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# Northern Illinois University Law Review

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## ANNOTATED BIBLIOGRAPHY

- The Gig Economy: An Annotated Bibliography  
Matthew L. Timko ..... 361

*Companies like Uber, Lyft, Postmates, Airbnb, and others have become established within society, to the point that Uber has become a regularly used verb. While the consumer benefits of these companies has been immediate, the legal implications remain far murkier. This emerging market has demonstrated that the twentieth century laws are unable to cope with these twenty-first century businesses in regard to employee rights, employer responsibilities, consumer protections, and federal and state regulations. This bibliography presents the primary and secondary sources which are essential to understanding what has been termed the “gig economy” so that readers have a background of the legal standards currently applied, as well as the legal scholars seeking to create clarity within the existing legal framework.*

## ARTICLES

- Gig-Dependence: Finding the Real Independent Contractors of Platform Work  
Keith Cunningham-Parmeter ..... 379

*Platforms such as Uber and TaskRabbit avoid employment obligations by categorizing their workers as “independent contractors.” Declining to follow overtime, antidiscrimination, and other workplace mandates, these platforms claim to employ no one. Applied on a grand scale, the entire project of platform labor threatens to destabilize our contemporary understanding of employment law.*

*But not all platform workers possess the characteristics of genuine independent contractors, as courts first envisioned that category. Judges did not originally formulate the independent contractor distinction to define the boundaries of workplace protections; rather, the independent contractor classification was designed to limit the liability of masters for their servants’ torts. Courts in these early cases identified certain workers—independent contractors—who possessed the skill, autonomy, and financial strength to pay for their own tortious misconduct and, accordingly, stand alone in the marketplace.*

*Today, when judges evaluate whether gig workers are “independent*

*contractors,” they should look for the same hallmarks of commercial self-determination that originally prompted the independent contractor distinction. Fortunately, a few recent judicial decisions have embraced a simplified standard—the so-called “ABC test”—to assess whether contemporary workers are bona fide independent contractors. In contrast to more popular tests that have produced indeterminate results, the ABC standard begins with the presumption that workers who provide labor to firms are employees. If businesses want to overcome this presumption, they must prove three separate elements to show that their workers possess the marketplace strength of legitimate independent contractors. By using the ABC test to sort workers based on their economic autonomy, courts can more effectively distinguish between normal employees and the genuine independent contractors of platform work.*

**Tangled Up in Blue: Adapting Securities Laws to Initial Coin Offerings**  
 Ethan D. Trotz ..... 428

*Issuers of blockchain-based projects have increasingly turned to Initial Coin Offerings to raise capital. Many of these offerings have similar characteristics to securities offerings, yet are often not registered or exempt from securities laws. Initial Coin Offerings present numerous risks to investors, including fraud, inadequate disclosures, and a lack of remedies. The Securities & Exchange Commission must step in to protect investors and limit losses. One way to do so is through regulation. The Securities & Exchange Commission should use existing regulations for Initial Public Offerings and securities offerings as a guideline. However, blockchain-based offerings present unique issues never before observed in securities offerings. As a result, the Securities & Exchange Commission must adapt existing regulations and consider these unique issues when devising regulation. In doing so, the United States will position itself as a global leader in cryptocurrency regulation, providing safety to investors and clarity to issuers.*

**NOTES AND COMMENTS**

**Legislative and Regulatory Obligations on Corporate Attorneys: Production Data in the World of Sarbanes Oxley and General Data Protections**  
 David Tersteeg ..... 456

*Sarbanes Oxley, General Data Protection Regulation, and the American Bar Association’s Model Rules place significant professional and personal obligations on attorneys who represent organizations in regard to their organization’s handling of production and personal data. There are significant areas of vulnerability to the production and personal data that are frequently*

*overlooked or ignored which significantly increase the likelihood and damage from a data breach. This article will provide an overview of the obligations, recent data breaches, the foreseeability and material impacts of data breaches, and a methodology to drive improvement in an organization.*

**Implications of Adopting Blockchain Technology on International Sales Transactions**

**Gregory Benson Jr. .... 486**

*While technologies evolve, international laws with ancient roots must be updated, in order to better suit the needs of a modern world. One new technology which has sent shockwaves into international and domestic law, is blockchain and its applicability to many facets of domestic and international business. This Comment analyzes how the letters of credit and international sales transactions would be impacted if the Uniform Customs and Practices published by the International Chamber of Commerce were to adopt blockchain technology. More specifically, the Comment analyzes how smart contracts would instill the same amount of trust on both sides of a transaction, as would a letter of credit.*

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