

August 2019

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**ANNE C. FLEMING**

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**CURRENT POSITION**

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC

*Professor of Law*

*Associate Professor of Law*

July 2019 – present

July 2014 – June 2019

Courses: Contracts, Bankruptcy, Commercial Law: Secured Transactions, Consumer Debt and Bankruptcy (seminar)

**EDUCATION**

UNIVERSITY OF PENNSYLVANIA, Ph.D., History, 2014; M.A., History, 2011

Dissertation: “City of Debtors: Law, Loan Sharks, and the Shadow Economy of Urban Poverty, 1900-1970”

Honors: Distinction in qualifying examinations

HARVARD LAW SCHOOL, J.D., *magna cum laude*, 2005

*Harvard Civil Rights-Civil Liberties Law Review*, Executive Technical Editor

Harvard Legal Aid Bureau, Student-Attorney & Intake Director

Public Interest Auction, Co-Chair (2002-2003)

YALE UNIVERSITY, B.A., *cum laude*, 2002 in History (with distinction)

**ACADEMIC PUBLICATIONS**

**Books**

CITY OF DEBTORS: A CENTURY OF FRINGE FINANCE (Harvard University Press, 2018)

Awards: Ralph Gomory Book Prize, Business History Conference, 2019

American College of Consumer Financial Services Lawyers book prize, 2019

A CHOICE Outstanding Academic Title, 2018

Reviews: Sharon Ann Murphy, *Up Close and Personal with the American Debtor*, 47 REVIEWS IN AMERICAN HISTORY 236 (2019)

John Henry Schlegel, 105 JOURNAL OF AMERICAN HISTORY 694 (2018)

Mehrsa Baradaran, 123 AMERICAN HISTORICAL REVIEW 1680–1681 (2018)

Aditi Bagchi, *How Do We Regulate Contracts That We Need and Hate?*, JOTWELL

(July 10, 2018), <https://contracts.jotwell.com/how-do-we-regulate-contracts-that-we-need-and-hate>

Rowena Olegario, 92 BUSINESS HISTORY REVIEW 558-560 (2018)

R. H. Scott, 55 CHOICE (June 2018), <http://choice360.org/blog/debt>

## Articles and book chapters

*Legal History as Economic History*, in THE OXFORD HANDBOOK OF LEGAL HISTORY (Christopher Tomlins and Markus D. Dubber eds., Oxford University Press, 2018) (invited chapter contribution)

*The Long History of “Truth in Lending,”* 30 JOURNAL OF POLICY HISTORY 236 (2018) (peer reviewed)

*City of Debtors: Law, Loan Sharks, and the Shadow Economy of Urban Poverty, 1900-1970*, 17 ENTERPRISE & SOCIETY 734 (2016)

*Remaking the “Law of the Poor”: Williams v. Walker-Thomas Furniture Co. (1965)*, in THE POVERTY LAW CANON: EXPLORING THE MAJOR CASES (Ezra Rosser and Marie Failinger eds., University of Michigan Press, 2016)

*The Rise and Fall of Unconscionability as the “Law of the Poor,”* 102 GEORGETOWN LAW JOURNAL 1383 (2014)

Review: Tess Wilkinson-Ryan, “*You Are Asking Me About Reading Things I Never Had to Read*”: *Consumer Contracting in Historical Context*, JOTWELL (January 30, 2018), <https://contracts.jotwell.com/asking-reading-things-never-read-consumer-contracting-historical-context/>

*The Borrower’s Tale: A History of Poor Debtors in Lochner Era New York City*, 30 LAW & HISTORY REVIEW 1053 (2012) (peer-reviewed)

Note, *Protecting the Innocent: The Future of Mentally Disabled Tenants in Federally Subsidized Housing After HUD v. Rucker*, 40 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 197 (2005)

## Shorter works and reviews

Book Review, *Two Centuries of Policing Swindles and Humbugs*, 46 REVIEWS IN AMERICAN HISTORY 217 (2018) (reviewing Edward Balleisen, *Fraud: An American History from Barnum to Madoff* (2017))

Response, *The Long Shadow of Doctrine*, 163 UNIVERSITY OF PENNSYLVANIA LAW REVIEW ONLINE 337 (2015)

