

HEATHER ELLIOTT

John J. Sparkman Chair of Law
The University of Alabama School of Law
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ACADEMIC APPOINTMENTS

University of Alabama School of Law, Tuscaloosa, Ala.

John J. Sparkman Chair of Law, effective September 2024

Alumni, Class of '36 Professor of Law, 2017-2024

Full Professor, effective August 2014

Associate Professor, 2010 – 2014, tenure effective August 2012

Assistant Professor, 2008 – 2010

Hugo Black Faculty Fellow, 2002 – 2003

Courses taught: Civil Procedure; Water Resources Law; Land Use Law and Planning; Legislation and Regulation; Administrative Law; Legal Profession; Introduction to the Study of Law; Special Topics in Federal Jurisdiction: Standing Seminar; Comparative Apex Courts and Comparative Environmental Law (both at the University of Alabama and the Australian National University)

Research supervision: Ph.D., J.S.D., independent studies, student notes/comments

Honors: Outstanding Commitment to Teaching Award 2020 (University-wide);

President's Faculty Research Award 2018 (University-wide); Outstanding Faculty

Member of the Year 2016, 2022 (elected by the Student Bar Association);

Graduation Hooding Team 2013, 2016, 2017, 2018, 2023 (elected by the students of the graduating class); Dean's Scholar 2010

Columbus School of Law, Catholic University of America, Washington, D.C.

Assistant Professor, 2005 – 2008

Courses taught: Civil Procedure, Administrative Law, Environmental Law, American Public Law (at the Jagiellonian University, Poland)

Honors: Class Marshal 2008 (elected by the students of the Class of 2008)

PUBLICATIONS

Books

ALABAMA WATER LAW & POLICY: A COMPARATIVE TREATISE (University of Alabama Press, forthcoming 2026) (funded by an \$80,000 two-year grant through the Alabama Water Resources Research Institute, a program of the United States Geological Survey and by funds from the Law School, the Alabama Water Institute, the University of Alabama, and the Geological Survey of Alabama)

Journal Publications

An Improved 21st Century Judicial System with Environmental Science Expertise is Needed for Resolving Interstate Water Conflicts, AM. CHEM. SOC'Y ENV'T SCI. & TECH. WATER ARTICLE ASAP (Aug. 7, 2024) (with Nimisha Wasankar & Prabhakar Clement) DOI: 10.1021/acsestwater.4c00289

Original Discrimination: How the Supreme Court Disadvantages Plaintiff States, 108 IOWA L.R. 175 (2022)

- Recommended by James E. Pfander on JOTWELL (Mar. 31, 2023)

A Biden Executive Branch and Its Supporters Will Face Obstacles in the Federal Courts, 16 HARV. L. & POL'Y REV. 2 (2022) (invited contribution)

Associations and Cities as (Forbidden) Pure Private Attorneys General, 61 WM. & MARY L. REV. 1329 (2020)

Gorsuch v. the Administrative State, 70 ALA. L. REV. 703 (2019) (invited contribution to symposium "Life After Scalia")

Standing, Politics, and Exhaustion: A Response to Legislative Exhaustion, 58 WM. & MARY L. REV. ONLINE 65 (2017) (invited contribution)

The Failings of Alabama Water Law, 68 ALA. L. REV. 759 (2017)

Balancing As Well As Separating: Congress's Authority to Recognize New Legal Rights, 68 VAND. L. REV. EN BANC 181 (online) (2015) (invited contribution to symposium on *Spokeo v. Robins*)

Does the Supreme Court Ignore Standing Problems to Reach The Merits? Evidence (or Lack Thereof) from the Roberts Court, 23 WM. & MARY BILL OF RIGHTS J. 189 (2014) (invited contribution to symposium on standing in the Roberts Court)

Further Standing Lessons, 89 IND. LJ. SUPP. 17 (online) (2014) (invited follow-up piece to 87 IND. L.J. 551 (2012))

Federalism Standing, 65 ALA. L. REV. 435 (2013) (symposium contribution)

The Structure of Standing at 25: Introduction to Symposium Issue, 65 ALA. L. REV. 270 (2013) (overview of symposium I organized in honor of the 25th anniversary of Judge William A. Fletcher's 1988 article, *The Structure of Standing*, with keynote speaker Judge Fletcher and papers by me, Tara Leigh Grove, Andrew Hessick, Robert Pushaw, Thomas Rowe, Jonathan Siegel, Maxwell Stearns, and Ernest Young)

Standing Lessons: What We Can Learn When Conservative Plaintiffs Lose Under Article III Standing Doctrine, 87 IND. L.J. 551 (2012)

Alabama's Water Crisis, 63 ALA. L. REV. 383 (2012)

Congress's Inability to Solve Standing Problems, 91 B. U. L. REV. 159 (2011)

Response to William Schweiker, "Global Problems, Global Responsibilities: Accepting And Assigning Liabilities For Environmental Harms," 3 J. L., PHIL. & CULTURE 240 (2009)

