

## HEATHER ELLIOTT

Associate Professor

The University of Alabama School of Law

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### ACADEMIC APPOINTMENTS

#### University of Alabama School of Law

*Associate Professor*, August 2010-present; *Assistant Professor*, June 2008-August 2010; *Hugo Black Faculty Fellow*, August 2002-July 2003; courses taught: Civil Procedure, Water Law, Land Use Planning, Special Topics in Federal Jurisdiction

#### Columbus School of Law, The Catholic University of America

*Assistant Professor*, August 2005-June 2008; courses taught: Civil Procedure, Administrative Law, Environmental Law

### OTHER EXPERIENCE

#### Wilmer Cutler Pickering Hale and Dorr LLP, Washington

*Appellate litigation associate*, August 2003-July 2005

#### The Honorable Ruth Bader Ginsburg, Supreme Court of the United States

*Law clerk*, October Term 2001

#### The Honorable Merrick B. Garland, United States Court of Appeals for the D.C. Circuit

*Law clerk*, August 2000-July 2001

### PUBLICATIONS

#### Law Review Articles

*Congress's Power to Solve Standing Problems*, 91 B. U. L. REV. \_\_ (forthcoming 2011)

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

#### Essays

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

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

#### Book Chapters

*Judicial Review of Midnight Regulation*, TRANSITIONS (Austin Sarat, ed., Cambridge U. Press, forthcoming)

*Silencing Through Exclusion: Response to Danielle Allen, "Anonymous: On Silence and the Public Sphere,"* 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 3 COMPARATIVE PERSPECTIVES ON THE LAW: PORTUGAL & THE UNITED STATES ((Dário Moura Vicente ed., 2009)

*The Technological Transformation of the Administrative State: The Case of E-Rulemaking*, in 3 COMPARATIVE PERSPECTIVES ON THE LAW: PORTUGAL & THE UNITED STATES (Dário Moura Vicente ed., 2009)

*Public Regulation in the United States*, in 3 COMPARATIVE PERSPECTIVES ON THE LAW: PORTUGAL & THE UNITED STATES (Dário Moura Vicente ed., 2009)

#### **Other Publications**

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

*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 (review of *Supreme Discomfort: The Divided Soul of Clarence Thomas*)

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

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

#### **MANUSCRIPTS IN PROGRESS**

*Standing's Asymmetries*

*Collisions in Standing Doctrine*

*The Coming Flood of Original Jurisdiction Cases in the Supreme Court*

#### **PAPER PRESENTATIONS**

"Jurisdictional Resequencing and Restraint," Symposium in Honor of Justice Ruth Bader Ginsburg, New England Law School, March 12, 2009

"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 School of Law (Boalt Hall), Berkeley, CA, 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, April 13, 2007

"The Functions of Standing," Southeast Association of Law Schools Annual Meeting, Palm Beach, FL, 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**

- “Alabama’s Water Battle,” presented to the Order of the Coif Breakfast, Alabama Bar Association Annual Meeting, Destin, FL, July 16, 2010
- “Water Shortages in the East: A Legal Background,” presented to the Georgia Tech Bar Association, Atlanta, GA, May 25, 2010
- “Water Law 101” with Christine Klein, Chesterfield Smith Professor of Law at the University of Florida Levin College of Law, presented at the ABA Eastern Water Resources Conference, Orlando, FL, May 20, 2010
- Comment on “Midnight Deregulation” by Jack Beermann, Symposium on Transitions at the University of Alabama Law School, January 29, 2010
- Comment on “Anonymous: On Silence and the Public Sphere,” by Danielle Allen, Symposium on Speech and Silence at the University of Alabama Law School, February 27, 2009
- Comment on William Schweiker, “Global Problems, Global Responsibilities: Accepting And Assigning Liabilities For Environmental Harms,” at conference *With Respect To – And For – What Is Given Us: A Common Morality For The Global Age*, The Catholic University of America, March 29, 2008
- “The Supreme Court Under New Chief Justice Roberts: Trends and Concerns,” presentation sponsored by the Minister of Culture of the Government of Andorra, Andorra La Vella, March 3, 2008
- “Collisions in Standing Doctrine,” D.C. Bar Association, November 28, 2007
- “The Supreme Court Under New Chief Justice Roberts: Trends and Concerns,” presentation to Columbus School of Law Alumni Weekend, September 28, 2007
- “Lessons for New Law Teachers,” Women’s Breakfast, New Law Professors Workshop, Washington, D.C., May 25, 2007
- “The Current Law of Standing,” D.C. Bar Association, November 7, 2006
- “The Upcoming Supreme Court Term,” presentation to Columbus School of Law Alumni Weekend, September 23, 2006
- Roundtable Discussion of WARD & WEIDEN, SORCERERS' APPRENTICES: ARE SUPREME COURT LAW CLERKS TOO POWERFUL?, Law & Society Association, Baltimore, July 6, 2006
- Discussant, Panel on Global Warming with Senator Lisa Murkowski, Columbus School of Law, The Catholic University of America, February 13, 2006
- “The Upcoming Supreme Court Term,” presentation to Columbus School of Law Alumni Weekend, September 24, 2005