Book Review, *Lincoln’s Constitution*, 39 HARVARD CIVIL RIGHTS-CIVIL LIBERTIES LAW REVIEW 271 (2003)

## WORKS IN PROGRESS

*The Public Interest in the Private Law of the Poor*, HARVARD LAW & POLICY REVIEW (accepted for publication, volume 14.1)

*Anti-Competition Regulation*, BUSINESS HISTORY REVIEW (invited contribution to special issue on regulatory history) (forthcoming)

*Chapter XIII Bankruptcy: An Origins Story* (draft article in progress)

HOUSEHOLD BORROWING AND BANKRUPTCY IN JIM CROW AMERICA (draft book manuscript in progress)

## **TESTIMONY AND REGULATORY COMMENTS**

Testimony Submitted to the United States House Committee on Small Business, “Crushed by Confessions of Judgement: The Small Business Story,” July 8, 2019

Comment to the Consumer Financial Protection Bureau on Notice of Proposed Rulemaking, CFPB 2019-0006-0001, May 3, 2019

Comment to the National Credit Union Administration on Notice of Proposed Rulemaking (PALs II), RIN 3133-AE84, July 28, 2018

## **OTHER WRITING**

*Sanders and AOC want to cap interest rates on consumer loans at 15% - here's why that's a bad idea*, THE CONVERSATION (May 28, 2019) (reprinted in NEWSWEEK, SALON)

*The Government Move That Threatens To Keep Americans Trapped In Debt*, WASHINGTON POST, Made By History (May 2, 2019)

*Consumer Rights Are Worthless Without Enforcement*, THE CONVERSATION (March 15, 2019) (reprinted in SF CHRONICLE, GOVERNMENT EXECUTIVE)

*Fishing for Loan Sharks: Small-Sum Lending Reform over Time*, AHA PERSPECTIVES DAILY (July 12, 2018)

*Federal Regulation of Payday Loans Is Actually a Win for States' Rights*, WASHINGTON POST, Made By History (Oct. 9, 2017)

## **SELECTED AWARDS & FELLOWSHIPS**

*American Bankruptcy Law Journal* Academic Fellowship Award, 2019

Ralph Gomory Book Prize, Business History Conference, 2019 (for CITY OF DEBTORS)

American College of Consumer Financial Services Lawyers book prize, 2019 (for CITY OF DEBTORS)

Herman E. Krooss Dissertation Prize, Business History Conference, 2016 (prize for best dissertation in business history)

K. Austin Kerr Prize, Business History Conference, 2013 (prize for best first paper delivered at the annual meeting of the Business History Conference by a junior scholar)

Legal History Fellow, J. Willard Hurst Summer Institute in Legal History, University of Wisconsin Law School, 2013 (one of twelve junior scholars selected for biennial two-week research seminar in legal history)

William Nelson Cromwell Foundation Fellowship, American Society for Legal History, 2012 (competitive grant awarded to early career scholars to support research in American legal history)

Hopkinson Fellowship, University of Pennsylvania (with support from the Mellon Foundation), 2012-13 (awarded annually to five graduate students in the School of Arts and Sciences, in recognition of “superlative academic performance”)

Kathryn T. Preyer Scholar Award, American Society for Legal History, 2011 (prize for best paper for junior scholars in legal history)

## **SELECTED PRESENTATIONS**

100 Years of Canadian Bankruptcy and Insolvency Law, Western Law, May 2020 (scheduled)  
Panelist, “The Origins of the American Consumer Bankruptcy System”

American Society for Legal History, Annual Meeting, November 2019 (scheduled)  
Panelist, “Authors-Meet-Readers: Legal Histories of Modern American Capitalism”

38th Annual Jay L. Westbrook Bankruptcy Conference, November 2019 (scheduled)  
Invited Speaker, “The Law of Loan Sharks”

International Association of Consumer Law, Annual Meeting, June 2019  
Panelist, “The Transformation of U.S. Consumer Bankruptcy in the 1930s”

Law and Society Association, Annual Meeting, June 2019  
Panelist, “Chapter XIII Bankruptcy: An Origins Story”

Consumer Law Scholars Conference, UC Berkeley, February 2019  
Invited Commentator on Jim Hawkins, *Facilitating Fintech's Disruption of Payday Lending*