Jurisdictional Resequencing and Restraint, 43 NEW ENG. L. REV. 725 (2009) (invited contribution to symposium honoring Justice Ruth Bader Ginsburg)

The Functions of Standing, 61 STAN. L. REV. 459 (2008)

The Difference Women Judges Make: Stare Decisis, Norms of Collegiality, & Feminine Jurisprudence, 16 WIS. WOMEN'S L.J. 41 (2001)

Steel Company v. Citizens for a Better Environment, 26 ECOLOGY L.Q. 709 (1999)

Book Note, 25 ECOLOGY L.Q. 550 (1998) (reviewing J. Baird Caldicott, *Earth's Insights*)

Book Chapters and Encyclopedia Entries

- Civil Procedure: The Institutional Pragmatist*, in *THE JURISPRUDENTIAL LEGACY OF JUSTICE RUTH BADER GINSBURG* (Ann Bartow & Ryan Vacca, eds., NYU Press 2023) (with Elizabeth G. Porter)
- Judicial Review of Agency Statutory Interpretation of Environmental Statutes*, in *ENCYCLOPEDIA OF ENVIRONMENTAL LAW* (LeRoy C. Paddock, et al., eds., Edward Elgar Press 2016)
- Becoming Civil: Civility and LGBT Politics*, in *CIVILITY, LEGALITY, AND THE LIMITS OF JUSTICE* (Austin Sarat ed., Cambridge U. Press 2014) (with Gerald Lunn)
- Animus-Based Dissent v. Animus-Based Standing*, in *DISSENTING VOICES* (Austin Sarat ed., Cambridge U. Press 2012)
- Judicial Review of Midnight Regulation*, in *TRANSITIONS* (Austin Sarat ed., U. Ala. Press 2012)
- Silencing Through Exclusion: Response to Danielle Allen, "Anonymous: On Silence and the Public Sphere,"* in *SPEECH AND SILENCE IN AMERICAN LAW* (Austin Sarat ed., Cambridge U. Press 2010)
- Water as Development Resource: Lessons from the Southeastern United States and the U.S.-Mexico Border*, in *2 COMPARATIVE PERSPECTIVES ON THE LAW: PORTUGAL & THE UNITED STATES* (Dário Moura Vicente ed., Almedina 2010)
- The Technological Transformation of the Administrative State: The Case of E-Rulemaking*, in *2 COMPARATIVE PERSPECTIVES ON THE LAW: PORTUGAL & THE UNITED STATES* (Dário Moura Vicente ed., Almedina 2010)
- Public Regulation in the United States*, in *2 COMPARATIVE PERSPECTIVES ON THE LAW: PORTUGAL & THE UNITED STATES* (Dário Moura Vicente ed., Almedina 2010)

Other Publications

- What We Can All Learn from Ruth Bader Ginsburg*, *CALIF. L. REV. ONLINE* (Jan. 2021) (invited contribution)
- Parole hearings should be resumed for public health*, *AL.com* (April 13, 2020)
- Justice Gorsuch's Would-Be War on Chevron*, *21 GREEN BAG 2D 315* (2018) (invited contribution)
- Alabama's Water Policy Morass*, *CAPSTONE LAWYER* [University of Alabama] (2016)
- Alabama's resistance to marriage equality will be short lived*, *USAPP Blog of the London School of Economics and Political Science* (2015)
- We Face a Water Emergency*, *CAPSTONE LAWYER* [University of Alabama] (2012)
- WATER LAW 101* (*ABA* May 20, 2010) (with Christine Klein)
- The Misfit Between Standing Doctrine and Its Purposes*, *34(3) ADMIN. L. & REG. NEWS* 13 (2009)
- The Justice Who Doesn't Fit In*, *LEGAL TIMES* (May 28, 2007) (reviewing Kevin Merida & Michael Fletcher, *SUPREME DISCOMFORT: THE DIVIDED SOUL OF CLARENCE THOMAS*)

WORK IN PROGRESS

Federalism and “Any Person” Standing (draft near completion)

“Any Person” Standing in the States (with Gregory W. Martin) (draft near completion)

VEXATIOUS STATES: HOW THE SUPREME COURT’S ORIGINAL JURISDICTION DOCTRINE HARMS STATE PLAINTIFFS (book proposal, partial draft)

IN THE GUISE OF JUDICIAL RESTRAINT: HOW ARTICLE III STANDING DOCTRINE UNDERMINES THE CONSTITUTIONAL SEPARATION OF POWERS (partial manuscript)

Too Fast for Patents: The Intellectual Property of Formula One (with Robert R. Elliott, Jr. and Julie Potts) (draft near completion)

Do Upzoned Conservation Easements Cheat the Taxman? (with Zachery L. Gillespie and Mason Kruse) (draft near completion)

Client or Quill Pen: Ethical Dilemmas in Supreme Court Litigation (partial draft)

RESEARCH AND TEACHING INTERESTS

Research Areas: I have two primary areas of research. First, I have written extensively on the constitutional limits of federal jurisdiction and am interested more broadly on the proper limits on the jurisdiction of courts and agencies in a democratic society. Second, I study water resources law at the state and national level. My recent work on the U.S. Supreme Court’s original and exclusive jurisdiction over state-versus-state disputes brings the two areas together.