### **RESEARCH AND TEACHING INTERESTS**

*Research Focus:* What are the proper limits on the jurisdiction of courts and agencies in a democratic society?

*Primary Teaching Interests:* Administrative Law, Environmental Law, Federal Courts

*Related Required Courses:* Civil Procedure, Property, Structural Constitutional Law

*Related Upper-Division Courses:* Water Law, Legislation, Bankruptcy, Land Use

## ***LAW SCHOOL AND COMMUNITY SERVICE***

### **University of Alabama School of Law**

Member, Hiring Committee, June 2010-present

Member, Chair Search Committee, August 2008-May 2010

*Liaison with Library, Journals & Law Reviews Database Project*

*Chair, Working Group on Fellowships and Visiting Assistant Professors*

Member, Facilities Committee, August 2008-present

Representative to AALS House of Delegates, September 2009-present

Alternate Representative to AALS House of Delegates, November 2008-September 2009

### **Catholic University, Columbus School of Law**

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

Member, Admissions Committee, 2005-May 2008

Representative to AALS House of Delegates, 2006-May 2008

Faculty Advisor, Sutherland Cup Moot Court Competition, 2006-May 2008

Faculty Advisor, Environmental Law Students Association, 2006-May 2008

Faculty Advisor, Environmental Moot Court Team, 2006-May 2008

Faculty Advisor, American Constitutional Society moot court team, 2006, 2007

### **Community**

Member, Victory Fund Campaign Board, June 2010-present

Member, Jack Kent Cooke Foundation Graduate Scholarship Program Review Panel,  
January 2008-June 2009

Amicus curiae, Brief for Professors of Law as Amici Curiae Supporting Petitioners, *Summers v. Earth Island Institute*, U.S. No. 07-463

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

Moot Court Justice, Georgetown Supreme Court Institute, October 2005-May 2008

Amicus curiae, with Professor Ernest Young of the University of Texas School of Law, in  
*Marshall v. Marshall*, U.S. No. 05-1544

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

## ***EDUCATION***

**University of California School of Law (Boalt Hall)**, J.D., May 2000, with Environmental Law Certificate; Order of the Coif; *Ecology Law Quarterly*, articles editor (Fall 1998-Spring 2000), executive editor (Summer 1998); law clerk, Shute Mihaly & Weinberger, January-May 2000; summer associate, Altshuler Berzon, May-August 1999; law clerk, Communities for a Better Environment, May-August 1998

**Yale University**, M.A., M. Phil., Political Science, 1994

**Duke University**, B.A., *magna cum laude*, Political Science, 1990

***RELATED PROFESSIONAL ACTIVITIES***

Bar Memberships: California, District of Columbia

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

***HONORS***

Columbus School of Law, The Catholic University of America: Class Marshal for the Class of  
2008 (elected by the students of the Class of 2008)

University of California School of Law (Boalt Hall): Order of the Coif, Environmental Writing  
Fellow, 1999-2000; Boalt Hall Teaching Fellow, 1998-99; Berkeley Law Foundation  
Summer Grant, 1998; Boalt Hall Fellowship, 1997-98

Yale University: Newhouse Fellow for Writing, 1994-95; Teaching Fellow, 1992-94; Falk  
Fellowship, 1992-95; University Fellowship, 1991-95; Harry S. Truman Memorial  
Scholarship, 1991-92

Duke University: Phi Beta Kappa; Senior Leadership Award; Harry S. Truman Memorial  
Scholarship, 1988-90; Thomas J. Watson Memorial Scholarship, 1986-90