

## **Elizabeth E. Fisher**

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**BAR ADMISSION:** Admitted to District of Columbia Bar, March 2021

### **EDUCATION**

**University of North Carolina School of Law**, Chapel Hill, NC

Juris Doctor with high honors, May 2019

GPA: 3.948; Class Rank: 4; Order of the Coif

- *North Carolina Law Review*, Editor in Chief, Volume 97
- Top 10 Brief and Top 16 Oral Advocate, Holderness Moot Court Competition
- High Merit Certificate for Torts, Spring 2017
- Academic Enrichment Group Leader, Constitutional Law

**North Carolina State University**, Raleigh, NC

Business Administration – Finance, Bachelor of Science, May 2016

GPA: 3.64, *magna cum laude*, Dean’s List four of four semesters

### **REPRESENTATIVE APPELLATE MATTERS**

***Nagle & Zaller, P.C. v. Delegall***, 480 Md. 274 (2022)

- Obtained a decision by the Maryland Court of Appeals (on certified question) holding that a law firm representing Homeowners Associations in connection with negotiating and documenting repayment plans with homeowners with delinquent dues is not subject to the Maryland Consumer Loan Law, resolving an important issue of first impression that affects all businesses and professionals extending credit in Maryland as “an ancillary function” of their operations.
- Worked on team as sole associate with two partners, serving as lead researcher and drafter for opening and reply briefs, which included significant legislative history dating back to the early 1900s.

**Professor Jeffrey M. Hirsch (Amicus), *Torres v. Texas Department of Public Safety***, 142 S. Ct. 735 (2021) (granting certiorari) & 142 S. Ct. 2455 (2022)

- Represented amicus curiae in support of petitioner in case in which Court issued favorable decisions granting certiorari and holding that states surrendered their sovereign immunity with respect to war powers under the “plan of the Convention” when they ratified the Constitution.
- Worked on team as sole associate with one partner, one law professor, and one law student, sharing with student lead research and drafting responsibilities for petition and merits-stage briefs, which involved detailed history regarding the drafting and ratification of the United States Constitution.

**Supplemental Brief in Opposition to Petition for Writ of Certiorari, *Cummings v. Premier Rehab Keller, PLLC***, 141 S. Ct. 2882 (2021)

- Represented respondent in filing supplemental brief in opposition to writ of certiorari, following Solicitor General’s recommendation to grant certiorari.
- Worked on team as sole associate with one partner, serving as lead researcher and drafter of supplemental brief, which involved discussion of prudential considerations relevant to deciding whether to grant certiorari.

**Various State and Local Legal Center Members (Amici), *Cummings v. Premier Rehab Keller, PLLC***, 142 S. Ct. 1562 (2022)

- Represented various member organizations of State and Local Legal Center as amici curiae in support

of respondent in case in which Court issued favorable decision holding that emotional distress damages are not recoverable in private actions to enforce the Rehabilitation Act or the ACA.

- Worked on team as sole associate with one partner, one law professor, and four law students, serving as supervisory attorney tasked with reviewing and revising brief, and also serving as lead researcher and drafter of section of brief outlining various state statutes imposing caps on noneconomic damages.

*Saunders v. Markey*, No. 24-C-19-003511 (Md. Ct. Spec. App. Nov. 3, 2021)

- Obtained summary judgment in trial court and decision by Maryland Court of Special Appeals affirming judgment, holding that a former client suing his attorneys for malpractice must prove that the attorneys proximately caused the alleged loss via the trial within the trial, even if the attorneys engaged in so-called bright line malpractice or allegedly guaranteed recovery of a sum certain.
- Worked on team as sole associate with two partners, serving as lead researcher and drafter of opposition brief, which involved history and purpose of the trial-within-the-trial doctrine.

## EXPERIENCE

**Wiley Rein, LLP**, Washington, D.C.

*Associate*, October 2020 – Present

- Represent insurers in connection with coverage issues arising under a variety of insurance policies, including directors and officers, professional liability, and general liability, from initial claim through litigation and appeal; represent lawyers and other professionals in professional liability lawsuits, from threatened claims through litigation and appeal; represent pro bono clients in appeals to Supreme Court of the United States in conjunction with Supreme Court Program at the University of North Carolina School of Law.

**Hon. David B. Sentelle, U.S. Court of Appeals for the District of Columbia Circuit**, Washington, D.C.

*Law Clerk*, August 2019 – August 2020

- Researched and analyzed appellate briefs; assisted in drafting opinions and judgments.

**Skadden, Arps, Slate, Meagher & Flom LLP**, New York, NY

*Summer Associate*, May – July 2018

- Researched and assisted in drafting IPO underwriting agreement and risk factors; researched and analyzed case law, and drafted legal research memoranda involving shareholder financing in bankruptcy; assisted in drafting documents for shelf takedown; assisted in revising bylaws for non-profit organization.

**Nelson Mullins Riley & Scarborough LLP**, Charlotte, NC

*Summer Associate*, June – August 2017

- Researched and analyzed statutes and case law, and drafted legal research memoranda involving proximate cause and *Colorado River* abstention doctrine.

**Bradley Arant Boult Cummings LLP**, Charlotte, NC

*Summer Associate*, May – June 2017

- Researched and analyzed statutes and case law, and drafted legal research memoranda involving dissolved corporations, contract formation, wrongful foreclosure, and certification requirements for energy sector; assisted in drafting complaint, motion, and arbitration brief in various commercial disputes.

## PUBLICATIONS

F. Andrew Hessick & Elizabeth Fisher, *Structural Rights and Incorporation*, 71 ALA. L. REV. 163 (2019).

Elizabeth Fisher, *Are ERISA Fiduciaries Simply Common Law Trustees?*, 96 N.C. L. REV. ADDENDUM 20 (2018).