Primary Teaching Interests: Civil Procedure, Water Law, Land Use Law & Planning, Legislation & Regulation

Other Required Courses: Property, Constitutional Law, Introduction to Study of Law

Upper-Division Courses: Advanced Civil Procedure, Administrative Law, Environmental Law, Legislation, Legal Profession, Statutory Interpretation, Federal Jurisdiction, Judicial Opinion Drafting, Supreme Court Seminar

OTHER LEGAL EXPERIENCE

Wilmer Cutler Pickering Hale and Dorr LLP, Washington

Appellate Litigation Associate, August 2003 – July 2005

Associate Justice Ruth Bader Ginsburg, Supreme Court of the United States

Law Clerk, October Term 2001

Judge Merrick B. Garland, United States Court of Appeals for the D.C. Circuit

Law Clerk, August 2000 – July 2001

EDUCATION

University of California, Berkeley, School of Law

J.D., 2000, with Environmental Law Certificate; Order of the Coif; *Ecology Law Quarterly*, articles editor (1998 – 2000), executive editor (1998); Berkeley Law Foundation Summer Grant, 1998; Boalt Hall Fellowship, 1997-98

Yale University, New Haven, Conn.

Ph.D., Political Science (in progress); M.A., M. Phil., Political Science, 1994; Falk Fellowship, 1992-95; University Fellowship, 1991-95; Harry S. Truman Memorial Scholarship, 1991-92

Duke University, Durham, N.C.

B.A., *magna cum laude*, Political Science, Philosophy, 1990; Phi Beta Kappa; Senior Leadership Award; Harry S. Truman Memorial Scholarship, 1988-90; Thomas J. Watson Memorial Scholarship, 1986-90

PAPER PRESENTATIONS

“Civil Procedure: The Institutional Pragmatist,” The Jurisprudential Legacy of Justice Ruth Bader Ginsburg, University of New Hampshire School of Law (Concord, N.H., September 22, 2023)

“Justice Douglas’s Approach to Standing,” William O. Douglas Centennial Conference, Whitman College (on Zoom, September 24, 2021)

“The Supreme Court’s Original Jurisdiction Doctrine Discriminates Against Downstream States,” Annual Meeting, ABA Section on Environment, Energy, and Resources (Denver, Colo., March 26, 2019)

“Associations and Cities as (Forbidden) Pure Private Attorneys General,” Faculty Colloquium, University of Alabama School of Law (Tuscaloosa, Ala., February 4, 2019)

“The Limits of Associational Standing,” Faculty Colloquium, Program in Regulation and Coordination, Tulane University (New Orleans, La., April 10, 2018)

“Gorsuch v. the Administrative State,” *Life After Scalia* Conference, University of Alabama School of Law (Tuscaloosa, Ala., March 23, 2018)

“The Failings of Alabama Water Law,” Environmental Capstone Colloquium, University of Florida School of Law (Gainesville, Fla., March 16, 2017)

“Transitions from Common-Law to Statutory Water Resources Regimes: Lessons from Georgia and South Carolina,” Annual Meeting, Alabama Water Resources Association (Orange Beach, Ala., September 12, 2015) (with Samantha Pline)

“The Failings of Alabama Water Law,” Annual Meeting, Law & Society Association (Seattle, Wash., May 29, 2015) (organizer and panelist)

“Standing on the Roberts Court,” Annual Meeting, Association of American Law Schools (New York, N.Y., January 3, 2014)

“Becoming Civil: Civility and LGBT Politics,” Civility, Legality, and the Limits of Justice Symposium, University of Alabama School of Law (Tuscaloosa, Ala., September 27, 2013)

“How the Supreme Court Dodged Marriage Equality Questions While Making Standing Doctrine Worse,” Faculty Colloquium, Program in Law and Public Affairs, Princeton University (Princeton, N.J., September 23, 2013)

“Conservatives as Public Interest Plaintiffs: Standing Issues,” Annual Meeting, Law & Society Association (Boston, Mass., May 30, 2013)

“Is Standing Necessary for a Constitutional Case?,” Faculty Colloquium, Michigan State University College of Law (East Lansing, Mich., March 25, 2013)

“Is Standing Necessary for a Constitutional Case?,” Faculty Colloquium, Golden Gate University School of Law (San Francisco, Cal., March 18, 2013)

“Federalism Standing,” *The Structure of Standing* at 25 Symposium, University of Alabama School of Law (Tuscaloosa, Ala., February 22, 2013)

“The Southeast’s Water Crisis” (expanding *Alabama’s Water Crisis*), Faculty Colloquium, Department of Politics, Pomona College (Claremont, Cal., November 8, 2012)

“Alabama’s Water Crisis,” Annual Meeting, Alabama Water Resources Association (Orange Beach, Ala., September 5, 2012)

“Alabama’s Water Crisis,” Faculty Colloquium, University of Alabama Department of Geography (Tuscaloosa, Ala., August 26, 2012)

