Electronic Funds Transfer Systems Bibliography, 2 Computer L.J. 183 (1980)

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Bibliography†

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Introduction

References contained in this Bibliography are to articles and other materials which discuss the legal issues involving electronic funds transfer systems either exclusively or at least as the main topic of interest. This Bibliography does not contain articles that discuss:

- the implementation, alteration or termination of commercial EFT ventures
- the technical aspects or social or economic implications of EFT
- books or conferences held on EFT, except to the extent that the materials discuss legal issues

Organization

The entries in the Bibliography are subdivided into four sections. This was done to enable the user who is looking for a specific type of material, e.g., law review article, newspaper article, to more quickly locate those references.

The first grouping contains references to all articles printed in legal publications. The second contains all "Notes" and "Comments" written by law students. The third collects all legal materials which do not fall within the first two categories. The last section contains references to non-legal publications, i.e., articles contained in bank-
ing, electronics, computer or business journals, and in newspapers
and magazines of general circulation.

Legal—Articles


Clarke, *An Item is an Item is an Item: Article 4 of the UCC and the Electronic Age*, 25 BUS. LAW. 109 (1969).


Greguras, Electronic Funds Transfer System Beyond the Frontier, COMPUTERS & L. May 1976, at 3.


Hablutzel, State Regulation of Branch Banking, 16 DUQUESNE L. REV. 679 (1977-78).


Penney, Articles 4 and 8 of the Uniform Commercial Code, 26 La. L. Rev. 259 (1966).


Quinn, As “Branch” is Bent, So Grows the Law, 62 A.B.A.J. 1202 (1976).


Shick, Some Impacts of Electronic Funds Transfer on Consumer Transactions, in The Economics of a National Electronic Funds Transfer
COMPUTER/LAW JOURNAL


BIBLIOGRAPHY

Legal—Student Works

Comment, CBCT's: Stranded at the Altar, 28 Baylor L. Rev. 353 (1976).

Legal—Other

AM. Bankers Ass'n, Analysis of State EFT Statutes and Regulations (May 1978 rev.).


Donnici & Micek, *Privacy and Pre-emption in Electronic Funds Transfer*
BIBLIOGRAPHY


F. Greguras, Memorandum and Report to the Legislative Council of the Legislature of the State of Nebraska re LB's 109, 269 and 400: Electronic Funds Transfer Systems.


J. Kluckman, Consumer Protection Under Electronic Funds Transfers Sys-
tems (June 1976) (unpublished thesis, Stonier Grad. School of Banking, Rutgers Univ.).


CBCTs Held to be "Branches"; Comptroller's Approval Voided, Legal Bull., Nov. 1975, at 298.


Non-legal

AM. BANK NOTE CO., Electronic Funds Transfer Systems: Background, Status and Perspectives (1976).


Austrian, Missouri Regulator Asks Uniform Position by States on Whether CBCTs Are Branches, Am. Banker, May 14, 1975, at 1, col. 3.


Austrian, Smith Denies FN Memphis Bid for CBCT's Filed as Branch Applications, Am. Banker, Feb. 11, 1975, at 1, col. 3.


Bank Marketing Ass'n, Proc. of Banking on EFTs Conf. (1976).


J. Benton, *Charting the EFTS Course* (1976).


Bishopric, POS Called Potential Tracer of Persons, Threat to Privacy, Am. Banker, May 13, 1975, at 1, col. 3.


Brooke, Banks Cannot Ignore EFT, But Each Must Make Own Decision on Needs, A.D. Little Study Finds, Am. Banker, Sept. 10, 1975, at 1, col. 2.


Brooke, FHLBB Member Opposes Federal Firms Coming Under State EFT Curbs, Am. Banker, June 4, 1975, at 1, col. 4.


Brouillette, Calif. to Oppose CBCTs from Out of State, Apr. 2, 1975, at 1, col. 2.
BIBLIOGRAPHY


Conover, *Appeals Court Judge Suggest Smith is “All Wet” in Denying CBCTs Take Deposits*, Am. Banker, Nov. 26, 1975 at 1, col. 3.


Conover, *Comptroller Issues Revised Interpretation Imposing Geographic Limitations on CBCTs*, Am. Banker, May 12, 1975, at 1, col. 3.


