

Melissa B. Jacoby

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CURRENT ACADEMIC APPOINTMENTS

Visiting Professor of Law (Fall 2024), Harvard Law School

[Graham Kenan Professor of Law](#) (2011 – present), The University of North Carolina School of Law at Chapel Hill (tenured at UNC since 2004)

- Research and teaching focus on commercial law (including secured transactions) and bankruptcy

PUBLICATIONS

UNJUST DEBTS: HOW OUR BANKRUPTCY SYSTEM MAKES AMERICA LESS EQUAL (THE NEW PRESS JUNE 2024) (starred review PUBLISHERS WEEKLY; Best Summer Economics Books of 2024, FINANCIAL TIMES; Amazon bestseller in multiple categories)

Sorting Bugs and Features of Mass Tort Bankruptcy, 101 TEXAS LAW REVIEW 1745-1771 (2023)

Unbundling Business Bankruptcy Law, 101 NORTH CAROLINA LAW REVIEW 1703-1761 (2023)

Fake and Real People in Bankruptcy, 39 EMORY BANKRUPTCY DEVELOPMENTS JOURNAL 497-522 (2023)

Other Judges' Cases, 78 NEW YORK UNIVERSITY ANNUAL SURVEY OF AMERICAN LAW 39-99 (2022)

Shocking Business Bankruptcy Law, 131 YALE LAW JOURNAL FORUM 409-427 (2021)

Bankruptcy Sales, in RESEARCH HANDBOOK ON CORPORATE BANKRUPTCY LAW (Barry Adler, ed. Edward Elgar Publishing 2020), with Edward J. Janger

Consumer Protection After the Global Financial Crisis, 107 GEORGETOWN LAW JOURNAL 813-843 (2019), with Edward J. Balleisen

Corporate Bankruptcy Hybridity, 166 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 1715-1747 (2018)

Tracing Equity: Realizing and Allocating Value in Chapter 11, 96 TEXAS LAW REVIEW 673-735 (2018), with Edward J. Janger

Presiding Over Municipal Bankruptcy: Then, Now, and Puerto Rico, 91 AMERICAN BANKRUPTCY LAW JOURNAL 375-390 (2017) (peer reviewed)

Federalism Form and Function in the Detroit Bankruptcy, 33 YALE JOURNAL ON REGULATION 55-108 (2016)

Superdelegation and Gatekeeping in Bankruptcy Courts, 87 TEMPLE LAW REVIEW 875-894 (2015)

What Should Judges Do in Chapter 11?, 2015 UNIVERSITY OF ILLINOIS LAW REVIEW 571-588 (2015)

Ice Cube Bonds: Allocating the Price of Process in Chapter 11 Bankruptcy, 123 YALE LAW JOURNAL 862-947 (2014), with Edward J. Janger

The Detroit Bankruptcy, Pre-Eligibility, 41 FORDHAM URBAN LAW JOURNAL 849-865 (2014)

Bankruptcy During Foreclosure: Home Preservation Through Chapters 7 and 13, 25 HOUSING POLICY DEBATE 1-26 (2015) (peer reviewed), with Mark R. Lindblad, Roberto G. Quercia, Ling Wang, & Huifang Zhao

Financial Fragility, Medical Problems, and the Bankruptcy System, in WORKING AND LIVING IN THE SHADOW OF FINANCIAL FRAGILITY (Marion Crain & Michael Sherraden, eds., Oxford U. Press 2014), with Mirya Holman

In or Out of Mortgage Trouble? A Study of Bankrupt Homeowners, 80 AMERICAN BANKRUPTCY LAW JOURNAL 291-322 (2011) (peer-reviewed), with Eric Belsky & Daniel McCue

The Legal Infrastructure of Ex Post Consumer Debtor Protections, 38 FORDHAM URBAN LAW JOURNAL 751-765 (2011), published with response from Anna Gelpern

Dodd-Frank, Regulatory Innovation, and the Safety of Consumer Financial Products, 15 NORTH CAROLINA BANKING INSTITUTE JOURNAL 99-110 (2011)

Managing Medical Bills on the Brink of Bankruptcy, 10 YALE JOURNAL OF HEALTH POLICY, LAW & ETHICS 239-297 (2010) (peer review/student journal), with Mirya Holman

Credit for Motherhood, 88 NORTH CAROLINA LAW REVIEW 1715-1737 (2010)

The Value(s) of Foreclosure Law Reform, 37 PEPPERDINE LAW REVIEW 511-527 (2010)

The Debt Financing of Parenthood, 72 LAW AND CONTEMPORARY PROBLEMS 147-175 (2009) (peer/student edited)

Empirical and Policy Perspectives on Consumer Bankruptcy Law in the United States, in ENDEUDAMIENTO DEL CONSUMIDOR E INSOLVENCIA FAMILIAR (Matilde Cuenca Casas & Jose Luis Colina Mediavilla eds., 2009)

Home Mortgage Problems Through the Lens of Bankruptcy, 10 LOYOLA JOURNAL OF PUBLIC INTEREST LAW 171-181 (2009)

Bankruptcy Reform and the Financial Crisis, 13 NORTH CAROLINA BANKING INSTITUTE JOURNAL 115-121 (2009)

Home Ownership Risk Beyond a Subprime Crisis: The Role of Delinquency Management, 76 FORDHAM LAW REVIEW 2261-2295 (2008)

Bankruptcy Reform and Homeownership Risk, 2007 UNIVERSITY OF ILLINOIS LAW REVIEW 323-346 (2007)

The Debtor-Patient Revisited, 51 SAINT LOUIS UNIVERSITY LAW JOURNAL 307-324 (2007)

Individual Health Insurance Mandates and Financial Distress: A Few Notes from the Debtor-Creditor Research and Debates, 55 UNIVERSITY OF KANSAS LAW REVIEW 1247-1257 (2007), published with response from Stephen Ware

