

Linda E. Fisher

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Academic Experience

SETON HALL SCHOOL OF LAW

Newark, New Jersey

*James B. Boskey Research Scholar,
2014 - present*

Professor of Law, 2005 - present

Associate Professor, 1995-2005

*Director, Center for Social Justice,
1995- 2006*

Professor and Director of law school clinical program with six in-house clinics serving indigent clients in the greater Newark area. Responsible for design, planning, implementation, evaluation, and administration of both classroom and clinical work components of the program.

Courses taught: Civil Litigation Clinic, Land Finance, Civil Procedure, Professional Responsibility, Gender and the Law

PENN STATE UNIVERSITY

Carlisle, Pennsylvania

DICKINSON SCHOOL OF LAW

Assistant Professor

Courses taught: Professional Responsibility, Family Law Clinic, Remedies, Gender and the Law, Trial Advocacy.

NORTHWESTERN UNIVERSITY

Chicago, Illinois

SCHOOL OF LAW

Instructor

Education

NORTHWESTERN UNIVERSITY

LL.M.

SCHOOL OF LAW

UNIVERSITY OF CHICAGO

J.D.

SCHOOL OF LAW

MACALESTER COLLEGE

B.A.

Magna Cum Laude in Humanities

Legal Employment

SINGER & STEIN

Associate in law firm with an emphasis in civil rights litigation under 42 U.S.C. §1983

Chicago, Illinois

MANDEL LEGAL AID CLINIC UNIVERSITY OF CHICAGO LAW SCHOOL

Student attorney at University of Chicago Law School

Chicago, Illinois

Selected Publications & Research

The Foreclosure Echo: How Those Hit Hardest by the Crisis Have Been Left Out of the Recovery (work in progress with Cambridge University Press, forthcoming 2018) (with Judith Fox)

Shadowing the Shadow Inventory, Blog Post, CLS Blue Sky Blog: Columbia Law School's Blog on Corporations and the Capital Markets (July 10, 2015).

Moral Hazard, The Meltdown & Meaningful Mortgage Modifications (research project for the Edmond J. Safra Center for Ethics at Harvard).

[Shadowing the Shadow Inventory: A Newark, New Jersey Case Study of Stalled Foreclosures and Their Consequences](#), 4 U.C. Irvine L. Rev. 1265 (2014).

Attacking Foreclosure Rescue Scams, 2010 Emerging Issues 5309, Lexis Nexis Matthew Bender Research Solutions (2010) (with Leena Khandwala).

Reverse Redlining, Racialized Consumer Fraud and Target Marketing of Subprime Loans, 18 Brooklyn J. of L. & Pol'y. 101(2009).

Guilt by Expressive Association: Political Profiling, Surveillance and the Privacy of Groups, 46 Ariz. L. Rev. 621 (2004).

Pragmatism Is As Pragmatism Does: Of Posner, Public Policy, and Empirical Reality, 31 U.N.M. L.J. 455 (2001).

Alcohol, Tobacco and Firearms: Autonomy, the Common Good, and the Courts, 18 Yale L. & Pol'y. Rev. 351 (2000).

Anatomy of an Affirmative Duty to Protect: 42 U.S.C. Section 1986, 56 Wash. & Lee L. Rev. 461 (1999);
Reprinted in: 16 CIVIL RIGHTS LITIGATION AND ATTORNEY FEES ANNUAL HANDBOOK 5-1 (2000);

Excerpted in: MARTHA R. MAHONEY, JOHN O. CALMORE, STEPHANIE M. WILDMAN, SOCIAL JUSTICE: PROFESSIONALS, COMMUNITIES AND LAW 676-67 (2003).

A Communitarian Compromise on Speech Codes: Restraining the Hostile Environment Concept, 44 Cath. U. L. Rev. 97 (1994).

Caging Lyons: The Availability of Injunctive Relief in Section 1983 Actions, 18 Loy. U. Chi. L.J. 1085 (1987).

The Proportionality Test in Section 1988 Fee Awards, 14 Loy. U. Chi. L.J. 1 (1982) (with Edward T. Stein).

Selected Presentations

Panelist, ***Housing Issues***, Association for Law, Property and Society Annual Meeting (June 1, 2018).

Discussant, ***Discussion Group: Commercial and Consumer Law***, Southeastern Association of Law Schools Annual Meeting (Aug. 3, 2017).

Panelist, ***Closing the Housing Doors on Some***, Association for Law, Property and Society 8th Annual Meeting (May 20, 2017).

Panelist, ***Foreclosure Echo***, Progressive Property Scholars Annual Conference (May 14, 2016).

Poster Presentation, ***Meaningful Mortgage Modifications***, Ending Institutional Corruption Conference, Safra Center for Ethics at Harvard Law School (May 2, 2015).