“Zoning for Dollars,” Annual Meeting, Law & Society Association (San Francisco, Cal., June 2, 2011)

“Animus-Based Dissent v. Animus-Based Standing,” Dissenting Voices Symposium, University of Alabama School of Law (Tuscaloosa, Ala., April 8, 2011)

“Standing Lessons: What We Can Learn When Conservative Plaintiffs Lose Under Article III Standing Doctrine,” Faculty Colloquium, Drexel University School of Law (Philadelphia, Pa., March 25, 2011)

“Congress’s Inability to Solve Standing Problems,” Southeastern Junior Faculty Working Papers Conference, University of Florida Levin College of Law (Gainesville, Fla., December 4, 2010)

“Standing’s Asymmetries,” Faculty Colloquium, University of Alabama School of Law (Tuscaloosa, Ala., October 26, 2010)

“Judicial Review of Midnight Regulation,” Transitions Symposium, University of Alabama Law School (Tuscaloosa, Ala., January 29, 2010)

“Silencing Through Exclusion: Response to Danielle Allen, ‘Anonymous: On Silence and the Public Sphere,’” Speech and Silence Symposium, University of Alabama Law School (Tuscaloosa, Ala., February 27, 2009)

“Jurisdictional Resequencing and Restraint,” Symposium in Honor of Justice Ruth Bader Ginsburg, New England Law School (Boston, Mass., March 12, 2009)

“Response to William Schweiker, ‘Global Problems, Global Responsibilities: Accepting And Assigning Liabilities For Environmental Harms,’” Conference: “With Respect To – And For – What Is Given Us: A Common Morality For The Global Age,” The Catholic University of America (Washington, D.C., March 29, 2008)

“Water as Development Resource: Lessons from the Southeastern United States and the U.S.-Mexico Border,” Seventh Annual Conference on Portuguese and American Law, Universidad de Lisboa (Lisbon, Portugal, March 11, 2008)

“Congress’s Power to Solve Standing Problems,” Junior Administrative Law Scholars Conference, University of California, Berkeley School of Law (Berkeley, Cal., August 13-14, 2007)

“The Technological Transformation of the Administrative State,” Sixth Annual Conference on Portuguese and American Law, Columbus School of Law, The Catholic University of America (Washington, D.C., April 13, 2007)

“The Functions of Standing,” Southeast Association of Law Schools Annual Meeting (Palm Beach, Fla., July 16, 2006)

“Public Regulation in the United States,” Fifth Annual Conference on Portuguese and American Law, Universidad de Lisboa (Lisbon, Portugal, May 11, 2006)

OTHER PRESENTATIONS

“Markets as Regulatory Alternatives: Challenges in Creating Markets for the Priceless and the Unpriced,” Symposium on Environmental Regulatory Alternatives in a Diminished Administrative State, Land Use & Natural Resources Center, Samford University Cumberland School of Law (Birmingham, AL, January 31, 2025)

“Alabama Civil Procedure,” Alabama Probate Judges Association Orientation and Winter Conference (Tuscaloosa, AL, January 28, 2025)

“Academic Freedom and Divisive Concepts Laws,” Justice William O. Douglas Colloquium, Whitman College (Walla Walla, WA, October 3, 2024) (to non-legal academics)

“Managing Service as a Junior Faculty Member,” Junior Faculty Development Workshop, Society of American Law Teachers-LatCrit-ClassCrits (Boston University School of Law, September 19, 2024)

“Whither *Chevron*?,” Southeast Environmental Law Conference (Sandestin Resort, Destin, Fla., June 21, 2024) (to attorneys)

“Why Swapanthi Mandalika is a Worthy Recipient of the Justice Ruth Bader Ginsburg Outstanding Law Student Award,” Annual Gala, Women’s White Collar Defense Association (Washington, D.C., November 28, 2023) (to attorneys)

“Recent Developments in Administrative Law for the Telecommunications Industry,” Federal Communications Bar Association (on Zoom, February 8, 2023) (to attorneys)

“*Mississippi v. Tennessee*: The Supreme Court Addresses Groundwater,” Groundwater Security Workshop, University of Alabama (Tuscaloosa, Ala., October 26, 2022) (to non-legal academics)

“Two Steps Forward, One Step Back: RBG’s Legacy,” Annual Meeting, Association of Corporate Counsel (on Zoom, October 20, 2021) (to attorneys)

“Lessons from RBG,” NOVA Southeastern Shepard Broad College of Law (on Zoom, March 16, 2021)