Beyond Hospital Misbehavior: An Alternative Account of Medical-Related Financial Distress, 100 NORTHWESTERN UNIVERSITY LAW REVIEW 535-584 (2006), with Elizabeth Warren

Fast, Cheap, and Creditor-Controlled: Is Corporate Reorganization Failing? 54 BUFFALO LAW REVIEW 401-438 (2006) (symposium of review essays on Lynn M. LoPucki, *Courting Failure* (U. Mich. Press 2005))

Bankruptcy Reform and the Cost of Sickness: Exploring the Intersections, 71 UNIVERSITY OF MISSOURI LAW REVIEW 903-918 (2006)

Ripple or Revolution? The Indeterminacy of Statutory Bankruptcy Reform, 79 AMERICAN BANKRUPTCY LAW JOURNAL 169-190 (2005) (peer-reviewed)

Not-for-Profit Hospital Billing and Collection: Resisting Quick Legal Fixes, 3 AMERICAN HEART HOSPITAL JOURNAL 36-38 (2005) (peer-reviewed)

The Bankruptcy Code at Twenty-Five and the Next Generation of Lawmaking, 78 AMERICAN BANKRUPTCY LAW JOURNAL 221-245 (2004) (peer-reviewed)

Negotiating Bankruptcy Legislation Through the News Media, 41 HOUSTON LAW REVIEW 1091-1144 (2004)

The Debtor-Patient: In Search of Non-Debt Based Alternatives, 69 BROOKLYN LAW REVIEW 453-484 (2004)

Generosity versus Accessibility: Bankruptcy, Consumer Credit, and Health Care Finance in the U.S., in CONSUMER BANKRUPTCY IN A GLOBAL PERSPECTIVE 282-300 (Johanna Niemi-Kiesiläinen, Iain Ramsay, & William C. Whitford, eds. 2003)

Does Indebtedness Influence Health? A Preliminary Inquiry, 30 JOURNAL OF LAW MEDICINE & ETHICS 560-571 (2002) (peer-reviewed)

Foreclosing on Fame: Exploring the Uncharted Boundaries of the Right of Publicity, 77 NEW YORK UNIVERSITY LAW REVIEW 1322-1368 (2002), with Diane Leenheer Zimmerman, REPRINTED IN 11 JOURNAL OF BANKRUPTCY LAW AND PRACTICE 441 (2002)

Collecting Debts from the Ill and Injured: The Rhetorical Significance, but Practical Irrelevance, of Culpability and Ability to Pay, 51 AMERICAN UNIVERSITY LAW REVIEW 229-271 (2001)

Rethinking the Debates over Health Care Financing: Evidence from the Bankruptcy Courts, 76 NEW YORK UNIVERSITY LAW REVIEW 375-418 (2001), with Teresa A. Sullivan & Elizabeth Warren

Short Contributions and Opinion Pieces

[*The Moral Limits of Bankruptcy Law*](#), NEW YORK TIMES, June 4, 2024

[American Bankruptcy Law Already Undercuts Accountability for Police Misconduct – And the Supreme Court May Be About to Make the Situation Worse](#), THE NATION, June 19, 2024

Is the Proposed Guidance for Random Assignment in Civil Cases a Harbinger for Bankruptcy? Experts Weigh In, AMERICAN BANKRUPTCY INSTITUTE JOURNAL May 2024

Equity in the Bankruptcy Courts, 94 AMERICAN BANKRUPTCY LAW JOURNAL 327 (2020) (transcript of mock Senate Judiciary Committee hearing chaired by Jacoby)

Democracy in Peril: What to Do When Elected Officials Haven't, Can't or Won't, 37 MUNICIPAL FINANCE JOURNAL 21 (2017), conference proceedings, with Marti Kopacz, Angel Taveras, & Hon. Frank Bailey

Corporate Bankruptcy Panel: ABI Commission Report, 32 EMORY BANKRUPTCY DEVELOPMENTS JOURNAL 267 (2016), conference proceedings, with Eric Brunstad, Hon. Wendy Hagenau, & Hon. Michelle Harner

[What are the costs of Detroit's rise from bankruptcy?](#), THE CONVERSATION, Nov 20, 2014

[Bankruptcy is a Privilege: Q & A on the Detroit Bankruptcy with Melissa Jacoby](#), Manhattan Institute, Public Sector Inc., Sept 17, 2014

[A Dose of Common Sense in the Treatment of Private Student Loans in Bankruptcy](#), New America Foundation, May 19, 2010

When Bills Bankrupt, RALEIGH NEWS & OBSERVER (December 5, 2009)

[Subprime Lending and Financial Services Reform](#), Federalist Society Online Debate Series, May 13, 2008

Prepacks and the Deal-Litigation Tension, American Bankruptcy Institute Journal 34-35 (March 2004)

Identifying and Managing Household Risk: Lessons from Bankruptcy, Social Science Research Council Web Forum on [Privatization of Risk](#) (2005)

The Real Bankruptcy Bill, THE NATIONAL LAW JOURNAL (November 17, 2003)

Auctioning Kim Basinger: The Imminent Collision of Bankruptcy and the "Right of Publicity," 1 NORTON BANKRUPTCY LAW ADVISER 1-4 (Jan 2001)

Medical Problems & Bankruptcy Filings, 5 NORTON BANKRUPTCY LAW ADVISER 1-12 (May 2000) (peer-edited journal), with Teresa A. Sullivan & Elizabeth Warren (reprinted in West Bankruptcy Newsletter, May 2000)

U.S. Supreme Court amicus brief

[Brief of Amici Curiae Law Professors in Support of Petitioners](#), *Czyzewski v. Jevic Holding Corporation*, No. 15-649 (September 2016), co-authored with Jonathan C. Lipson (Prof. Lipson was counsel of record)