Penn Economic History Forum, January 2019  
Invited Commentator on Dan Wadhvani, *Citizen Savers*

American University, Washington College of Law, Economic Justice Program, November 2018  
Invited Talk, “City of Debtors”

American Society for Legal History, Annual Meeting, November 2018  
Panelist, “Author-Meets-Readers: Edward J. Balleisen, *Fraud* (Princeton Univ. Press, 2017)”

University of Virginia School of Law, Faculty Workshop, October 2018  
Invited Talk, “The Public Interest in the Private Law of the Poor” (UVA-Georgetown exchange)

“Ten Years After The Financial Crisis” Conference, Georgetown Law, September 2018  
Invited Panelist, “City of Debtors”

Book Workshop, Vanderbilt Law School, September 2018  
Invited Commentator on Prof. Sara Mayeux's draft book manuscript, *Free Justice* (forthcoming)

"Supreme Court: The Term in Review (2017-18)," Federal Judicial Center, July 2018  
Invited Commentator on the Court's Bankruptcy Cases

Law and Society Association, Annual Meeting, June 2018  
Panelist, "Wage Assignments and the Problem of Trust"

Draft Restatement on Consumer Contracts: A Comparative Discussion, Georgetown Law, May 2018  
Invited Participant, "Beyond the Common Law: Statutes Regulating U.S. Consumer Contracts"

American University, Washington College of Law, Speaker Series, April 2018  
Invited Talk, "Outside the Shadow of the Poorhouse"

Cardozo School of Law, Faculty Workshop, April 2018  
Invited Talk, "Outside the Shadow of the Poorhouse"

Business History Conference, April 2018  
Panelist, "Outside the Shadow of the Poorhouse"

Washington History Seminar, Woodrow Wilson Center, March 2018  
Invited Talk, "City of Debtors: A Century of Fringe Finance"

Workshop on Consumer Protection, Rutgers Law School, Center for Corporate Law, February 2018  
Invited Participant, "Outside the Shadow of the Poorhouse"

Hagley Library Research Seminar Series, November 2017  
Invited Commentator on Marcus Allen, "The Black Saver Paradigm: Understanding Black Capitalism in 19th Century Baltimore"

ABI Young Bankruptcy Scholars Workshop, November 2017  
Invited Participant, "Outside the Shadow of the Poorhouse"

New England Law | Boston, Center for Business Law Conference, September 2017  
Invited Panelist, The Importance of Theory in the Law School Classroom and Practice of Law

Business History Conference, March 2017  
Panelist, "Small-Dollar Loans and the New Financial Federalism"

American Society for Legal History, Annual Meeting, October 2016  
Panelist, "Before APR: The Long History of Mandatory Disclosure"

Policy History Conference, June 2016  
Panelist, "Expertise without Activism: The Russell Sage Foundation and Consumer Lending"

Invited Blog Post on Paper at HistPhil: “The Changing Role of Foundations in Regulatory Reform,” available at <https://histphil.org/2016/06/15>

Business History Conference, April 2016

Panelist, “Before APR: The Long History of Mandatory Disclosure”

Business History Conference, April 2016

Panelist, Krooss prize finalists panel, “City of Debtors: Law, Loan Sharks, and the Shadow Economy of Urban Poverty, 1900-1970” (dissertation awarded Krooss prize)

University of Georgia School of Law, Faculty Workshop, October 2015

Invited Talk, “Before APR: The Long History of Mandatory Disclosure”

Data, Lending, and Civil Rights Conference, Georgetown Law, April 2015

Panelist, “The Path Forward” (remarks on the history of credit reporting and discrimination)

“The New Doctrinalism” Symposium, University of Pennsylvania School of Law, October 2014

Invited Commentator on Tess Wilkinson-Ryan, “The Intuitive Formalism of Contract”

D.C. Legal History Roundtable, September 2014

Presenter, “The Consumer’s Counsel”

American Society for Legal History, Annual Meeting, November 2013

Panelist, “The Rise and Fall of Unconscionability as the ‘Law of the Poor’”

Poverty Law Conference, American University Washington College of Law, October 2013

Panelist, “Williams v. Walker-Thomas Furniture Co.”

