

Conversation with Anne Price Fortney
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American College of Consumer Financial Services Lawyers

I grew up in a military family with three brothers. My first memories were of post-war Germany where we moved in 1946 for my father's job as a civil engineer building bases in Germany. We also lived outside Paris, in Poissy, on an island in the Seine, when I was in high school. Wherever we moved (and we moved often as children), our parents felt it was important for us to be part of the community, so we did not live on base, and in France, my brothers and I went to a French lycee.

My parents were somewhat unusual for the time in that they expected all of us not only to go to college but also to go to graduate school. There was a long tradition in our family of higher education. And they made no exception for me because I was the only girl. They also were careful enough with their money that they were able to pay for all of us to go to college and graduate school without having to take out student loans.

I went to Mary Washington College, which at the time was the women's college of the University of Virginia. It was ironic that the university system in Virginia was at the time being integrated by race, but not by gender, as the alumni of UVa had voted against letting women attend the University in Charlottesville. I got a better education at Mary Washington in the 60's than I would have had at a coed college. It was better for me at the time to be in an atmosphere where my focus was on my studies. Mary Washington is now coed, but it has retained its character as a liberal arts college, and I was for a long time active in alumni affairs for the college, including serving on its Board of Visitors. In fact, it was through a Mary Washington connection that I met my husband, Dick.

I went to law school because my father and my professors encouraged me to do so, not because I had "always wanted to be a lawyer" or had role models who were lawyers. In 1966, it seemed the thing to do. I had a background in political science and history, as well as a strong background in French, but I did not want to go into the Foreign Service. And I thought it would have been limiting to go to graduate school to get a Ph.D., because I didn't think that I wanted to teach or do research or translate for a living.

I went to Georgetown Law School. We had 21 women in a class of over 300. That number seems miniscule today, but it was as large as it was only because the deferment from the draft for graduate school students had been eliminated and law schools needed to keep their numbers without sacrificing the quality of the applicant pool, so they had to admit women!

It is amazing how much the law has changed for women! I still talk with some of my classmates about the incredible things that were said or done to us during law school – like being told that

men were dying in Vietnam who should have been in our places or the fact a number of us all got our lowest grades in law school from a single professor, to whom, we realized in 1999, we had given postcards so we could receive our grades by mail, thereby defeating the anonymous grading system! Since we have all gone on to phenomenally successful careers, Dick's idea that we should sue the school would not have garnered us much in the way of damages!

After Georgetown, I started working at Cleary Gottlieb as the first woman associate ever hired in its Washington office. I was there for about 2 ½ years and left to join the Federal Trade Commission. I felt that my opportunities at a big law firm were limited by my gender. As an example, I was told by a partner that I would never be able to go on a business trip with partners of the firm because it wouldn't "look right."

At the Federal Trade Commission, I worked as an Attorney-Advisor to the first woman Commissioner, Mary Gardiner Jones, then went to the Bureau of Consumer Protection. A couple of years later, I heard about a job at J.C. Penney and joined its lobbying group in Washington, although I was not a lobbyist. It was at Penney's that I got my start in credit. At the time, Penney's, like the other big retail chains, was a big credit card issuer. And the Equal Credit Opportunity Act had just been amended to expand the protected classes, so the first thing I worked on was the amendments to Regulation B reflecting the changes to the statute. I spent a lot of time with Anne Geary (now Wallace) and Neil Butler, who were in charge of the Reg. B rewrite at the Fed.

I also worked on a number of other credit matters while at Penney's, among them the creditor exemption from the Fair Debt Collection Practices Act, the first round of Truth in Lending simplification, bankruptcy reform and enforcement matters with the Department of Justice.

In the fall of 1982, I had the opportunity to go back to the FTC as Associate Director for Credit Practices. Given Tim Muris' arrival there, I felt that there was a new direction at the agency and that it was a great opportunity to enforce the laws the way they were written rather than the way that some people had thought they should be enforced, particularly given the limited budget we had. And I had so much fun! Jean Noonan and Lee Peeler were two of my deputies, and we had such a very positive experience!

Rather than just rely on enforcement, we did a lot of outreach with the industry to help them comply with TILA and other laws, which was a novel approach and one that was very effective. For example, we had a paralegal who read the newspaper ads for auto dealers and sent them form letters pointing out their violations of the TILA advertising requirements. When we started our reviews, compliance was at 13%, and after only a few months, it was 89%!

And then I met Dick. We met at a surprise birthday party for the husband of the Director of Alumni Affairs at Mary Washington in December 1984 and hit it off immediately. I had never

been married or even engaged, and although one of my friends told me that it was because I was too picky, I knew it was because I had not just met the right man until then! We were

married in 1986, and in July of that year, we moved to Hawaii because Dick's career as a submariner in the Navy was taking him there. I really wasn't sure what I was going to do in Hawaii, but Larry Okinaga contacted me, saying that he had heard that I was moving to Hawaii and wanted to know if I would consider joining the Carlsmith firm, which I did.