Projects in Progress

- *Commercial Law's Identity Crisis*
- COLLATERAL (book length project on secured transactions)

Unpublished Working Papers

- [Who Pays for Police Misconduct in Bankrupt Cities](#), with Mary Ellen Goode, UNC Legal Studies Research Paper No. 2796582, also distributed through the [Federal Judicial Center](#)
- [Personal Bankruptcy Decisions Before and After Bankruptcy Reform](#), with Mark Lindblad, Roberto Quercia, & Sarah Riley

Blogs and Social Media

[Credit Slips](#) (2006; 2011-present)

Harvard Law School Bankruptcy Roundtable:

- [Sorting Bugs and Features of Mass Tort Bankruptcy](#), Oct. 3, 2023
- [The Judge Behind the Curtain](#), March 29, 2022
- [Jevic: SCOTUS Holds that Priority Rules Apply in Structured Dismissals](#), March 28, 2017, with Jonathan C. Lipson
- [Brief for Amici Curiae Law Professors in Support of Petitioners, In re Jevic](#), Nov 1, 2016, with Jonathan C. Lipson
- [Bankruptcy Sales](#), Oct 18, 2016, with Edward J. Janger

Columbia Law School Blue Sky Law:

- [Shocking Business Bankruptcy Law](#), Nov. 10, 2021
- [Tracing Equity: How the Bankruptcy Code Respects State Law Entitlements](#), Nov 13, 2017 with Edward J. Janger
- [The Detroit Bankruptcy Blueprint](#), Sept 7, 2015
- [Ice Cube Bonds](#), Oct 14, 2013 with Edward J. Janger

Oxford Business Law Blog:

[Consumer Protection After a Global Financial Crisis](#), April 23, 2019, with Edward J. Balleisen

SELECTED HONORS, AWARDS, ENDOWED LECTURES

- Hon. Frank Koger Lecture, Kansas City, MO 2022
- 2020 Lawdragon 500 Leading U.S. Bankruptcy and Restructuring Lawyers
- James H. Chadbourn Award for Excellence in Scholarship, UNC School of Law in 2019 and 2015
- Senior Faculty Research and Scholarly Leave, University of North Carolina at Chapel Hill 2019-2020
- Supplemental research grant for ambitious scholarship, UNC School of Law for 2019-2021
- Hon. John C. Akard Lecture, Jay L. Westbrook Bankruptcy Conference, Austin TX 2018
- Elected to American College of Commercial Finance Lawyers 2017
- American Bankruptcy Institute Robert M. Zinman Scholar Spring 2016
- Hon. Walter Shapero Lecture, Detroit MI 2016
- *Federalism Form and Function in the Detroit Bankruptcy* featured in [JOTWELL](#)
- Grant Gilmore Award for Superior Writing in the Field of Commercial Finance, American College of Commercial Finance Lawyers 2015
- Elected to the Board of Regents of the American College of Bankruptcy 2015-2017
- Faculty Member of the Year/Pro Bono Publico Award, UNC School of Law 2012
- Elected to American College of Bankruptcy 2012
- Distinguished Visiting Health Law Scholar, Seton Hall University School of Law 2011 (for research on medical-related bankruptcy)

- Southeastern Bankruptcy Law Institute Distinguished Visiting Professor, Georgia State University 2010
- John L. Gedid Distinguished Lecturer, Widener University School of Law 2010
- Robert G. Byrd Award for Excellence and Creativity in Teaching, UNC School of Law 2009
- UNC Center for Global Initiatives grant recipient 2007
- Elected to American Law Institute 2004
- Friel/Scanlan Award for Scholarship and Lecture, Temple University School of Law 2003, 2004
- Young Scholar Award, American Society of Law, Medicine, and Ethics 2002
- Elected to the National Bankruptcy Conference 1999

NEWS MEDIA QUOTES AND CITES ([some links here](#))

Coverage of UNJUST DEBTS – Audio/Video

- The case for reining in the perks of corporate bankruptcy, Marketplace Morning Report, NPR June 11, 2024 (book release date)
- Unjust Debts author on bankruptcy and the injustice baked in, Charlotte Talks, WFAE 90.7, June 10, 2024
- SiriusXM Progress The Signorile Show, June 21, 2024
- How our bankruptcy system makes America more unequal, Background Briefing with Ian Masters, June 12, 2024
- The crooked history of bankruptcy in America with Melissa Jacoby, The Majority Report with Sam Seder, July 1, 2024
- Jacoby on Purdue's Impact, Bloomberg FICC, July 3, 2024
- Bankruptcy laws are a mess, Talk Cocktail with Jeff Schechtman, June 29, 2024

Coverage of UNJUST DEBTS – Print/Text

- Lenny Picker, *Fake People, Real Obligations: Publishers Weekly talks with Melissa B. Jacoby*, PUBLISHERS WEEKLY, April 19, 2024
- Nathan Bomey, "Unjust Debts": Author argues bankruptcy has become an unjust system, AXIOS, June 11, 2024
- Nathan Bomey, *I Big Thing: Author Views a Bankrupt Process*, AXIOS CLOSER, June 11, 2024
- *How to Fix a Bankrupt Bankruptcy System*, The.Ink from Anand Giridharadas, June 27, 2024
- Alex Wittenberg, *How the Bankruptcy System Became Unjust - Part 1*, LAW360, June 10, 2024
- Alex Wittenberg, *How Powerful Companies Profit From 'Unjust Debts' – Part 2*, LAW360, June 11, 2024
- Book Bits, THE CAPITAL SPECTATOR, June 22, 2024
- Porchlight Books, June 27, 2024
- NEW YORK TIMES Dealbook, June 28, 2024
- Bloomberg, June 28, 2024
- Financial Times, June 28, 2024