**CONSUMER BANKERS ASS’N, EFT—THE CHANGING LEGAL ENVIRONMENT (1978).**

**Cox, The EFT Dilemma—Is There a Way Out?,** 159 BANKERS’ MAG., Spring 1976, at 31.


Edwards, Self-Service Banking, EFTS and the Real Business of Banking, 90 U.S. BANKER, June 1979, at 42.
Edwards, Some Perspectives on the Use of ATMs, 90 U.S. BANKER, Feb. 1979, at 34.
Eiseman, EFTS and the Structure of Banking, 160 BANKERS' MAG., Summer 1977, at 37.
BIBLIOGRAPHY

1980]


Fidlow, Ins and Outs of a Funds Transfer Design, 7 Data Com., Nov. 1978, at 45 (Part 1); Dec. 1978, at 75 (Part 2).


Flato, Checking on EFTS, 7 Computer Decisions, May 1975, at 22.


Frank, Conn. Court Tables Debate on Sunday Use of ATMs, Computerworld, Dec. 18, 1978, at 14 col. 3.


Freeland, Expect Approval on Minnesota EFT Bill, Nw. Banker, Mar. 1977, at 63.

French, EFTS Law Seen Hurting Credit System, Computerworld, Dec. 10, 1975, at 6, col. 2.


Greguras, EFT and the Law, ICP Interface Banking Ideas, Fall 1979, at 12.


Hutnyan, *Proxmire, McIntyre Reach EFT Accord*, Am. Banker, June 24, 1975, at 1, col. 3.


INDEPENDENT BANKERS ASS’N, *How STATES CAN REGULATE ELECTRONIC FUND TRANSFER SYSTEMS (1975).*

INFORMATION CANADA, *TOWARD AN ELECTRONIC PAYMENTS SYSTEM (1975).*


Kirchner, *EFT Providers Bewail Cost of Privacy Legislation*, Computerworld, Apr. 9, 1979, at 18, col. 1.


PEAT, MARWICK, MITCHELL & CO., EFTS IN ILLINOIS; ANALYSIS AND RECOMMENDATIONS (1976).
PEAT, MARWICK, MITCHELL & CO., TRENDS IN ELECTRONIC FUNDS TRANSFER (1976).
Porter, Computer Raped by Telephone, N.Y. Times, Sept. 8, 1974, § 6 (magazine), at 40.
Pugh & Ingram, EFT and the Public, 161 BANKERS' MAG., Mar.-Apr. 1978, at 42.
Reistad, The Coming Cashless Society, 10 BUS. HORIZON S 23 (1967).
Rhodes, Sharing Arrangements in an Electronic Funds Transfer System, 8 J. BANK RESEARCH, Spring 1977, at 8.
Richley, Branch Banks and the CBCTs: A Delicate Balance, 52 BANK AD., Mar. 1976, at 29.
Rose, Checkless Banking is Bound to Come, 94 FORTUNE, June 1977, at 118.
Rose, The Unexpected Fallout from Electronic Banking, FORTUNE, Apr. 24, 1978, at 82.
Rosenblum, Poor People Who Use EFT Should Have Same Safeguards as Under Old Methods, Am. Banker, Apr. 4, 1978, at 4, col. 3.


Rubenstein, *Smith Says Banking is in Good Shape; Defends CBCT Ruling*, Am. Banker, May 6, 1975, at 2, col. 4.


Smith & Dince, *Consider the Banking Customer*, 159 Bankers' Mag., Spring 1976, at 58.


Wiseman, *EFT Witnesses Spar on Dangers to Users*, Computerworld, Nov. 8, 1976, at 1, col. 1.


Woodruff, *DPer Found Guilty of Wire Fraud Takes His Case to Supreme Court*, Computerworld, May 7, 1979, at 12, col. 3.


ABA *Asks for Rules*, DATAMATION, Mar. 1979, at 76.


All Interested Parties State Their Position on EFTS Moratorium Bill, PAYMENT SYS. NEWSLETTER, Mar. 1975.

AMBI *Promotes for Consumer EFT Legislation*, Mid-West. BANKER, Aug. 1978, at 34.