- “The Legacy of Justice Ruth Bader Ginsburg,” Florida Justice Association, (on Zoom, February 23, 2021) (with Paul Berman and Zach Tripp) (to attorneys)
- “The 2021 Cover Workshop: The Notorious RBG – Looking Back with Her Clerks,” Society of American Law Teachers (on Zoom, January 15, 2021) (with the Honorable Goodwin Liu of the California Supreme Court and Rachel Bayefsky)
- “The Life of Ruth Bader Ginsburg,” Blue River Democrats (on Zoom, Oct. 19, 2020)
- “The Life of Ruth Bader Ginsburg,” YMBC Civic Forum (on Zoom, October 5, 2020) (to attorneys)
- “The Life of Ruth Bader Ginsburg,” University of Georgia School of Law Women's Association (on Zoom, October 1, 2020) (to students and faculty)
- “The Life of Ruth Bader Ginsburg,” The Altamont School (on Zoom, September 24, 2020) (to students)
- “Tweeting & Gramming for the Legal Academic,” Annual Meeting, Association of American Law Schools (Washington, D.C., January 2, 2020) (organizer and moderator)
- “Unilateral Presidential Lawmaking: The Trump Administration and Environmental Law,” Reclaiming Constitutional Norms Symposium, University of Texas School of Law (Austin, Tex., February 7, 2019)
- “Relicensing the Coosa Dams: What Has Happened Since the D.C. Circuit Reversed FERC,” Water Resources Law Symposium, CLE Alabama (Tuscaloosa, Ala., February 1, 2019) (to attorneys)
- “Lessons from the Florida-Georgia Water Dispute,” Annual Meeting, ABA Section on Environment, Energy, and Resources (Oxford, Miss., March 8, 2018) (to attorneys)
- “Water Law 101,” Program on Water Resources Law, CLE Alabama (Tuscaloosa, Ala., August 25, 2017) (to attorneys)
- “Coastal Water Management and Drought Issues in Alabama,” National Water Summit, National Water Center (Tuscaloosa, Ala., April 6, 2017)
- “Litigating Water Issues in the Supreme Court: The Florida-Georgia Dispute,” SEC Academic Conference (Starkville, Miss., March 28, 2017)
- “Administrative Law Issues in the Trump Administration,” American Constitution Society, University of Alabama Chapter (Tuscaloosa, Ala., March 6, 2017) (to students)
- “Standing Doctrine After *Spokeo v. Robins*,” Annual Meeting, ABA Administrative Law Section (Washington, D.C., December 8, 2016) (to attorneys)
- “Alabama Water Law & Policy,” YMCA Men’s Group (Tuscaloosa, Ala., November 9, 2016) (to members of the public)
- “Surface Water Law in Alabama,” Program on Water Resources Law, CLE Alabama (Tuscaloosa, Ala., August 19, 2016) (to attorneys)
- “Water Law 101,” Program on Water Resources Law, CLE Alabama (Birmingham, Ala., April 24, 2015) (to attorneys)
- “Alabama’s Water Crisis,” Panel on Water and Energy Issues, League of Women Voters of Alabama (Tuscaloosa, Ala., April 27, 2013) (to members of the public)

- “Is It Possible to Have Law Without God?,” Tuscaloosa Secular Humanists’ Association (Tuscaloosa, Ala., April 10, 2013) (to members of the public)
- “The Functions of Standing,” Environment and Natural Resources Department, United States Department of Justice (Washington, D.C., December 10, 2012) (to attorneys)
- “The Current Term of the Supreme Court,” Department of History and Political Science, University of La Verne (La Verne, Cal., November 9, 2012) (to students)
- “Sustainable Business and the Law,” CLE Alabama (Birmingham, Ala., September 16, 2011) (to attorneys)
- “Clerking at the Supreme Court,” Department of Political Science, University of Pennsylvania (Philadelphia, Pa., March 23, 2011) (to students)
- “Alabama’s Water Battle,” Order of the Coif Breakfast, Alabama Bar Association Annual Meeting (Destin, Fla., July 16, 2010) (to attorneys)
- “Water Shortages in the East: A Legal Background,” Georgia Tech Bar Association, (Atlanta, Ga., May 25, 2010) (to attorneys)
- “Water Law 101” ABA Eastern Water Resources Conference (Orlando, Fla., May 20, 2010) (with Christine Klein) (to attorneys)
- “The Supreme Court Under New Chief Justice Roberts: Trends and Concerns,” Ministry of Culture, Government of Andorra (Andorra La Vella, March 3, 2008) (to the Justices of the Andorran Constitutional Court, the Justices of the Andorran Supreme Court, and other government officials)
- “Collisions in Standing Doctrine,” D.C. Bar Association (Washington, D.C., November 28, 2007) (to attorneys)
- “The Supreme Court Under New Chief Justice Roberts: Trends and Concerns,” Alumni Weekend, Columbus School of Law, The Catholic University of America (Washington, D.C., September 28, 2007)
- “Lessons for New Law Teachers,” Women’s Breakfast, New Law Teachers Workshop, Association of American Law Schools (Washington, D.C., May 25, 2007)
- “The Current Law of Standing,” D.C. Bar Association (Washington, D.C., November 7, 2006) (to attorneys)
- “The Upcoming Supreme Court Term,” Alumni Weekend, Columbus School of Law, The Catholic University of America (Washington, D.C., September 23, 2006)
- Roundtable Discussion of WARD & WEIDEN, SORCERERS’ APPRENTICES: ARE SUPREME COURT LAW CLERKS TOO POWERFUL?, Annual Meeting, Law & Society Association (Baltimore, Md., July 6, 2006)
- Discussant, Panel on Global Warming with Senator Lisa Murkowski, Columbus School of Law, The Catholic University of America (Washington, D.C., February 13, 2006)
- “The Upcoming Supreme Court Term,” Alumni Weekend, Columbus School of Law, The Catholic University of America (Washington, D.C., September 24, 2005)