Other Print/Online includes: New York Times • Wall Street Journal • Washington Post • Los Angeles Times • USA Today • The Guardian • Axios • Financial Times • GQ • Bloomberg Business Week • Boston Globe • Detroit Free Press • Chicago Tribune • Baltimore Sun • Philadelphia Inquirer • Reuters • Associated Press • Mother Jones • The Canadian Press • Vox • Pittsburgh Post-Gazette • TIME Magazine • Politico • Modern Healthcare • American Medical News • National Journal • Denver Post • Detroit News • Salt Lake Tribune • MarketWatch • The Deal • Milwaukee Journal-Sentinel • CNN • The National Law Journal • The Bond Buyer • Absolute Return + Alpha • Turnarounds and Workouts • Bloomberg Bankruptcy Law Reporter • Boston Magazine • American Lawyer • Orlando Sentinel • Fortune •

Congressional Quarterly • SELF Magazine • STAT+ • Atlantic City Press • Delaware Law Weekly • The Globe and Mail (Canada) • Indianapolis Star • Troubled Company Reporter – Latin America • Crains Detroit Business • Troubled Company Reporter • Law360 • Charlotte Observer • Milwaukee Journal-Sentinel

Radio/Audio & Television/Video includes: APM Marketplace • NPR All Things Considered, • NPR Morning Edition • local affiliates of National Public Radio in Minnesota, Michigan, Washington D.C., Texas, Philadelphia, and California • Inside Story with Ray Suarez on Aljazeera America TV • Federal Judiciary Television Network • El Junte con Carlos Pesquera, Radio Isla 1320 • Puerto Rico News Roundup • ABI Podcast • Bloomberg Eye on Bankruptcy • The Deal Fresh Start Podcast

PRESENTATIONS, WORKSHOPS, AND OTHER APPEARANCES

UNJUST DEBTS confirmed book events as of July 12, 2024

- Brooklyn Book Festival panel on debt and solidarity (Sept. 2024)
- Harvard Law School (Sept. 2024)
- Berkeley Judicial Institute/Berkeley Civil Justice Initiative (Aug. 2024), with Abbye Atkinson (virtual)
- Temple Beth Shalom, Brigantine, NJ (July 2024)
- Fletcher Free Library, Burlington, VT (July 2024), with Vermont State Treasurer Mike Pieciak
- Roosevelt Institute (July 2024) (virtual)
- Corporate Restructuring & Insolvency Seminar (July 2024) (virtual)
- Politics & Prose, Washington, DC (July 2024), with Vicki Shabo
- Commonwealth Club World Affairs of California (July 2024) with Senator Elizabeth Warren (virtual)
- Greenlight Bookstore, Brooklyn NY (June 2024) with Zephyr Teachout
- UNC Lunch and Learn, Charlotte NC (June 2024) with Lissa Broome
- Flyleaf Books, Chapel Hill NC (June 2024) with Gene Nichol
- Quail Ridge Books, Raleigh NC (June 2024) with Rich Leonard

Purdue Pharma: The Decision, and What Comes Next, Commercial Law League of America webinar (June 2024)

Fake and Real People in Bankruptcy

- Middle District of North Carolina Bankruptcy Seminar (April 2024)
- Clifford Symposium on Private Litigation and the Public Good: Punishing Serious Corporate Misconduct, DePaul University College of Law (June 2022)
- Koger Symposium, United States Courts for the Western District of Missouri (June 2022)

Sorting Bugs and Features of Mass Tort Bankruptcy

- Brooklyn Law School Advanced Bankruptcy Colloquium (March 2024)
- Judicial Management of MDLs and other Consolidations, Texas Law Review (Jan 2023)
- Mass Tort Litigation Management in Bankruptcy Courts, Berkeley Judicial Institute (Feb 2022)

Introduction to U.S. Bankruptcy Law

- University of Tübingen (June 2023)

Deciding How to Decide

- Federal Judicial Center National Workshop for Bankruptcy Judges (April and July 2023)

Bankruptcy Boom or Bust – How Far is Too Far and is the Day of Reckoning Here?

- National Conference of Bankruptcy Judges Annual Conference Opening Plenary Session (Oct 2022)

Moderator, Deconstructing the Free Market Family

- Families, Crisis, and Economic Security: Rethinking the Role of Government, North Carolina Law Review Symposium (Oct 2022)

Other Judges' Cases (presented under different names)

- *Judicial Mediation: Ethics and Practice*, Federal Judicial Center National Workshops for Bankruptcy Judges (presented four times in April and July 2022)
- UNC Festival of Legal Learning (Feb 2018)
- Utah Bankruptcy Bar Forum (June 2017)
- UNC School of Law faculty workshop (Aug 2015)

Shocking Business Bankruptcy Law/Beyond the Headlines: Bankruptcy in the Shadow of COVID-19

- Mecklenberg County Bar Association (February 2022)
- UNC Festival of Legal Learning (February 2022)
- UNC-NYC Regional Alumni Club (May 2021)

Secured Transactions Through the Lens of American Bankruptcy Courts

- Federal Judicial Center program for bankruptcy judges (Nov 2020)

Restructuring Values/Bankruptcy à la Carte (presented under different names)

- [Postponed indefinitely due to COVID-19] Keynote Lecture: Interdisciplinary Conference on Bankruptcy and Insolvency Theory, University of Liverpool (April 2020)
- Advanced Bankruptcy Colloquium, Brooklyn Law School (Jan 2019)
- University of Georgia School of Law Faculty Workshop (Nov 2019)
- Villanova Law School Faculty Workshop (Nov 2019)
- State Bar of Montana Bankruptcy Conference (Aug 2019)
- #MeToo and the Law, UNC Festival of Legal Learning (Feb 2019)
- North Carolina Bar Association Bankruptcy Seminar (Nov 2018)
- Legal Issues in the Weinstein case, UNC Law (April 2018)

Inequality: Lessons from the American Bankruptcy System

- Dunlevie Honors Colloquium, UNC-Chapel Hill (Oct 2019)

The 40th Anniversary of the Bankruptcy Code; Bankruptcy Courts as Courts of Equity?