Analysis of Enacted EFTS State Legislation, 9 MOD. DATA, Jan. 1976, at 27.


Another Major Wire Fraud: FBI Nas Aggressive Effort Underway, EFTS-INDUS. REP., Apr. 11, 1979, at 2.

Another Wire Transfer Fraud, EDPACS, July 1979, at 8.

Appeals Court Rules Against First National in St. Louis, EFTS-INDUS. REP., Aug. 1976, at 3.


Appeals Court Upholds Ban on CBCT Regulation—May Not Affect Most Banks, PAYMENT SYS. NEWSLETTER, Oct. 1975.


ATM Robbery Teaches Flagship a $34,000 Security Lesson, NILSON REP., May 1979, at 1.


Bank Branching CHIPS Being Put on EFTS, EFT-INDUS. REP., June 1, 1978, at 3.


Bankers Must Decide if They Want Active Govt Role in EFTS Field, Am. Banker, Nov. 20, 1975, at 4, col. 3.


Banks Must Start Preparing for the EFT Revolution or Fall Behind, EFTS-INDUS. REP., Feb. 15, 1978, at 1.


By Accepting Deposits, Colorado CBCT Violates Branching Ban, Am. Banker, June 5, 1975, at 4, col. 3.


CBCT Ruling Should Be Withdrawn to Determine Competitive Factors, Am. Banker, Apr. 17, 1975, at 4, col. 3.

Chicago Appeal Court Holds All Five CBCT Activities Constitute Branch Banking, EFTS-INDUS. REP., June 1976.


Chicago Bank's CBCT Battle Shifts from Supreme Court to Cook County Court, Payment Sys. Newsletter, Aug. 1976, at 3.

Chicago City Council OKs EFT Bill as Court Cases There Continue, Banking, Aug. 1976, at 14.

Chicago Ordinance in Branch Banking Meets Court Tussles, Wall St. J., July 12, 1976, at 8, col. 5.

Circuit Court Says No to CBCTs, Bankers Letter of L., May 1976, at 1.

City of Chicago Likely to Appeal Circuit Court Decision; Continental Illi-
Colo. Bank Board Asks Court to Stop State's Only CBCT, Am. Banker, Apr. 18, 1975, at 1, col. 4.
Colo. Drafting Bill that May End Discord on EFT Among Bankers, Am. Banker, Mar. 4, 1977, at 1, col. 3.
Colorado House Unit Votes Moratorium on EFTS, Am. Banker, Apr. 1, 1975, at 1, col. 3.
Colorado to Ask Court Ban on bank's CBCT, Am. Banker, Feb. 28, 1975, at 1, col. 1.
Court Bars Temporary Colo. CBCT Restraint, Am. Banker, May 5, 1975, at 1, col. 3.
BIBLIOGRAPHY


Court Orders FNB in St. Louis to Halt Two CBCTs, Rules Them Illegal Branches, Am. Banker, Nov. 19, 1975, at 1, col. 3.


Damned if You Do . . . [editorial], Computerworld, Mar. 7, 1977, at 14, col. 1.


DC Appeals Court Supports Ruling Forbidding CBCTs, Bank Sys. & Equip., May 1976, at 14.


EFT: A Variety of Attitudes, Datamation, June 1976, at 139.

[EFT Act Consumer Liability Rule], 2 EFT Rep., May 1, 1979, at 1.


EFT and the Consumer is Major Topic of Panel's Interim Report, Am. Banker, Mar. 8, 1977, at 4, col. 3.

EFT and the Postal Service, Partial ABA Testimony Before the Commission on the Postal Services, Nacha Qtrly Update, July 1977, at 1.


EFT Commission Decides Not to Comment on Reg J at This Time, Payment Sys. Newsletter, Mar. 1976.

