

GINA-GAIL S. FLETCHER

Professor of Law

DUKE UNIVERSITY SCHOOL OF LAW

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ACADEMIC APPOINTMENTS & AFFILIATIONS

Duke University School of Law, Durham, NC

Associate Dean for Intellectual Life

2024 – present

Professor of Law

2020 – present

Visiting Associate Professor of Law

Fall 2019

American Bar Foundation

Fellow

2024 – present

Initiative on Climate Risk & Resilience Law

Affiliated Scholar

2022 – present

Indiana University Maurer School of Law, Bloomington, IN

Associate Professor of Law

2014 – 2020

Indiana University Trustees' Teaching Award, 2016

Cornell Law School, Ithaca, NY

Visiting Assistant Professor of Law

2012 – 2014

EDUCATION

Cornell Law School, Ithaca, NY

J.D., *cum laude*

Cornell Law Review

Cornell Moot Court Board, Bench Editor

Black Law Students Association, Executive Committee

Mount Holyoke College, South Hadley, MA

B.A., *magna cum laude*, Politics, Spanish Language and Literature

Sarah Williston Scholar

RESEARCH & TEACHING INTERESTS

Financial Regulation, Securities Regulation, Market Manipulation, Financial Innovation,
Derivatives & Commodities, Financial Contracting, Capital Markets, Corporate Governance

COURSES TAUGHT

Business Associations, Securities Regulation, Derivatives Law & Regulation, Law & Political Economy, Venture Capital Financing, Financial Regulation, Corporate Governance

SCHOLARSHIP

PUBLICATIONS

Corporate Racial Responsibility, 124 COLUM. L. REV. 361 (2024) (with H. Timothy Lovelace)

- Featured on [Jotwell](#) by Atinuke Adediran

Corporate Complicity in Voter Suppression: From Selma to Today, (with H. Timothy Lovelace) in EDWARD ELGAR PUBLISHING, RACE, RACISM, AND THE LAW (Guy-Uriel Charles and Aziza Ahmed, eds.) (forthcoming 2025)

The Limits of Transparency: Regulating AI in the Financial Markets, in CAMBRIDGE UNIVERSITY PRESS, ARTIFICIAL INTELLIGENCE & THE LAW RESEARCH HANDBOOK (K. Johnson & C. Reyes, eds.) (forthcoming 2025)

The Future of AI Accountability in the Financial Markets, 24 VAND. J. ENT. & TECH. L. 289 (2022) (with Michelle M. Le)

[The Case for Climate Conscious, Low Carbon Federal Procurement](#), available at (December 2021) (with Jay Shambaugh et al.)

Deterring Algorithmic Manipulation, 74 VAND. L. REV. 259 (2021)

- Selected for reprint in the Securities Law Review 2022, Donald Langevoort, ed.

Equality Metrics, 130 YALE LAW JOURNAL FORUM 869 (2021) (with Veronica Root Martinez)

- Featured on [Jotwell](#) by Tom C.W. Lin & Michael Z. Green

Foreign Corruption as Market Manipulation, U. CHI. L. REV. ONLINE (2020)

(Symposium: Investigating Intersections of Corporate Governance and Compliance)

The Macroeconomic Consequences of Market Manipulation, 83 LAW & CONTEMP. PROBS. 123 (2020) (Symposium: Law and Macroeconomics)

Engineered Credit Default Swaps: Innovative or Manipulative?, 94 N.Y.U. L. REV. 1073 (2019)

- Cited in SEC Proposed Rulemaking on [Prohibition Against Fraud, Manipulation, or Deception in Connection with Security-Based Swaps](#)
- Featured on [Jotwell](#) by Anna Gelpert

Legitimate Yet Manipulative: The Conundrum of Open-Market Manipulation, 68 DUKE L. J. 479 (2018)

- Selected for reprint in The Corporate Practice Commentator, Robert B. Thompson, ed.