- National Conference of Bankruptcy Judges Annual Meeting (Oct 2019)

Corporate Bankruptcy Hybridity

- Bankruptcy as a Public-Private Partnership, Jay L. Westbrook Bankruptcy Conference, University of Texas (Nov 2018)
- Is the Bankruptcy Code Fair? Case Studies and a Conversation, Loan Syndications and Trading Association Annual Conference (Oct 2018)
- Bankruptcy's New Frontiers, University of Pennsylvania Law School (Oct 2017)
- Faculty workshop, Chicago-Kent School of Law (Sept 2017)

Consumer Protection After a Global Financial Crisis

- Conference on Deconstructing the Regulatory State: Perils & Possibilities, Institute for Law and Economic Policy (April 2018), with Edward J. Balleisen

The Puerto Rico Bankruptcy

- Puerto Rico After Maria, UNC Institute for the Study of the Americas (April 2018)

Tracing Equity

- *Goodwill Hunting: Liens on Going Concern Value?* American College of Bankruptcy Annual Meeting (March 2018), with Edward J. Janger

Roundtable participant, *To Skip or not to Skip: When is the Absolute Priority Rule Not Absolute?*

- King-Seligson Roundtable, New York University School of Law (March 2018)

Accounting for the Public Interest in Corporate Bankruptcy

- Bankruptcy's Universal Pragmatist: A Celebration of the Work of Jay Lawrence Westbrook, University of Texas School of Law (Feb 2018)

U.S. Supreme Court Decisions

- Utah Bankruptcy Bar Forum (June 2017)

Interpreting the Sound of Silence: Key Appellate Decisions in Bankruptcy Law

- Middle District of North Carolina Annual Bankruptcy Seminar (April 2017)

Panelist, *The Chapter 9 Alternative*

- Cities that Cope: Confronting Financial Challenges in the Urban Landscape, University of Maryland School of Law (March 2017)

Creditor Governance in the Detroit Bankruptcy

- Decision-making and Legitimacy in Public Bankruptcies, Brooklyn Law School (March 2017)

The Jevic Case, Priority Rules, and Court Discretion: Implications for the Bankruptcy System (and Beyond?)

- UNC Festival of Legal Learning (Feb 2017)

Moderator and Commentator, *Addressing Structural Racism in Consumer Financial Markets & Social Insurance*

- A Progressive Agenda for the National Future: Civil Rights & Economic Justice, UNC Center for Civil Rights (Dec 2016)

Is Chapter 11 Reform on the Horizon? The American Bankruptcy Institute Commission Report and Beyond

- North Carolina Bar Association Bankruptcy Section, North Carolina Bankruptcy Institute (Nov 2016)

Municipal Bankruptcy and Bankruptcy Judges: Then, Now, and Puerto Rico

- National Conference of Bankruptcy Judges/American Bar Association Symposium recognizing the Ninetieth Anniversary of the NCBJ (Oct 2016)

Roundtable Participant, *Corporate Bankruptcy Priority*

- New York University Law School (Sept 2016)

Supreme Court and Appellate Court Case Update, Parts 1 & 2

- American Bankruptcy Institute Midwest Regional Bankruptcy Seminar (Aug 2016)

Moderator, Chapter 11 Reform Panel

- American Bankruptcy Institute Midwest Regional Bankruptcy Seminar (Aug 2016)

The U.S. Supreme Court's Bankruptcy Docket: Puerto Rico and Beyond

- Hon. Walter Shapero Bankruptcy Symposium, Detroit (May 2016)

Panelist, *Democracy in Peril: What to Do When Elected Officials Haven't, Won't or Can't*

- National Federation of Municipal Analysts Annual Meeting, Chicago (May 2016)

The Puerto Rico Debt Crisis: Are the Three Branches of the U.S. Government Hurting or Helping?

- Institute of the Study of the Americas, UNC-Chapel Hill (April 2016)

Superdelegation & Gatekeeping in Bankruptcy Courts

- American College of Bankruptcy Annual Meeting (March 2016)
- The (Un)Quiet Realist: Building & Reflecting on the Contributions of Bill Whitford, Temple University School of Law (Oct 2014)
- UNC Law Chancellors Scholars Lunch & Learn (Feb 2015)

Panelist, *Chapter 11 Reform*

- Emory Bankruptcy Developments Journal Annual Symposium (Feb 2016)

Civil Rights Claimants and other Special Creditors in Municipal Bankruptcy

- UNC Festival of Legal Learning (Feb 2016), with Mary Ellen Goode

Moderator, *Chapter 11 Reform and Secured Creditor Impact*

- 10th Annual Distressed Investing "Think Tank" Summit, The M&A Advisor (Feb 2016)

Commentator, *Sovereignty, Priority, Contract and Statute – The Case of Puerto Rico*

- First Annual Interdisciplinary Sovereign Debt Research and Management Conference, Georgetown Law School (Jan 2016) (unable to appear due to weather)

Discussant, *Bankruptcy for the Ninety-Five Percent: Making the System Work for Small and Medium-Sized Businesses and Sole Proprietors*

- Association of American Law Schools Annual Meeting (Jan 2016)

Panelist, *Hot Topics in Municipal Bankruptcy*

- Dentons, Chicago (Nov 2015)

Panelist, *Puerto Rico's Debt Crisis*

- Peterson Institute for International Economics, Washington D.C. (June 2015)

Panelist, *Panic in Detroit: The Chapter 9 Process from Soup to Nuts*

- American Bankruptcy Institute Spring Meeting (April 2015)

