IMLA

Municipal Lawyer

THE JOURNAL OF LOCAL GOVERNMENT LAW

Disruptive Public Meetings and the First Amendment



MAY JUNE 2022
VOL.63 NO.03

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How Long Before a Cashless Society?

Recent travel to the International Municipal Lawyer's Association Mid-Year Seminar in Washington, DC, has brought the issue of a "cashless society" to the forefront of my mind. We will reserve space later for my story, but first the issues.

What is a cashless society? This is, of course, where physical currency becomes obsolete and is no longer negotiable. Evidence is everywhere of the trend in this direction, but who knows if or when some countries will ever get there. According to an article in *Bankless Times*, Canada is the most likely country to scrap physical money and go all electronic.

The article uses a "formula" if you will, to come up with a "Cashless Score" on a scale of 0 to 100. Canada checked in on the "Cashless Scale" with a score of 79.1. Rounding out the Top Ten in order are Hong Kong 76.8, Singapore 76.2, New Zealand 75, Japan 74.1, Australia 72.3, Norway 72.2, United Arab Emirates 72.1, Switzerland 70.9 and Finland 70.0. (The United States is not in the Top 20)

Bankless Times cites an article by Finance Writer James Andrews in setting forth the advantages and disadvantages of "going cashless:"

The advantages of a cashless society:

- Digital paper trails: Money laundering and tax fraud will be harder to hide as digital transactions will create a record of every payment made and received.
- Convenience abroad: Debit cards, credit cards and e-wallets allow for quick and easy payments when travelling.
- Time: Handling, storing, transporting and depositing paper money takes time and resources so less cash in circulation saves time and money.
- Reduced crime: Illegal drugs trade and modern-day slavery rely heavily on cash to facilitate and disguise payments. Although some will turn to the dark web, less cash in circultion could help reduce crime rates

The disadvantages of a cashless society:

- Tech-lag: For those who are unfamiliar with technology or unable to afford compatible mobile devices, there is a risk they will be left behind in a cashless world.
- Access: Vulnerable people and those unable to have access to credit and debit cards may have no way to pay for goods and services.
- Reliance: In a cashless society, everything will be online and glitches, outages, and innocent mistakes could cause problems.
- Cyberattacks: Hackers are the bank robbers of the electronic world. In a cashless society, you could be more exposed to cybercriminals.
- Overspending: When all transactions are completed by tapping, swiping or punching in a PIN number it may be harder for some individuals to keep track of day-to-day spending.
- Online Fraud: With more data online there is a higher risk of being victim to security leaks, Trojan horses, phishing scams, viruses, worms, fraud, data swapping

Here at the good old Town of Lexington, we take electronic payments and offer cashless alternatives via telephone and the internet. There are, as we have already said, advantages and disadvantages to the program in place here. I am sure my municipal colleagues can share in some of those. In theory, I can understand both the advantages and disadvantages as described above. I sometimes, feel, however that a few of the issues raised above should switch sides of the ledger.

As to my own story, I decided to use my recent trip to DC as a measuring stick of the issues herein. Let's start with the cab drive to the airport. I was met here with an option of cash or card. (For purposes of this article "card" means either debit or credit card). I chose cash, wisely, because I would later encounter quite a bit of difficulty spending the little bit of cash I had on hand. (As a side note, I remember the old travel adage "I have plenty of cash and a credit card in case of emergency." This adage has now flipped to "I have my card and some cash in case of an emergency.")

The airline refused to take cash for beverage service, so my cash remained in the wallet. I thought, "No problem – I'll use the cash at the connecting airport." Well, on my layover I was not only met with an airport-wide refusal to take cash, but also a refusal to accept cards. Every kiosk, restaurant or retail business required you to scan a QR code with your phone and order off a menu or select items for purchase using the app to which you were directed by the QR code. There was absolutely no cash in the

airport, and there were no card swipe terminals.

My initial thoughts were about folks that aren't carrying their phone, are technologically challenged, have old technology where all a phone did was make calls, or some folks that simply don't like and will not deal with hand-held computers. The elderly, visually challenged? I suppose they are out of luck. Can anyone spell ADA?