The Conflicted Advice Problem, 80 OHIO ST. L. J. FURTHERMORE (2018)

Benchmark Regulation, 102 IOWA L. REV. 1929 (2017)

Hazardous Hedging: The (Unacknowledged) Risks of Hedging with Credit Derivatives, 33 REV. BANKING & FIN. L. 813 (2014)

WORKING PAPERS

The Politics of Corporate Racial Responsibility (with H. Timothy Lovelace)

ESG Fraud: When Doing Good Goes Bad

Democratizing Market Manipulation

SELECTED PRESENTATIONS & WORKSHOPS

The Politics of Corporate Racial Responsibility (and other titles)

Harvard Law School, Handbook Contributor Workshop (March 2024)

Georgetown Law Center, Corporate Governance & ESG Workshop (October 2024)

Corporate Racial Responsibility

University of Tennessee College of Law, Faculty Workshop (February 2023)

Equality Metrics

Tulane Corporate and Securities Roundtable (March 2021)

University of Miami School of Law Legal Theory Workshop (February 2021)

Columbia Law School Law and Economics Workshops (December 2020)

Detering Algorithmic Manipulation (and other titles)

Culp Colloquium, Duke Law School (May 2019)

Annual Meeting of the American Association of Law Schools, Financial Institutions Section (January 2019)

Engineered Credit Default Swaps: Innovative or Manipulative? (and other titles)

Annual Meeting of the American Association of Law Schools, Securities Regulation Section (January 2019)

Sixth Annual Workshop for Corporate & Securities Litigation, University of Richmond School of Law School (October 2018)

Workshop on Corporate Governance and Regulation, Notre Dame Law School (September 2018)

Legitimate Yet Manipulative: The Conundrum of Open-Market Manipulation

Culp Colloquium, Stanford Law School (June 2018)

Annual Meeting of the American Association of Law Schools, Securities Regulation Section (January 2018)

Fifth Annual Workshop for Corporate & Securities Litigation, UCLA Law School (October 2017)

Regulating Information Intermediaries (and other titles)

Workshop on Corporate Compliance and Organizational Change, Notre Dame Law School (April 2018)

Workshop on the Intersection of Formal and Informal Governance, Yale Law School (September 2017)

Culp Colloquium, Duke Law School (May 2017)

Benchmark Regulation (and other titles)

National Business Law Scholars Conference, Seton Hall University School of Law (June 2015)

Law and Society Association Annual Meeting, Corporate Law Panel (May 2015)

Culp Colloquium, Duke Law School (May 2015)

GOVERNMENT

Written Testimony Before the House Committee on Financial Services, Subcommittee on Capital Markets, "Sophistication or Discrimination? How the Accredited Investor Definition Unfairly Limits Investment Access for the Non-wealthy and the Need for Reform," February 8, 2023, available at <https://www.congress.gov/118/meeting/house/115288/witnesses/HHRG-118-BA16-Wstate-FletcherG-20230208.pdf>.

House Committee on Financial Services, Subcommittee on Capital Markets, "Sophistication or Discrimination? How the Accredited Investor Definition Unfairly Limits Investment Access for the Non-wealthy and the Need for Reform," February 8, 2023, video available at <https://financialservices.house.gov/calendar/eventsingle.aspx?EventID=408510> (testimony begins at 44:35).

Letter to the U.S. Securities and Exchange Commission re: Prohibition against Fraud, Manipulation, or Deception in Connection with Security-Based Swaps, Mar. 21, 2022, available at <https://www.sec.gov/comments/s7-32-10/s73210-20120658-272834.pdf>.

Letter to the U.S. Securities and Exchange Commission re: Climate Change Disclosures (with Nakita Q. Cuttino), June 14, 2021, available at <https://www.sec.gov/comments/climate-disclosure/cl112-8916935-245030.pdf>.

Written Testimony Before the United States Senate Committee on Banking, Housing, and Urban Affairs, “Who Wins on Wall Street? GameStop, RobinHood, and the State of Retail Investing”, March 9, 2021, available at <https://www.banking.senate.gov/imo/media/doc/Fletcher%20Testimony%203-9-21.pdf>.

United States Senate Committee on Banking, Housing, and Urban Affairs, “Who Wins on Wall Street? GameStop, RobinHood, and the State of Retail Investing”, March 9, 2021, video available at <https://www.banking.senate.gov/hearings/who-wins-on-wall-street-gamestop-robinhood-and-the-state-of-retail-investing> (testimony begins at 32:25).

INVITED PRESENTATIONS & COMMENTARY

What’s Next for Corporate Climate Disclosure?, Columbia Law School, Sabin Center, June 17, 2024

A Conversation with CFTC Commissioner Kristin Johnson on the Future of Crypto Regulation, Berkeley Center for Law and Business, February 8, 2023

A Conversation with SEC Commissioner Caroline Crenshaw, Berkeley Boost Webinar, May 11, 2022

PLI Fundamentals: Understanding Financial Products, PLI Institute, January 18, 2022

Cato Summit on Financial Regulation: Fair Shares: Retail Investors and the Future of Equities Markets, Cato Institute, September 9, 2021

Virtual Consumer Assembly: Can Regulators Keep Pace with New Investors & Fintech Firms?, Consumer Federation of America, May 5, 2021