Little Big Mistakes and Other Secured Credit Dilemmas

- Middle District of North Carolina Bankruptcy Seminar (April 2015)

Panelist, *Considering The American Bankruptcy Institute's Report on Chapter 11 Reform*

- American College of Bankruptcy Fourth Circuit Program (Feb 2015)

Panelist, *Filing under Chapter 9*

- One City at a Time: The Role and Increasing Presence of Chapter 9 Municipal Bankruptcies, Campbell Law School (Oct 2014)

Federalism Form and Function in the Detroit Bankruptcy

- Faculty workshops at law schools at University of Texas, University of California-Irvine, University of Miami, University of Colorado, University of North Carolina, and William & Mary (2013 - 2014)

Restructured: Bankruptcy, Federalism, and Community in Detroit

- American Constitution Society Public Program, Duke Law School (March 2014)

Panelist, *The Trillion Dollar Question: Reforming Housing Finance Regulation*

- Georgetown Law Center, sponsored by the American Law Institute (May 2014)

What Should Judges Do in Chapter 11?/The Role of the Judge in the Modern American Bankruptcy System

- University of Illinois/American Bankruptcy Institute conference on secured lending and Chapter 11 reform (April 2014)
- Keynote Speaker, NC Bar Foundation Annual Bankruptcy Seminar (Nov 2013)
- Keynote Speaker, William H. Gindin Bench-Bar Conference, NJ State Bar Association (May 2012)
- Plenary Speaker, Hon. Joe Lee 16th Biennial Bankruptcy Institute, Lexington, KY (June 2013)
- Summer faculty workshop, Duke University School of Law (2010)
- Faculty workshop, Seton Hall University School of Law (2011)

Ice Cube Bonds: Allocating the Price of Process in Chapter 11

- Winter Leadership Conference, American Bankruptcy Institute (Dec 2014)
- ValCon (conference on advanced valuation issues in bankruptcy) (Feb 2014)
- Yale Law Journal reading group, Yale Law School (Dec 2013)

The Role of the Judge in Municipal Bankruptcy

- Legacy Liabilities and Municipal Financial Distress conference, Fordham Law School, (Oct 2013)

The Role of Empirical Research in the Bankruptcy System

- National Conference of Bankruptcy Judges Annual Meeting (2013)

Moderator and Commentator, *Financial Decision-making in Health Care: Cost and Coverage*

- North Carolina Law Review Symposium on Health Care Reform (Oct 2013)

Financial Fragility, Medical Problems, and the Bankruptcy System

- Multidisciplinary Conference on Work and Livable Lives, Washington University in Saint Louis (2012)

Commentator, *A Libertarian View on Debt, Foreclosure, Bankruptcy & Consumer Protection Law*

- Federalist Society public program, Duke Law School (2012)

Bankruptcy During Foreclosure: Home Preservation Through Chapters 7 and 13

- Association of Public Policy Analysis and Management Fall Research Conference (2012)
(presented by co-author Mark Lindblad)

Coping with Adversity: Personal Bankruptcy Among Lower-Income Homeowners Before and After Bankruptcy Reform, with Mark R. Lindblad, Roberto G. Quercia, Sarah F. Riley, et al.

- competitively selected for presentation (by co-author) at the American Economics Association conference (2012)
- competitively selected for presentation (by co-author) at the FDIC Consumer Research Symposium on Economic Decisions by Financially Constrained Households (2011)
- competitively selected for presentation (by co-author) at the Federal Reserve Community Affairs Research Conference (2011)

Panelist, *Bankruptcy, Foreclosure, and the Protection of Assets in North Carolina and Beyond*

- 2011 Pathways to Prosperity Conference, IDA and Building-Assets Collaborative of N.C.

Regulatory Innovation and the Bureau of Consumer Financial Protection

- Symposium on Dodd-Frank Act, University of Pennsylvania Law School (2011)

Commentator, *Financial System Reform*

- Symposium, American University Washington College of Law (2011)

Panelist, *Poverty and Economic Justice Research at the University of North Carolina*

- UNC School of Law (2011)

Improving Chapter 11 for Smaller Businesses

- Association of Insolvency and Restructuring Advisors Annual Conference (2011)
- American Bankruptcy Institute Podcast (2010)

Moderator, *The Bureau of Consumer Financial Protection*

- Kenan Institute of Ethics regulatory design conference, Duke University (2011)

Managing Medical Bills on the Brink of Bankruptcy

- Annual Review of Insolvency Law Conference, Toronto, Canada (2011)
- Health Law Professors Conference, University of Texas School of Law (2010)
- Petrie-Flom Center, Harvard Law School (2009)
- Faculty workshops at Duke summer series and American University (2008-09)

Commentator on *Rene Almeling, Sex Cells: The Medical Market for Eggs and Sperm*

- Rutgers-Camden Law School, Roundtable on Regulating Reproduction (2011)

The Debt Financing of Parenthood

- Law and Society Association (2010)
- Symposium on globalization, families, and the state, University of North Carolina at Chapel Hill (2009)

Making Debtor Remedies More Effective

- Harvard Joint Housing Center symposium on the future of consumer credit and mortgage finance (2010)
- Cooper-Walsh Colloquium on financial regulation, Fordham Law School (2010)

Moderator, *Towards a Coordinated Regulatory Architecture for Payment Systems*

- Conference on data security and privacy in payment systems, Brooklyn Law School (2010)

The Value(s) of Foreclosure Law Reform

- Symposium on the mortgage crisis, Pepperdine Law School (2009)

Panelist, *Roundtable on the Financial Crisis*

- UNC Center for Banking and Finance (2008)

Empirical and Policy Perspectives on Consumer Bankruptcy Law in the United States

- Universidad Complutense de Madrid (2008)

Loan Delinquency through the Lens of Bankruptcy

- Symposium on predatory lending, Loyola University-New Orleans College of Law (2008)

Commentator, *Financial Crisis Research and Management*

- Symposium on the financial crisis, Seton Hall Law School (2008)

Panelist, *The Future of Universal Health Insurance*

- Carolina Law & Policy Association (2008)

Resolving Home Mortgage Problems Through Bankruptcy: What is the Role of Chapter 13?