The hardest part of the move was having to take the Hawaii bar exam, which is very hard. They test on 17 subjects, plus the multi-state. The exam lasted 4 days, and Dick has always said that he had never seen anyone study so hard for an exam. After the first day, I was so mad about it all – because, as I told Dick, I had overstudied!

I was so glad that I did take the bar exam --- and passed it, because it gave me the opportunity to stay in Hawaii for more than the two years we had originally planned and because it gave me the opportunity to practice with Larry. We stayed in Hawaii because Dick was made chief of staff to the commandant of the Pacific fleet (which also put him in line to become an admiral). We loved living in Hawaii; it really is a paradise. And we spent a lot of time on the out islands, including 17 trips to Kauai, and were able to travel throughout Asia.

And it was wonderful to work with Larry Okinaga; he was truly my first mentor. I thought that I was a good lawyer when I joined the firm, but Larry taught me how much I needed to know about practicing law.

In September 1989, Dick became an admiral and we moved back to DC. Lynne asked me to talk about going to "Admirals' School," as she called it, because she remembered me telling her about it at the time. All admiral "selectees" and their wives (and at the time, it was only wives) go to school for a week in Washington. While the admiral selectees go to classes to discuss naval and geopolitical issues, the wives went to what was called "knife and fork school." We learned how to eat fish with a fish fork and how to entertain without servants. One of the funniest things was that the Chief of Naval Operations came in to talk to the wives and when he had finished and asked if there were any questions, he was obviously very surprised that some of the wives were actually interested in some of the political and military issues.

At about the same time, I began a group called the Military Spouse Career Network, for spouses who wanted to continue to have careers outside the home. It flourished for quite a while, but the military has changed quite a bit, and the need for that type of support is not so great. Admission of women to the service academies and the fact that many military families are two-career families now have contributed to those changes.

When we moved back to Washington, Carlsmith asked me to open a DC office. After two years, however, Dick was made commander of the ballistic submarine fleet, and we moved to Seattle, Washington. Carlsmith was generous enough to let me work from our home in Seattle. Dick was also the commander of Naval Base Seattle, and we traveled a lot for that job, which was

wonderful. We moved back to Washington, DC in 1994, and I rejoined the Carlsmith DC office. Dick was offered the opportunity to move to Omaha, but he turned it down because it would have been difficult for me. It meant that he was no longer in line to become a 3-star admiral, but it worked out for him in terms of how he ended his career.

In 1997, I moved to Lovells and worked for them remotely, but in 2001, they opened a DC office, and Jean Noonan and Jim Chareq joined me there, where we did a lot of litigation and investigative work for clients. Tom Hudson pestered us for a long time to join Hudson Cook, and although it meant that we weren't going to do any more litigation, we left Lovells in 2003 to join Hudson Cook, where we have been ever since. We still do a lot of government investigations, as well as a lot of other interesting work, including, in my case, expert witness testimony.

Someone once told me that in the history of western jurisprudence, there are really only three important documents: the Magna Carta, the Constitution and the Fair Credit Reporting Act. I wouldn't necessarily put them in that order! I love working with FCRA! What I enjoy most is doing the compliance work, and seeing how new developments and products can fit into that 1970 statute, while still protecting consumers. It is particularly exciting now, because it is such a challenge trying to structure compliance with a law that is more than 40 years old when the amount of data we produce is exploding and management and manipulation of information are evolving so rapidly.

I do a lot of work for the Consumer Data Industry Association, the trade association for the credit reporting agencies, and I enjoy working with Stuart Pratt, the CDIA's president. I like the work for the Association because it involves legislative work, policy issues, and implementation and compliance for clients.

Most of my expert witness work is with FCRA, and I enjoy that tremendously. It has been exciting to work on important FCRA cases like the Safeco cases on insurance offers and the "firm offer of credit" cases, where I was able to focus on the history of prescreening and how the statute needs to be interpreted to meet changing practices.

When Tom Hudson heard that I was to receive the Lifetime Achievement Award, we talked about how my reaction to the news was the same as his had been when he received this award: that our careers aren't over yet! My career certainly isn't over, and I am certainly not ready to retire! Hudson Cook has been very supportive of me in my practice, particularly in light of Dick's illness, and we are very grateful for their understanding and for our excellent caregivers. So I do plan to continue to do the interesting work that I love and still find exciting!

Prepared by Lynne Barr, Chair, Lifetime Achievement Award Committee
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