Fourth Annual Conference on Central Banks and Financial Regulation, Vanderbilt Law School (October 2018)

Forum on Financial Responsibility in Communities of Color, George Washington University Law School (December 2017)

The 2016 Manuel F. Cohen Lecture – The Role of the CFTC in the Market, George Washington University Law School (February 2016)

BLOG POSTS & MEDIA CITATIONS

Quoted in Matthew Goldstein, “[Criminal Charge Against Outspoken Short Seller Unsettles Wall St.](#),” September 9, 2024

Quoted in Aaron Gregg, “[GameStop stock plummets as ‘Roaring Kitty’ rambles on live stream.](#),” June 7, 2024

Post, “[Doing Well While Doing Good: Impact Investing & the Commodification of Marginalization.](#),” Jotwell, November 3, 2021.

Post, "[Equality Metrics](#)," Harvard Law School Forum on Corporate Governance and Financial Regulation, March 19, 2021.

Interviewed by Bloomberg Technology, "[GameStop Hearing Preview](#)," February 17, 2021.

Quoted in Julia Horowitz, "[Wall Street's cops weren't ready for GameStop. They're paying attention now](#)," January 29, 2021.

Quoted in Aaron Keller, "[SEC Will Struggle to Build Market Manipulation Case After Massive GameStop Stock Rally: Securities Law Prof.](#)," January 30, 2021.

Quoted in Dave Michaels, "[Market Regulator Heads Back to Court Against Kraft and Mondelez](#)," January 3, 2020.

Post, "[Engineering Credit Default Swaps](#)," Harvard Law School Forum on Corporate Governance and Financial Regulation, September 4, 2019.

Quoted in Lydia Beyoud and Jacob Rund, "[CFTC's New Foreign Bribery Focus Hinges on Companies' Mea Culpas](#)," Bloomberg Law, March 11, 2019.

Post, "[Legitimate Yet Manipulative: The Conundrum of Open-Market Manipulation](#)," Harvard Law School Forum on Corporate Governance and Financial Regulation, January 26, 2019.

Post, "[Benchmark Regulation in the U.S.](#)," Oxford Legal Blog, July 19, 2016.

SERVICE & PROFESSIONAL ACTIVITIES

PROFESSIONAL SERVICE & MEMBERSHIPS

- U.S. Securities and Exchange Commission, Investor Advisory Committee (May 2022 – May 2026)
 - Chair of the Investor as Owner Subcommittee
 - Vice Chair of the Market Structure Subcommittee
- International Institute for Law & Finance, Board Member (2022 – present)
- FINRA Investor Issues Committee, Member (June 2021 – present)
- Regenerative Crisis Response Committee, Hewlett Foundation, Member (September 2020 – November 2021)
- Executive Committee Member of:
 - AALS Section on Securities Regulation
 - AALS Section on Business Associations
 - AALS Section on Financial Institution and Consumer Financial Services
- American Bar Association, Business Law Section, Derivatives Section

DUKE UNIVERSITY

Main University

- Member, Academic Council
- Chair, Advisory Committee on Investment Responsibility (2022 – 2023)
- Member, Advisory Committee on Investment Responsibility, Member (2020 – 2022)

Law School

- Entry Level Hiring Committee (2021 – 2022, 2022 – 2023, 2024 – 2026 *ex officio*)
- Career Services Committee (Spring 2021)
- Alumni and Development Committee (Spring 2021)

INDIANA UNIVERSITY MAURER SCHOOL OF LAW COMMITTEES

- Appointments Committee (2020)
- Admissions Committee (2018 – 2019)
- Policy Committee (2018 – 2019)
- Faculty Affairs Committee (2017 – 2018)
- ABA Site Visit Committee (2016 – 2017)
- Clinical and Lecturer Ranks Committee (2015 – 2016)
- Speakers Committee (2014 – 2015)

COMMUNITY SERVICE

- The Duke School, Member of the Board of Trustees (June 2021 – June 2022)
- Alcohol Code Revision Commission, Indiana State Legislature, Committee Member (August 2017 – December 2017)
- Junior League of Indianapolis, Member (2016 – 2018)
- Girls Inc. of Monroe County, Indiana, Member of the Board of Trustees (2015 – 2016)

PROFESSIONAL LEGAL EXPERIENCE

Gibson, Dunn & Crutcher, Washington, D.C.

Associate Attorney

Summer Associate

2009 – 2012

Summer 2008

BAR ADMISSIONS

New York

District of Columbia (inactive)