MEDIA APPEARANCES

Quoted in web story, U.S. Law Week (Bloomberg Law), “Abortion Pill Case Highlights Supreme Court Flip on Who Can Sue,” February 12, 2024

Quoted in web story, The [University of Alabama] Crimson White, “Using the law to protect our water: Black Warrior Riverkeeper’s legal team,” August 30, 2023

Quoted in web story, Chamblee High School Blue & Gold, “Clerking for RBG: Alum Heather Elliott on Her Extensive Law Career,” October 21, 2020

Quoted in web story, Greenwire, “Off Topic: Former Ginsburg clerk on gender equality, chocolate cake,” October 2, 2020

Interviewed during on-air broadcast, WVUA23 (commercial television, Tuscaloosa, Ala.), “Alabama Law Professor Remembers Clerking for Ginsburg,” September 24, 2020

Interviewed during on-air broadcast, ABC 33/40 (commercial television, Birmingham, Ala.), “University of Alabama professor remembers time as clerk for Justice Ruth Bader Ginsburg,” September 21, 2020

Interviewed during on-air broadcast, WVTM13 (commercial television, Birmingham, Ala.), “Alabama reacts to death of Supreme Court Justice Ruth Bader Ginsburg,” September 19, 2020

Quoted in web story, TheAppeal.org, “It’s Absolute Hell.’ Coronavirus Derails Parole Hearings Across U.S. as Health Risks to Prisoners Grow,” April 7, 2020

Quoted in web story, WVUA (public radio, Birmingham, Ala.), “Lawyers: Set Parole Hearings, Prevent Virus Spread in Alabama’s Crowded Prisons,” March 31, 2020

Quoted in newspaper story, Montgomery [Ala.] Advertiser, “Coronavirus: Gov. Kay Ivey urged to expedite Alabama paroles of older inmates amid outbreak,” March 31, 2020

Quoted in web story, Alabama Political Reporter, “Alabama legal experts urge state to release vulnerable inmates amid COVID-19 outbreak,” March 30, 2020

Interviewed for documentary film, *Water: Plan on It*, directed by Amelia Tyson, produced by Southern Exposure, 2018

Panelist for recurring law program, WVUA23 (commercial TV, Tuscaloosa, Ala.), “Recent Supreme Court Cases,” August 20, 2015

Interviewed during on-air broadcast, WBHM (Birmingham, Ala., public radio), “The Problem with Alabama’s Water Management,” March 18, 2014

Interviewed for documentary film, *Dammed: The Story of Alabama’s Rivers*, directed by Katherine Gorringer, produced by Southern Exposure, 2013

Interviewed for documentary film, *Tattoos in Tuscaloosa*, directed by Ellie Campbell, produced by the University of Alabama, 2013

LAW SCHOOL AND COMMUNITY SERVICE

National

Universities Council on Water Resources: Voting Delegate (by nomination), June 2014 – present

Center for Progressive Reform: Member Scholar (by nomination), May 2014 – present

Legal Academia

Society of American Law Teachers: Board of Directors, November 2019 – present; Web Editor, November 2019 – August 2023; Member, 2014 – present

Association of American Law Schools: Representative of the University of Alabama School of Law, House of Representatives, September 2009 – present; Member, Committee on Arc of Career Programs, January 2018 – January 2022; Alternate Representative of the University of Alabama School of Law, House of Representatives, November 2008 – September 2009; Representative of the Catholic University Columbus School of Law, House of Representatives, January 2006 – May 2008

Southeast Regional Junior-Senior Scholars Workshop: Senior Faculty Participant

University of North Carolina School of Law, 2016 (commenter)

University of Alabama School of Law, 2015 (organizer and commenter)

University of Florida Levin College of Law, 2014 (commenter)

Emory University School of Law, 2013 (commenter)

Seventh Annual Junior Faculty Federal Courts Workshop: Senior Commenter, University of Georgia School of Law, Athens, Ga., October 9-11, 2014

State of Alabama

Black Warrior Riverkeeper: Chair of Legal Committee of Board of Directors, December 2021 – December 2023; Board Member, December 2017 – December 2023; Advisory Council Member, August 2012 – December 2017, January 2024 – present

Alabama Water Agencies' Working Group: Member, Focus Area Panel on Riparian Rights and Other Legal Issues (appointed by Governor Robert Bentley), August 2015 – February 2017

State of Alabama Attorney General's Office: Consultant on Water Resources Issues, April 2010 – October 2013

University of Alabama

Faculty Grievance Tribunal, Chair, December 2024 – present (ad hoc tribunal hearing challenge to severe discipline imposed on faculty member)