- UNC Festival of Legal Learning (2008), with Elizabeth Gibson

Home Ownership Risk Beyond a Subprime Crisis: The Role of Delinquency Management

- Association of American Law Schools Annual Meeting, lunchtime debate for Section on Financial Institutions and Consumer Financial Services (2008)
- Law & Society Association (2007)

Planner and Moderator, *New Bankruptcy-Related Research and its Implications for Lenders*

- Association of American Law Schools Annual Meeting, Joint Session of Sections on Financial Institutions and Consumer Financial Services and on Creditors' and Debtors' Rights (2007)

A Comparison of Bankrupt and Non-Bankrupt Debtors in the U.S.

- Conference on Commercial Law Realities, University of Texas School of Law (2007)

Odious Debt and Commercial Law Principles: Some Skepticism

- Conference on sovereign debt, Duke University School of Law (2007)

Creditors, Courts, and the Construction of Corporate Obligation

- Law and Society Association (2007)

Organizer/Commentator, *Swimming but Sinking? The Privatization of Household-Level Financial Risk*

- New Policies to Fight Poverty, UNC Center on Poverty, Work, and Opportunity (2006)

Individual Health Insurance Mandates and Financial Distress

- Symposium on health care finance reform, University of Kansas School of Law (2006)

Beyond Hospital Misbehavior

- Sheps Center for Health Services Research, University of North Carolina at Chapel Hill (2006)
- Faculty workshop, Emory University School of Law (2005)

Bankruptcy Reform and Homeownership Risk

- Faculty workshops at Wisconsin, Washington University, Drexel, Duke, and Brooklyn Law School (2006)
- Symposium on consumer bankruptcy reform, University of Illinois College of Law (2006)

Testing a Two-Tiered Collection Theory

- Conference on Commercial Law Realities, Harvard Law School (2006)

The Debtor-Patient Revisited

- Symposium on shifting costs of health care, Saint Louis University Center for Health Law Studies (2006)

Bankruptcy Reform and the Cost of Sickness

- Symposium on bankruptcy reform, University of Missouri-Columbia School of Law (2006)

Is “Medical Bankruptcy” a Useful Legal Intervention?

- Conference on Commercial Law Realities, University of Texas School of Law (2005)
- Academy Health Annual Research Meeting (2004)

Negotiating Bankruptcy Legislation Through the News Media

- Faculty workshops at Georgetown Law Center and University of North Carolina (Fall 2003)

Commentator, Workshop on Commercial and Consumer Law

- University of Toronto Faculty of Law (2003)

Solo speaker for half-day workshop, *Bankruptcy: How Unsecured Creditors Fare*

- Federal Reserve Bank of Philadelphia (2003)

The Debtor-Patient

- Symposium on the new economy, Brooklyn Law School (2003)

Moderator, *Issues of Race, Gender, and Ethnicity in International Bankruptcy*

- Association of American Law Schools Annual Meeting, Section on Creditors’ and Debtors’ Rights (2003)

Does Indebtedness Influence Health?

- Law and Society Association (2002)

Collecting Debt from the Ill and Injured

- Law and Society Association (2001)

Why The Bankruptcy “Crisis” May Be A Health Care Finance Issue

- Annual New England Public Health Association Educational Conference & Meeting on Economics and the Health of the Public (2001)

Bankruptcy Reform: Impact on Trustees

- U.S. Department of Justice Office of the United States Trustee Region 1 (New England) training (1998)

Panelist, *Bankruptcy Reform: The Current Bill's Impact on Women*,

- National Council of Women's Organizations Task Force on Economic Security, with Congressional Caucus for Women's Issues (1998)

PRIOR SERVICE TO THE FEDERAL JUDICIARY

- **Member**, Federal Judicial Center bankruptcy education committee, appointed by Chief Justice Roberts (2021-2024)
- **Consultant**, Advisory Committee on Bankruptcy Rules, Judicial Conference of the United States (2001-2002, 2005-2006): drafted and developed rules of procedure, official comments, and forms to implement bankruptcy legislation; participated in meetings and presented proposed changes.
- **Consultant**, Federal Judicial Center, Case Management Manual for U.S. Bankruptcy Judges (2008-2009)
- **Presenter**, National Symposium of U.S. Court of Appeals Judges (2005)
- **Presenter**, Annual meeting of National Conference of Bankruptcy Judges (2001, 2002, 2013, 2016, 2019, 2022)
- **Panelist**, Federal Judiciary Television Network (2011) (U.S. Supreme Court and Fourth Circuit cases)

PROFESSIONAL, POLICY, AND LAW REFORM SERVICE

Hearing Witness, [Evading Accountability: Corporate Manipulation of Chapter 11 Bankruptcy](#), Committee on the Judiciary, U.S. Senate (Sept. 2023)

Hearing Witness, H.R. 2533, The Chapter 11 Bankruptcy Venue Reform Act of 2011, Committee on the Judiciary, U.S. House of Representatives (2011)

Hearing Witness, A Review of Hospital Billing and Collection Practices, Committee on Energy and Commerce, U.S. House of Representatives (2004)

Witness, United States Trustee Program Public Meeting, Proposed Guidelines for Professional Fees in Large Chapter 11 Cases (2012)

Invited contributor to hearing record on H.R. 870, the Puerto Rico Chapter 9 Uniformity Act of 2015

Panelist, Forum: legal and policy implications of Detroit's Chapter 9 bankruptcy (Sept 2013), convened by Ranking Minority Member of the U.S. House Judiciary Committee, Rep. John Conyers

Assistance to North Carolina General Statutes Commission on Uniform Comm. Code Article 9 (2011-2012)

Rethinking Regulation working group Duke University Kenan Institute for Ethics (2010-2013): collaborative of interdisciplinary faculty considering new approaches for studying and implementing the regulatory state, and to engage with government, NGOs, and the private sector.