Panelist, ***The Future of Housing – Equity, Stability & Sustainability***, Washburn Law School Spring 2015 Symposium (Feb. 26, 2015).

Presenter, ***Meaningful Mortgage Modifications***, Seton Hall Law School Faculty Scholarship Retreat (Feb. 21, 2015).

Presenter, ***Consumer Law Issues: Handling FDCPA and FCRA Claims***, New Jersey Institute for Continuing Legal Education Webinar (March 20, 2014).

Workshop convener and leader, ***Bellow Scholars Workshop***, New York University Law School (September 27, 2013).

Panelist, ***Consumer Fraud Update***, Consumer Law Program, New Jersey Institute for Continuing Legal Education (April 8, 2013).

Panelist, ***Stalled Foreclosures and Vacant Urban Properties:***

Bellow Committee Workshop/UC Irvine Law Review Symposium (Oct. 19, 2102);
Bellow Scholar Presentations, Association of American Law Schools Clinical Section
Annual Meetings (May 3, 2012 & June 16, 2011);
Global Women's Issues, National Association of Women Judges 33rd Annual
Conference (October 15, 2011);
Clinical Law Review Workshop, New York University Law School (October1, 2011);
Association for Law, Property & Society Second Annual Meeting (March 4, 2011).

Panelist, ***Fair Housing and the Foreclosure Crisis,*** Understanding Fair Housing Today
program sponsored by the U.S. Department of Housing and Urban Development, N.J.
Division on Civil Rights, and Seton Hall Center for Social Justice (April 23, 2012).

Panelist, ***Fair Housing/Fair Lending Enforcement Issues in the Twenty-First
Century,*** Fair Housing Month program sponsored by Seton Hall Law School and the
New Jersey Division on Civil Rights (April 26, 2011).

Testimony, ***Hearing on Robo-Signing, Chain of Title, Loss Mitigation & Other
Issues,*** United States House of Representatives, Financial Services Committee,
Housing and Community Opportunities Subcommittee, (November 18, 2010).

Panelist, ***Race and Social Welfare,*** Third Annual People of Color Scholarship
Conference (September 9, 2010).

Panelist, ***Stopping the Next Subprime Crisis, Getting It Right: Government's Role in
Housing and Economic Development,*** Brooklyn Law School (March 27, 2009).

Panelist, ***Underreported Fraud,*** Fraud Forum, Federal Trade Commission, Feb. 25, 2009.

Panelist, ***Litigation, Reform and Legislative Efforts,*** Kirwan Institute Conference on
Race & Subprime Lending, Ohio State Law School, Oct. 2, 2008.

Conference convener and chair of planning committee, ***Emerging Issues in Subprime &
Predatory Lending Research Conference,*** Seton Hall Law School, May 8 and 9, 2008;
Presenter, panel on ***Debt Collection: Third-Party Actors,*** May 8, 2008.

Panelist, ***Plenary Panel on Subprime Mortgage Defaults,*** New Jersey Bankruptcy
Bench-Bar Conference, May 2, 2008.

Selected Awards, Professional Society & Other Memberships

Co-Chair, New Jersey Supreme Court Special Committee on the Residential Foreclosure Process, Subcommittee on Legislative Solutions; Member, Subcommittee on Judicial Solutions (2017-present).

Network Fellow, Edmond J. Safra Center for Ethics, Harvard University (2014-15).

Co-chair, Committee on Lawyering in the Public Interest, Association of American Law Schools, Clinical Section (2012-2014).

Bellow Scholar Award, Association of American Law Schools, Clinical Section (2011-2013).

New Jersey Supreme Court Committee on Minority Concerns & Subcommittee on Minority Access to Justice (2007-2011).

Newark/Essex Foreclosure Task Force (2007 - 2014).

Convener & chair of planning committee, Seton Hall Law School conference on *Emerging Issues in Subprime and Predatory Lending Research* (2007-08).

Chair, Predatory Lending Task Force, and pro bono legislative counsel, AARP-NJ (2001-2006); AARP Advocate of the Year, 2003.

Selected Media

[NPR, Marketplace Weekend](#), June 13, 2018: 10 years after the housing crisis, thousands of zombie homes are still stuck in foreclosure limbo

[Wallethub.com](#), Oct. 6, 2017: How to Establish Credit; Aug. 29, 2017, Best Labor Day Sales.

[Associated Press](#), April 23, 2017: Scams push foreclosure fraud to limit, taking victims' homes.

[NPR, Marketplace Morning Report](#), July 14, 2016: Foreclosures Down from 2015, but Persistent in Certain States.

[N.J. Spotlight](#), June 27, 2016, Sen. Menendez Takes on Zombie Foreclosures.

[Houston Chronicle/housingwire.com](#), Dec. 9, 2015: Houston Couple Wins 54 Million in Foreclosure Fraud Suit Against Wells Fargo.