EFT Disclosures, ABA BANK CARD LETTER, Mar. 1979, at 1.
EFT Fraud, REVOLVING CREDIT LETTER, Mar. 31, 1975.
EFT Group: EFT Excluded, Need Fast Court Redress, BANK SYS. & EQUIP., Mar 1977, at 15.
EFT in Wholesale Banking, 70 BANKING, May 1978, at 41.
EFT Opposition and Progress, DATAMATION, Nov. 1976, at 159.
EFT Privacy Legislation Passed, 1 TDF NEWS, Nov. 1978, at 2.
EFT Proponents Shift Efforts from Courts to Legislatures as Supreme Court Refuses to Consider Branch/Terminal Issue; Lets Three Lower Court CBCT Decisions Stand, PAYMENT SYS. ACTION REP., Oct. 11, 1976, at 1.
EFT Status as Utility or Competitive is Top Issue; Wriston Says, Am. Banker, Apr. 23, 1975, at 3, col. 1.
EFT Study Released, 8 COMPUTER DECISIONS, Mar. 1976, at 6.
EFTS Branching Bills Go to Georgia Governor, Am. Banker, Apr. 3, 1975, at 1, col. 4.
EFTS Delays Due to Government, EFTS DIG., Aug. 1979, at 8.
EFTS in the Center Ring, 12 BANK SYS. & EQUIP., Aug. 1975, at 36.
EFTS is the Second Stage of a Major Revolution in Banking, 87 U.S. INVESTOR/EAST. BANKER, Feb. 23, 1976, at 31.
EFTS Limitation Set With Distance Ruling, Computerworld, June 4, 1975, at 1, col. 1.
EFTS Moratorium Tabled by Bank Lobby Pressures, 7 COMPUTER DECISIONS, Aug. 1975, at 12.
EFTS on a Shared Basis is a Key Element in the Future of Savings Banking, 88 U.S. INVESTOR/EAST. BANKER, Apr. 25, 1977, at 25.
EFTS (R)evolution Inevitable, Say Bankers, 10 EDP INDUS. REP., May 19, 1975, at 1.
EFTS—Tell It Like It Is, 12 BANK SYS. & EQUIP., Oct. 1975, at 46.
EFTS Moratorium Postponed to Nov. 11, Am. Banker, Aug. 28, 1975, at 2, col. 3.
Electronic Banking a Retreat from the Cashless Society, Bus. WEEK, Apr. 18, 1977, at 80.
Electronic GIRO or Credit Transfer Payments, 87 U.S. INVESTOR/EAST. BANKER, Oct. 4, 1976, at 17.
Faltering Step Toward Electronic Banking, BUS. WEEK, Aug. 23, 1976, at 85.
FDIC Adopts New Form for Establishment of RSUs, EFTS-INDUS. REP., Feb. 1976.
FDIC Aide Asks Caution on Regulation of EFT, Am. Banker, Dec. 3, 1974, at 1, col. 3.
Fed Issues Proposals for Completion Rules to Execute EFT Act, EFTS-INDUS. REP., May 9, 1979, at 1.
Federal Court Enjoins Continental, First Nat. of Chicago from Using CBCTs, EFTS-INDUS. REP., Jan. 1976.
Federal Reserve Board Sets Liability Limits, Other Rules to Protect Users of EFT Cards, PAYMENT SYS. NEWSLETTER, Apr. 1979, at 3.
Federal Reserve Rules Offered to Implement New EFTS Statute, NAT'L THRIFT NEWS, May 24, 1979, at 10.
Feds Want More Say in EFTS, 8 COMPUTER DECISIONS, June 1976, at 8.
FHLB board Remote Service Unit Regulations Upheld, 44 LEGAL BULL. 276 (1978).
First Nebraska, Now California, DATAMATION, Feb. 1975, at 81.


FMB, Chicago, Sued by Independent Banks Over Loan Production Offices With ATMs, Payment Sys. Newsletter, May 1976.


FMB St. Louis to Appeal Court Ruling CBCTs Violate Missouri Law, Am. Banker, Nov. 24, 1975, at 2, col. 4.


Give the Free EFT Market a Chance [editorial], Am. Banker, Apr. 8, 1975, at 4, col. 1.


Guarding Against Computer Fraud, Banking, Apr. 1976, at 36.


High Court Battle Seen Over CBCTs, Com. West, Dec. 20, 1975, at 14.


IBAA Suit Charges FHLBB Invades Banking in Granting S&L Electronic Terminals, Am. Banker, Jan. 21, 1976, at 1, col. 3.