National Bankruptcy Conference (1999-present): invitation-only organization of approximately 60 lawyers, judges, and academics dedicated to the improvement of the bankruptcy system. Assist members of Congress and others in government in developing policy and drafting legislation.

- Current positions: government units, courts, nominating committee
- Past significant positions: Secretary, executive committee, vice chair of legislative drafting, ad hoc small business reform committee (generated materials that led to Small Business Reorganization Act, signed into law in 2019), business debtors, individual debtors

American College of Bankruptcy (2012-present): honorary public service association by invitation based on proven record of the “highest standards of expertise, leadership, integrity, professionalism, scholarship, and service” to the profession and communities.

- Board of Regents (2015-2017)
- Archive Committee (2012-present) taking oral histories of prominent figures, and collecting significant papers for the National Bankruptcy Archives at the University of Pennsylvania

American College of Commercial Finance Lawyers (2017-present): invitation only professional association dedicated to improving and enhancing commercial finance law and ethics of the profession.

- Grant Gilmore Award committee (chair 2018-2019, member 2022-2023)

Uniform Law Commission (2024): Project to develop Uniform Commercial Finance Disclosures

SYSTEMATIC EMPIRICAL PROJECTS/COLLABORATIONS

Co-principal investigator, 2007 Consumer Bankruptcy Project (2006-2012): first nationally representative sample of individual bankruptcy filers in modern bankruptcy system

Collaborator, 1999 Consumer Bankruptcy Project (1998-2001): eight-district questionnaire study of bankruptcy filers, with Teresa A. Sullivan & Elizabeth Warren

Collaborator, UNC Center for Community Capital’s Community Advantage Panel (2006–2016)

Fellow, Bankruptcy Data Project at Harvard University, (2006-2012)

Participant, Increasing Access to Federal Court Data, NSF-funded program at Penn Law (Sept 2015)

OTHER PROFESSIONAL EXPERIENCE

University of North Carolina at Chapel Hill, Chapel Hill, NC

Prior positions:

George R. Ward Professor of Law (2007 – 2011)

Professor of Law (2006 – 2007)

Associate Professor of Law with tenure (2004 – 2006)

faculty fellow, Center for Urban and Regional Studies (2006-present)

Brooklyn Law School

Visiting Professor of Law (2009-2010)

Temple University Beasley School of Law, Philadelphia, PA

Associate Professor of Law (July 2003 – July 2004)

Assistant Professor of Law (Sept 2000 – July 2003)

Judicial Law Clerk to the Honorable Marjorie O. Rendell, United States Court of Appeals for the Third Circuit (1999-2000)

Judicial Law Clerk to the Honorable Robert E. Ginsberg, United States Bankruptcy Court, Northern District of Illinois (1994-1996)

Staff Attorney for the National Bankruptcy Review Commission (1996-1997): studied bankruptcy-related topics for Congressionally-created commission, including economic factors, empirical studies, business practices and Constitutional issues. Developed proposals. Drafted substantial portions of report submitted to U.S. Congress, President, and Chief Justice of the United States.

Counsel to the National Bankruptcy Conference (1997-1999): analyzed reform proposals, statutory language, empirical research, and legal developments for organization of lawyers, professors, and judges. Drafted papers and worked with legislative and executive branches of U.S. government on bankruptcy policy and statutory drafting.

EDUCATION

University of Pennsylvania J.D., *cum laude*; B.A., *cum laude* (History)

ADDITIONAL INFORMATION

Bar membership: Pennsylvania, U.S. Court of Appeals for the Third Circuit

Peer reviewer: SOCIAL PROBLEMS; HEALTH AFFAIRS; Wolters Kluwer/Aspen; AMERICAN BANKRUPTCY LAW JOURNAL; Cambridge Univ. Press; Wayne State Univ. Press, YALE LAW JOURNAL; STANFORD LAW REVIEW; NORTHWESTERN UNIVERSITY LAW REVIEW; COLUMBIA LAW REVIEW; RAND Corp. Inst. for Civil Justice, Federal Judicial Center.

Dissertation committees: Duke University Department of History (defense 2018), Brandeis Univ., Heller Graduate School for Social Policy and Management (defense 2012).

Service to the University of North Carolina at Chapel Hill and UNC Law: Appointments (2007-08); Chancellors' award (2006-08); Deans Advisory (2004-05); Faculty Workshop (2005-07; 2014-15); Faculty Mentorship (2021-2022); Judicial Clerkship (chair, 2004-05, 2008-09, 2011-12; member, 2010-11; 2013-18); Post-Tenure Review (2020-2023); Tenure and Promotion (2018); Ad Hoc Curricular Review (2018-2019); Faculty Awards (2010, 2016, 2019); ad hoc committees on selecting empirical research consultants, faculty assistants, IT specialists, and student services director (2010-11); student paper graduation awards (2006-08; 2014); Davis Society election (2006-07); Chancellors' Scholar Mentor (2007-2010); faculty advisor, Consumer Protection and Commercial Law Society (2011-2014); faculty advisor, Women in Law (2004-05).

Other service to the academy: American Bankruptcy Institute Young Scholars Workshop (2014-2018); Culp Colloquium/Emerging Scholars Program (2015); Kenan Institute of Ethics Rethinking Regulation Graduate Student Award Workshop, Duke University (2014); AALS past chair of financial institutions and consumer financial services; AALS past executive committee member, section on creditors' and debtors' rights.