Faculty Senate: Faculty Senate Steering Committee, April 2020 – April 2024; Faculty Life Committee, Chair, April 2020 – April 2024; Senator, April 2020 – April 2024; Alternate, April 2013 – May 2017

Dean Search Committee for the School of Law: November 2022 – April 2023 (elected by colleagues)

Mediation Committee: Chair, January 2023 – August 2023; Member May 2020 – August 2023 (elected by Faculty Senate)

Recreation Committee: Faculty Senate Representative, April 2020 – August 2023

Campus Master Plan Committee: Member, August 2019 – August 2023, August 2011 – August 2014; Chair (by designation of the Provost), February 2014 – August 2014

Alabama Water Institute: Member, Executive Director Search Committee, May 2019 – March 2020

National Water Summit: Member, Planning Committee, August 2015 – April 2017

International Education Committee: Member, August 2015 – July 2018

University of Alabama School of Law

Faculty Governance

Curriculum Committee: Chair, August 2024 – present; Member, August 2012 – August 2014

Faculty Development Committee (Promotion and Tenure): Member, August 2023 – present, August 2017 – April 2022, August 2014 – May 2016

Clerkship Committee: Member, August 2023 – May 2024; Chair, August 2018 – August 2023; Member, August 2014 – May 2016

Building Committee: August 2023 – present

Faculty Appointments Committee: Chair, April 2022 – April 2023, May 2016 – May 2017; Member, July 2021 – March 2022, June 2019 – March 2020, June 2010 – May 2017

50/150 Committee: Chair, July 2021 – April 2022; Member, May 2022 – March 2023 (committee providing faculty oversight of planning for the 150th anniversary of the Law School's founding and the 50th anniversary of the graduation of the first Black students admitted to the Law School)

Student Academic Support Committee: Member, July 2020 – August 2023

Ad Hoc Committee on Teaching During the Covid-19 Pandemic: Member, April 2020 – August 2021

Tweedy Chair Search Committee: Member, January 2019 – March 2020, August 2017 – April 2018

Jones Chair Search Committee: Member, June 2014 – May 2017

Ad Hoc Committee on Reform of the 1L Curriculum: Member August 2015 – May 2016

Dean Search Committee: Member, August 2013 – March 2014 (elected by colleagues)

Facilities Committee: Member, August 2008 – August 2012

Harper Lee Prize Selection Committee: Member, March – August 2010

Chair Search Committee: Member, August 2008 – May 2010

Student Organizations

Environmental Law Moot Court Team: Coach, April 2022 – present; Co-Coach, October 2010 – March 2022

Well Balanced (law-student wellness organization): Faculty Advisor, May 2017 – May 2020

OUTLaw (LGBTQIA+ student organization): Faculty Advisor, May 2014 – May 2020

Student Honor Court: Faculty Judge, August 2013 – August 2014

Other

Student-Faculty Exchange with the Australian National University: Director (August 2021 – August 2023)

Office of Career Services Employment Search Committee: Member, Fall 2018

Catholic University, Columbus School of Law

Faculty Governance

Initiative on Portuguese-American Legal Dialogue: Deputy Director, March 2006 – May 2008

Admissions Committee: Member, August 2005 – May 2008

Student Organizations

Sutherland Cup Moot Court Competition: Faculty Advisor, August 2006 – May 2008

Environmental Law Students Association: Faculty Advisor, August 2006 – May 2008

Environmental Moot Court Team: Faculty Advisor, August 2006 – May 2008

Animal Law Moot Court Team: Faculty Advisor, 2007, 2008

American Constitutional Society Moot Court Team: Faculty Advisor, 2006, 2007

Washington, D.C.

D.C. Bar Association Section on Administrative Law and Agency Practice: Elected Member, Steering Committee, July 2007 – July 2008

Georgetown Supreme Court Institute: Moot Court Justice, October 2005 – May 2008

Amici Briefs

Amica Curiae, Brief of Amici Curiae Water Law Professors in Support of the consent Decree Proposed by the States of Colorado, New Mexico, and Texas, U.S. No. 141 (Orig.) (Dec. 11, 2023)

Amica Curiae, Brief of Amici Curiae Civil Rights Organizations and Law Professors in Support of Plaintiffs-Appellants, *McCullough v. City of Montgomery*, *Carter v. City of Montgomery*, Nos. 21-12468, 21-12469 (11th Cir., Sept. 16, 2022)