Business History Conference, March 2013

Panelist, “The ‘Very Fibre of Personal Finance’: Changing Beliefs about Regulation and the Small-Sum Lending Industry in New York, 1900-1940” (paper awarded K. Austin Kerr Prize)

Boston College Legal History Roundtable, January 2013

Invited Talk, “The Rise and Fall of Unconscionability as the ‘Law of the Poor’”

“History of the American Legal Profession” Seminar, NYU School of Law, February 2012

Invited Talk, “The Borrower’s Tale: A History of Poor Debtors in *Lochner* Era New York City”

American Society for Legal History, Annual Meeting, November 2011

Panelist, “The Borrower’s Tale: A History of Poor Debtors in *Lochner* Era New York City” (paper awarded Kathryn T. Preyer Prize)

Institute for Constitutional History, Research Seminar, June 2010

Workshop, “The Borrower’s Tale: A Legal History of Poor Debtors in *Lochner* Era New York City”

Consumer Law Conference, National Consumer Law Center, October 2008  
Panelist, “Who Owns the Mortgage: MERS and Standing Issues”

Harvard Law School, Panel Discussion, November 2008  
Panelist, “Discrimination and Subprime Lending”

## **JUDICIAL CLERKSHIPS**

U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, Philadelphia, PA  
*Judicial Clerk*, The Honorable Marjorie O. Rendell 2006 - 2007

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, New York, NY  
*Judicial Clerk*, The Honorable Miriam Goldman Cedarbaum 2005 – 2006

## **PROFESSIONAL & TEACHING EXPERIENCE**

HARVARD LAW SCHOOL, Cambridge, MA  
*Climenko Fellow & Lecturer on Law* 2012 - 2014

UNIVERSITY OF PENNSYLVANIA, Philadelphia, PA  
*Teaching Assistant*, History Department & Wharton Business School 2010 - 2012  
*Research Assistant*, Professor Sophia Lee (Law School) 2010 - 2011

SOUTH BROOKLYN LEGAL SERVICES, Brooklyn, NY  
*Staff Attorney*, Foreclosure Prevention Project 2007 - 2009  
Litigated residential mortgage foreclosure and housing discrimination cases on behalf of low-income homeowners in federal and state court. Wrote and argued motions, took depositions, negotiated settlements and advised clients.

HARVARD LEGAL AID BUREAU, Cambridge, MA  
*Intake Director* (2004-2005) & *Student-Attorney* (2003-2005) 2003 - 2005  
Represented low-income clients in housing, benefits and family law cases before local courts and managed case intake process for office of 45 student-attorneys.

PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA  
*Summer Law Clerk* Summer 2004

CHILDREN’S LAW CENTER OF MASSACHUSETTS, Lynn, MA  
*Summer Law Clerk* Summer 2003

## **SERVICE**

### **Georgetown University**

Georgetown University Law Center  
Georgetown Legal History Colloquium, co-convener (2019-20)  
Entry-level Appointments Committee (2019-20)

Finance Committee (2018-19)  
Ad Hoc Visitors Committee (2017-18)  
Business Law Initiatives Ad Hoc Committee (2016-17)  
Entry-level Appointments Committee (2015-16)  
Financial Aid Committee (2014-15)

Georgetown University

Faculty Senate, Faculty Career Flexibility Committee (2016-18)  
Faculty Senate representative (2015-16)

### **Professional**

Business History Conference

Board of Trustees member (elected, 2018-21)  
Kerr Prize Committee (2017-20)  
Electronic Media Oversight Committee (2019-22)

American Society for Legal History

Kathryn T. Preyer Memorial Prize Committee (2017-19)  
Local Arrangements Committee (2014-15)

Referee: *Johns Hopkins University Press; Journal of Women's History; Economic History Review; Enterprise & Society; Essays in Economic and Business History; Law and History Review; Law & Social Inquiry*

### **BAR MEMBERSHIP & CERTIFICATIONS**

New York State, 2006

U.S. District Court, Southern District of New York, 2007

U.S. District Court, Eastern District of New York, 2007

U.S. Court of Appeals for the Third Circuit, 2007

Certificate in College and University Teaching, University of Pennsylvania, 2011