Independent Bankers File Court Suit Against Expanded Remote Unit Authority for S&Ls, U.S. INVESTOR/EAST. BANKER, Feb. 9, 1976, at 23.
Iowa EFTS are Branches, Says Superintendent, BANK SYS. & EQUIP., Feb. 1976, at 8.
Justice Department Issues Emphatic "No" to Nebraska Bankers' Proposed Statewide EFT Network; Reiterates Opposition to Mandatory Sharing, Criticizes Size and Structure of Venture, PAYMENT SYS. ACTION REP., Mar. 14, 1977, at 1.
Justice Dept Objects to Nebraska EFT, EFTS-INDUS. REP., Mar. 1977, at 1.
Justice Ponders Other ACHA Action, Florida S&L Network May be Target, NAT'L THRIFT NEWS, May 26, 1977, at 20.
Kansas Banks Allowed EFT Units Anywhere in State on July 1, Am. Banker, Apr. 24, 1975, at 1, col. 3.
Legislation and Regulatory Pressures are Shaping the Future of Banking, 86 U.S. INVESTOR/EAST. BANKER, June 2, 1975, at 11.
Massachusetts Banking Regulator Calls EFTS Legislation Premature; Recommends Developments be Monitored for Five to Ten Years, PAYMENT SYS. ACTION REP., Oct. 4, 1976, at 3.
Minn. EFT Bill is on Way to Governor for 3d Straight Year; Backers Hopeful, Am. Banker, May 19, 1977, at 3, col. 1.
More CBCT Rulings go to High Court, Hoosier Banker, Oct. 1976, at 34.
Multibank HCs and EFT are the Dominant Issues in Indiana, Am. Banker, Oct. 4, 1979, at 2, col. 1.
NC Drafts State-Bank Authority for CBCTs, Am. Banker, May 30, 1975, at 1, col. 3.
Nebraska Banks Vote to Go Ahead With EFTS Plan-Look to Other States for Support, PAYMENT SYS. NEWSLETTER, Oct. 1974.
Nebraska EFTS, New Kansas Banking Code Are Among Topics for Plain States Legislators, Am. Banker, Feb. 27, 1975, at 1, col. 3.
Nebraska Supreme Court Says Hinky Dinky EFTS is OK, PAYMENT SYS. NEWSLETTER, May 1975.
New York State Banking Board Approves Revisions in Regulation of Electronic Branches, Effective Date “on or About July 15,” PAYMENT SYS. ACTION REP., July 4, 1977, at 1.
No Word from Comptroller on CBCT Appeal—Challenge to Continued RSU Experiments by IBAA, PAYMENT SYS. NEWSLETTER, Apr. 1976.
NOW Account Seen as EFT Turnkey; Will Help Encourage Public Acceptance, 86 U.S. INVESTOR/EAST. BANKER, Mar. 10, 1975, at 41.
OTP, AFIPS Urge Restraint in Possible Fed Operation of EFTS, EFTS-IN-
DUS. REP., Apr. 1976.
QTP Study Concludes That There is No Single “Correct” Policy on EFT,
Planned EFT Bill is Killed in Mass. House After Successful Lobbying Effort
by BayBanks, Am. Banker, Nov. 1, 1979, at 2, col. 3.
Probing EFTS Legal, Regulatory, Experimental Issues, PAYMENT SYS.
Problems Inherent in EFT Development, 86 U.S. INVESTOR/EAST. BANKER,
Nov. 17, 1975, at 15.
Pre-Competitive Sharing of EFT [editorial], Am. Banker, Mar. 11, 1977, at 4,
col. 1.
Professor Looks at EFT and “Quality of Life”, Computerworld, June 26,
1978, at 10, col. 1.
Proposed EFT Legislation Before the Congress, ABA BANK CARD LETTER,
Push Button Banking is Running into Trouble: Electronic Funds Transfer
The Quickening Pace of Electronic Banking, BUS. WEEK, Sept. 15, 1973, at
116.
Regulation Delay Highlights Problem of Implementing EFT Law, SAVINGS
BANK J., Mar. 1979, at 78.
Regulation E, ABA BANK CARD LETTER, Aug. 1979, at 1.
Remote Facility Bill for Md. State Banks Signed, Am. Banker, Apr. 24, 1975,
at 1, col. 3.
Report of EFT Panel Called Inconclusive; Worley Asks Banks Devise Accept-
Report of the NYSBA Conference on EFT Services, 88 U.S. INVESTOR/EAST.
BANKER, May 23, 1977, at 37.
Report on the IBAA Convention—EFTS Gave the Convention Its Theme, 86
[Rifkin Case], 2 EFT REP., Apr. 2, 1979, at 4.
[Rifkin in Headlines Again], 2 EFT REP., Feb. 15, 1979, at 1.
[Rifkin Plea Bargain], 2 EFT REP., Mar. 1, 1979, at 3.
Rocky Mountain ACH Says Justice Charges Are Moot, Noting Colo. Man-
Roundup of Legislation Affecting Banking, 86 U.S. INVESTOR/EAST. BANKER,
RSU Operators Weigh Impact of Court Decision on Business, SAVINGS &
LOAN NEWS, June 1979, at 11.
Ruling on EFT Sparks Hostility, 7 COMPUTER DECISIONS, Apr. 1975, at 12.
BIBLIOGRAPHY

