fintech Law Report*, Vol. 17, No. 6, November/December 2014.
- “Regulating Bitcoin: Practical Approaches for Virtual Currencies,” *Banking Perspective*, The Clearing House, October 1, 2014.
- “Regulatory & Litigation Update,” *FinTech Law Report*, Vol. 17, No. 3, May/June 2014.
- “Regulatory & Litigation Update,” *FinTech Law Report*, Vol. 17, No. 2, March/April 2014.

Presentations

- “Card Networks: Latest Proposals on Interchange Fees and Dual Network Routing,” 2024 Prepaid Accounts Compliance Conference, New York Bar Association, New York, NY, April 8, 2024.
- “The Politicization of Financial Services: Are Banks and Payment Systems Being Used as Social Instruments by Policymakers and Regulators?” moderator, The Clearing House Annual Conference 2023, New York, NY, November 16–17, 2023.
- “Hot Topics in Payments Law,” Regions Bank, Birmingham, AL, August 22, 2023.
- “Recent Developments in Electronic Payments Law,” Nacha Smarter Faster Payments 2023, webinar, May 8-10, 2023.
- “Recent Developments in Electronic Payments Law,” Nacha Smarter Faster Payments 2023, Las Vegas, NV, April 16-19, 2023.
- Nacha ACH Legal and Compliance Summit, November 30-December 1, 2022.
- “Spotlight Session: Recent Developments in Electronic Payments Law,” Nacha Smarter Faster Payments 2022 – Virtual, May 23-25, 2022.
- Nacha Smarter Faster Payments 2022, Nashville, TN, May 1-4, 2022.
- “Electronic Payments: Regulatory and Legal Implications to Business,” Merchant Advisory Group (MAG) 2020 Mid-Year Conference, Atlanta, GA, February 11-13, 2020.
- “Legal and Regulatory Update” and “Hot Topics & Trends in Merchant Services,” Worldpay 2019 Partnership Forum, Aurora, CO, September 9-10, 2019.
- “The Rapidly Evolving Landscape for FinTech,” Practising Law Institute’s 24th Annual Consumer Financial Services Institute, Chicago, IL, May 20-21, 2019.
- “The Rapidly Evolving Landscape for FinTech,” Practising Law Institute’s 24th Annual Consumer Financial Services Institute, New York, NY, March 25-26, 2019.

Education

- Duke University (J.D., 2000)
- University of South Florida (M.P.H., 1997)
- Cornell University (B.A., 1995)

Admitted to Practice

- Georgia
- Florida