I sat in a restaurant trying to get their app to work with my phone, and it never would. I asked an attendant if all the restaurants were this way, and he said the entire airport worked off that app. We together concluded that I was simply out of luck for getting something to eat. So, I left, but not before hearing half a dozen other grumblers who left hungry because they could not take advantage of this so-called "improvement." I attempted one other dining location, and a very nice lady helped me with the app and showed me a "trick" to making it work. After choking down an over-priced burger, I couldn't help but shudder at the thought "So, now there is a "trick" to getting something to eat? Just downright scary, in my humble opinion. Oh, and as a parting thought I could not help but wonder why ATMs were placed in this cashless venue.

After the second leg of my cashless flight, I arrived in DC and summoned Uber for a ride to the hotel. No cash here either, which tuned out to be a true convenience for once. I still had cash in my pocket, however. Upon arrival at the hotel, of course I had to present a card for check-in, which has been the practice for some time.

After checking in and unpacking, I visited the hotel gift shop to buy and send some snail mail cards to my daughter in South Carolina. Hooray, they accepted cash… so I used some more. A trip to lunch was met with a tabletop QR Code if I wanted to know what was available to eat. Cash was accepted for payment, but tender resulted in some sideways looks. A couple of restaurants refused cash but couldn't do much about it if you left a cash gratuity, so I seized this opportunity to spend a little more of my cash whenever possible.

Later that evening, I attended a ball game which proved to be possibly the most intriguing portion of my card or cash travel investigation. At the ballpark, it was completely cashless just like the airport. Even the guys yelling "Hot dogs, get your hot dogs" refused to accept cash and were carrying around either a hand-held terminal or a cell phone attachment so they could take cards.

At the concession stand, lines were four times as long as usual because the cashless system was slow and, in some cases, non-responsive. It took several minutes for each customer to pay. So much for the "quicker and more convenient argument," I thought. At a point early in the evening, the "cashless system" crashed which resulted in the concession folks throwing in the towel and just giving away the food. That's right, giving it away for nothing. (Can anyone say "Free Beer?")

The cashless system had no backup plan - absolutely none - in case of technology failure. My mind wandered to hungry folks trying to buy what little groceries they could afford with their last dollar and being denied food because technology failed. Worse yet were some of those same folks who wouldn't have a card to use even if technology WAS working. How do the disadvantaged function in a potentially cashless society?

In a cashless society, are late payments "forgiven" in cases of technology failure? Not much help if your power has already been cut and the food spoiled. I admit to being a little bit of a reactionary and even a fogey if you want to use that term, but the thought of a cashless society totally dependent on technology scares me. What happens if you have already eaten in a restaurant and technology fails before you can pay the bill? (No cash to use in case of emergency) How long must you wait, or how does the business collect payment? You can't put the merchandise back like you could in a clothing store.

More each day I see this "cashless trend" continue. But I am not and may never be ready for it. Perhaps those younger than me can accept and embrace it, and it will likely improve with time. But will it be in my lifetime? Although some may differ, I am hoping not…

I'll revert back to trying to end my columns with a little humor. For that purpose, we remain on the recent IMLA trip to DC. I was the last to board a crowded elevator on the GROUND floor of a building, and as the door began to close a gentleman raced up to it and stopped it from shutting. He asked ""Going Up?" as he peered through the door and prepared to step in. I jokingly responded "No, we're not." To this, he responded "Oh, pardon me," and stepped back away from the elevator allowing the door to close. The crowded elevator burst out in laughter, and one refrain of "Man, you ain't right!"

Also, on the humor front I share the following true court / lawyer stories:

A deposition was being taken in a civil case. Attorney #1 was questioning the witness, and Attorney #2 was representing the witness. The two attorneys had clashed before and were known not to like each other. At one point, a short break was called for, and Attorney #2 spoke to the witness privately. Questions when deposition resumed… Attorney #1: "What were you just talking about with Attorney #2?" (No attorney-client privilege issues here, right?)…

Witness: "That you're an a******."

Overheard in a courtroom hallway as a lawyer spoke to her client in a domestic case: "Look, your ex and their lawyer politely said in their response that you're a piece of c***, and I'm not honestly confident they'd lose that argument."

The prosecution rests, your honor. ML