[inewssource/San Diego NPR station KPBS](#), Mar. 25, 2015: Briggs Lawsuit Land Deal Ends Badly for Family; Experts Question Attorney's Actions.

Sports Illustrated, Oct. 14, 2014: A Twist in Irving Fryar's Redemption Story.

WNYC.org, NJ Spotlight, Mar. 3, 2014: New Jersey Breaks Foreclosure Logjam, Yields Flood of Dismissals.

Bloomberg News, Washington Post Business News, Feb. 26, 2014: Foreclosures: Climaxing in New York-New Jersey Market: Mortgages

WNYC.org, NJ Spotlight, April 19, 2013: Banks Abandoning Newark Properties

USNews.com, Aug. 3, 2012: 5 Ways Older Americans Can Protect Their Homes From Foreclosure.

Businessweek.com, Feb. 28, 2012: Lenders Must Be Named in Foreclosures, New Jersey Court Says

The Star-Ledger, Dec. 4, 2011: Future of foreclosures in N.J. hinges on state Supreme Court decision.

Washington Post, Nov. 15, 2010: Obama economy officials, bank execs and mortgage electronic registry head to hot seat on Capital Hill.

Abcnews.com, Oct. 12, 2010: Florida's Foreclosure King Investigated for Questionable Practices.

Mother Jones, Aug. 4, 2010: Fannie and Freddie's Foreclosure Barons.

Bloomberg.com, Jan. 21, 2010: Reviving Down-Payment-Assistance Program Faces FHA Opposition.

International Business Times/ The Guardian (UK)/ CNN Money/ Fox Business News, Jan. 7, 2010: Wells Fargo Mortgage Case in Baltimore Dismissed.

New York Times, May 17, 2009: In New Jersey, Dreams of a Better Life Dashed by Foreclosure.

Huffington Post, May 13, 2009: Road to Ruin: Mortgage Fraud Scandal Brewing, available at huffingtonpost.com/business/.

Wall St. Journal, Feb. 25, 2009: When Rescue Means Eviction.

Philadelphia Inquirer, Oct. 28, 2008: Predatory lending is an Issue in New Jersey.

Recent Major Litigation

My current emphasis is on foreclosure defense and consumer fraud actions involving predatory lending, related mortgage fraud, and illegal property flipping:

Bukowski v. Wells Fargo, N.A. & Bank of America, N.A., No. 17-3253 (U.S. Ct. of Appeals for the Third Circuit, Jan. 16, 2018) (appearing as *amicus curiae* in contract-based challenge to lenders' refusal to honor mortgage modification agreement).

GMAC Mortgage L.L.C. v. Willoughby, No. 076006 (N.J. S. Ct., July 31, 2017) (holding that lender must abide by settlement agreement entered into during participation in N.J. Foreclosure Mediation Program) (appearing as *amicus curiae*).

Citibank v. Kiegel, No. 074106 (N.J. S. Ct., May 12, 2014) (petition for certification in foreclosure matter raising issue of documentation required to establish standing)

D'Agostino v. Maldonado, 216 N.J. 168 (2013) (holding New Jersey Consumer Fraud Act applies to foreclosure rescue scams and that treble damages may be awarded even after prior homeowners regain title) (appearing as *amicus curiae*)

Bank of New York v. Ukpe, No. A-002209-11 (Sup. Ct. N.J., App. Div., 2013) (appearing as *amicus curiae* in foreclosure case addressing summary judgment standard and the business records hearsay exception).

US Bank National Association v. Guillaume, 209 N.J. 449 (2012) (holding notice of intent to foreclose must include name of foreclosing lender) (appearing as *amicus curiae*).

In Re Residential Mortgage Foreclosure Pleadings and Document Irregularities, No. F-059553-10 (Sup. Ct. N.J., Chancery Div., Mar. 24, 2011) (motion to intervene in statewide proceeding challenging lenders' foreclosure documentation practices), cited in Weinstein, *Law Of Mortgages*, 30A NJPRAC § 30.2A (2012).

Halley v. Myatt, No. A-1378-09T1 (Sup. Ct. N.J., App. Div., May 3, 2010) (finding personal jurisdiction in malpractice action against out-of-state lawyer).

Assn. of NJ Rifle & Pistol Clubs, et al. v. City of Jersey City, et al. (N.J. S. Ct., dismissed as moot 2010) (defending local gun control ordinance on behalf of community group).

Hodges v. Sasil Corp., 189 N.J. 210 (2007) (permitting Fair Debt Collection Practices Act claim against attorneys collecting rents)(appearing as *amicus curiae*).

Williams v. City of Trenton, et al. (D.N.J. 2006) (settlement worth over \$2,000,000 in police misconduct lawsuit alleging failure to protect battered woman from her abuser).