- Amica Curiae, Brief of Federal Courts Scholars as Amici Curiae in Support of Appellants and Reversal, *Graff v. Aberdeen Enterprizes, Inc.*, No. 21-5031 (10th Cir., August 13, 2021)
- Amica Curiae, Brief of Amici Curiae the Southern Poverty Law Center, Civil Rights Corps, Public Good Law Center and Law Professors in Support of Plaintiff-Petitioner's Petition for Permission to Appeal Pursuant to Federal Rule of Civil Procedure 23(f), *Carter v. City of Montgomery*, No. 21-90015 (11th Cir., July 13, 2021)
- Amica Curia, Brief of Amici Curiae Heather Elliott and William G. Ross Supporting the Petition for and Issuance of Writ of Mandamus, *In re L.E. Bell*, No. 21-10719 (11th Cir., March 12, 2021; amended to reflect new caselaw, April 13, 2021)
- Amica Curiae, Brief of Legal Scholars as Amici Curiae Supporting Respondent, *TransUnion LLC v. Ramirez*, U.S. No. 20-297 (March 10, 2021)
- Amica Curiae, Brief of Amici Curiae Law Professors in Support of Petitioner, *Alabama v. Johnson*, No. 01-CC-1996-000386.61 (Cir. Crim. Ct., Jefferson Cty, Ala., March 9, 2021)
- Amica Curiae, Brief of Amici Curiae Scholars of Standing, Federal Jurisdiction, and Constitutional Law in Support of Plaintiffs-Appellees, *Blumenthal v. Trump*, No. 19-5237 (D.C. Cir., October 29, 2019)
- Amica Curia, Brief of Amici Curiae Law Professors in Support of Petitioner, *Graviss v. Department of Defense*, U.S. No. 18-1061 (March 4, 2019)
- Amica Curiae, Brief of Amici Curiae Alabama Association for Justice and Law Professors, *Ex parte Advanced Disposal Services South, LLC, et al.*, No. 1170320 (Ala. S. Ct., November 13, 2018)
- Amica Curiae, Brief by Law Professors and Nonprofit Organizations in Support of Appellants, *Youth for Environmental Justice et al. v. California Independent Petroleum Association*, No. B282822 (Cal. Ct. App. 2d Dist., September 12, 2018)
- Amica Curiae, Brief of Federal Jurisdiction and Constitutional Law Scholars as Amici Curiae in Support of Plaintiffs, *Blumenthal v. Trump*, No. 17-1154 (D.D.C., November 2, 2017)
- Amica Curiae, Brief for Law Professors as Amici Curiae in Support of Appellants and Reversal, *Stinnie v. Holcomb*, No. 17-1740 (4th Circuit, August 16, 2017)
- Amica Curiae, Brief of Amici Law Professors in Support of Appellants, *Mineral County v. Walker River Irr. Dist.*, Nos. 15-16342, 15-16488 (9th Cir. April 20, 2016)
- Amica Curiae, Brief for Public Law Professors as Amici Curiae in Support of Respondent, *Spokeo v. Robins*, U.S. No. 13-1339 (September 3, 2015)
- Amica Curiae, Brief of Law Professors as Amici Curiae in Support of Respondents on Deference to Permit Terms, *Los Angeles Flood Control District v. NRDC*, U.S. No. 11-460 (November 5, 2012)
- Amica Curiae, Brief of Environmental Professors of Law as Amici Curiae Supporting Respondents, *AEP v. Connecticut*, U.S. No. 10-174 (March 18, 2011)
- Amica Curiae, Brief for Professors of Law as Amici Curiae Supporting Petitioners,

Summers v. Earth Island Institute, U.S. No. 07-463 (June 27, 2008)

Amica Curiae, Brief for Amici Curiae Professors of Law Ernest A. Young and Heather Elliott in Support of Respondent, *Marshall v. Marshall*, U.S. No. 05-1544 (January 20, 2006)

Co-Author, Brief for Professors of Law Richard Briffault, William N. Eskridge, Jr., Philip P. Frickey, Elizabeth Garrett, Jerry L. Mashaw, Edward Rubin, David L. Shapiro, Peter L. Strauss, and Ernest A. Young as Amici Curiae Supporting Respondents, *Gonzales v. Oregon*, U.S. No. 04-623 (July 18, 2005)

Non-Law Related

Tuscaloosa County Democratic Party, Tuscaloosa, Ala.: Volunteer, May-November 2020; May-November 2018; May-November 2016; May-November 2014

Habitat for Humanity, Tuscaloosa, Ala.: Volunteer, various dates 2016-17

Chamblee Charter High School, Chamblee, Ga.: Volunteer, November 2010 – March 2013

THE CHRONICLE Experience Fund, Duke University, Durham, N.C.: Volunteer, January 2013 – December 2013

Tuscaloosa School Board Election, Tuscaloosa, Ala.: Poll Watcher for candidate Kelly Hortwitz, August 2013

Gay & Lesbian Victory Fund: Campaign Board Member, June 2010 – May 2012

Summer Food and Fun, Tuscaloosa, Ala.: Volunteer, June – July 2010

Post-Tornado Legal Assistance Clinic, University of Alabama School of Law: Volunteer, May 2010

Jack Kent Cooke Foundation, Leesburg, Va.: Member, Graduate Scholarship Program Review Panel, January 2008 – June 2009

2008 Election (State and Federal), Tuscaloosa, Ala.: Poll Watcher, November 4, 2008

RELATED PROFESSIONAL ACTIVITIES

Bar Memberships: California (resigned), District of Columbia (active)

Professional Associations: American Bar Association, American Political Science Association, Law and Society Association