Sharing Networks for Banking, DATAMATION, Mar. 1978 at 205.
Some Are Said to Fear Computerized Banking, 86 OFF., Nov. 1977, at 178.
Some Geographic Restrictions to be Placed on CBCT Installations, PAYMENT SYS. NEWSLETTER, Apr. 1975.
St. Louis Bank to Operate CBCTs Pending Supreme Court Outcome; Chicago CBCT Ordinance Declared Unconstitutional; Court Orders Comptroller to Advise Banks that CBCTs Are Illegal, EFTS-INDUS. REP., Aug. 1976.
Standards Crucial to EFTS, Computerworld, May 28, 1975, at 12, col. 1.
The State of EFT; Dr. Atwater's Diagnosis, REVOLVING CREDIT LETTER, Jan. 11, 1978, at 6.
State Warns Banks in Mich. Shared ATMs May be Violation, Am. Banker, June 9, 1977, at 1, col. 3.
Stating the Case for Community Banks' Role in EFTS, 67 BANKING, May 1975, at 31.
Stay Lets Ill. Banks Continue With CBCTs, Computerworld, Aug. 2, 1976, at 1, col. 1.

Still Another Wire Transfer Fraud, EDPACS, July 1979, at 8.

A Sudden Setback for Electronic Banking, Bus. Week, Aug. 18, 1978, at 32.


Supreme Court Declines Review of Three Bank CBCT Cases; Overcome No Threat to Savings and Loan RSU Systems, 42 LEGAL BuLL. 332 (1976).


Swift Growth Affirms Need, DATA COM., Mar. 1978, at 34.

Technicality Kills Minn. EFT Measure, Am. Banker, June 6, 1977, at 1, col. 4.


Texas Lawmakers Study Proposed Amendment to Allow Branching by EFT, Am. Banker, Mar. 23, 1977, at 1, col. 2.

Texas Senate Passes Amendment for EFT, Am. Banker, Apr. 21, 1977, at 15, col. 3.


Too Little Too Late [editorial], Datamation, Dec. 1975, at 49.


Two Banks Lose Bid for Remote Terminals at Illinois Locations, Wall St. J., June 1, 1976, at 6, col. 2.

Two Chicago Banks Told to Withdraw Electronic Tellers, Wall St. J., Dec. 11, 1975, at 20, col. 3.


Two Year Moratorium on Use of EFTs Dies in Texas Senate Committee, Am. Banker, May 31, 1977, at 2, col. 3.

The U.S. Has a Date With Electronic Banking, 118 [Forbes, July 1, 1976, at 69.


Utah House Okays EFTS, EFTS Dig., May/June 1979, at 8.

Utah Puts Temporary Lid on EFTS, Computerworld, Mar. 19, 1975, at 6, col. 3.

When Is a CBCT Not a Branch?, Hoosier Banker, June 1978, at 28.


$10.2 Million Theft May Yield Profit for Victim, EDPACS, Jan. 1979, at 11.