

Elizabeth Earle Beske

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TEACHING EXPERIENCE

Professor of Law, American University Washington College of Law (September 2024 to present)

Associate Professor of Law, American University Washington College of Law (2021-2024)

Assistant Professor of Law, American University Washington College of Law (2020-2021)

Professor of Legal Rhetoric, American University Washington College of Law (2010-2019)

Adjunct Professor of Legal Rhetoric, American University Washington College of Law (2008-2010)

Classes Taught: Federal Courts (2017-present); Civil Procedure (2019-present); Constitutional Law (2021-present); Legal Rhetoric (2008-2020)

ADMINISTRATIVE EXPERIENCE

Associate Dean for Scholarship (July 1, 2024 to present)

PUBLICATIONS

Article III's Constraints on the Legislative Power (forthcoming, WILLIAM & MARY LAW REVIEW (2026)).

Horizontal Federalism and the Big State "Problem" (65 B.C. L. REV. 2685 (2024)).

The Court and the Private Plaintiff (58 WAKE FOREST L. REV. 1 (2023)).

Charting a Course Past Spokeo and TransUnion, 29 GEO. MASON L. REV. 729 (2022).

Litigating the Separation of Powers, 73 ALA. L. REV. 823 (2022).

Backdoor Balancing and the Consequences of Legal Change, 94 WASH. L. REV. 645 (2019).

Rethinking the Nonprecedential Opinion, 65 UCLA L. REV. 808 (2018).

Political Question Disconnects, 67 AM. U. L. REV. F. 35 (2018).

Note, *Banishing the Thirteenth Juror: An Approach to the Identification of Prosecutorial Racism*, 92 COLUM. L. REV. 1212 (1992).

AWARDS

Excellence in Teaching Award, American University Washington College of Law (October 2018).

EDUCATION

Columbia Law School, J.D. 1993

- John Ordronaux Prize for highest grades in graduating class of 1993 (out of approximately 330 students).
- James Kent Scholar, Harlan Fiske Stone Scholar.
- *Editor-in-Chief*, COLUMBIA LAW REVIEW, Volume 93.
- Teaching Assistant, Civil Procedure.

Princeton University, A.B. in Politics with Certificate in American Studies 1989

CLERKSHIPS

1994-1995 The Honorable Sandra Day O'Connor, U.S. Supreme Court.

1993-1994 The Honorable Patricia M. Wald, U.S. Court of Appeals for the District of Columbia Circuit

LITIGATION EXPERIENCE

1995-1999 Munger, Tolles & Olson LLP, San Francisco, California.

1992 Cravath, Swaine & Moore, New York, New York (summer).

1991 McCorriston Miho & Miller, Honolulu, Hawaii (summer)

COMMUNITY SERVICE

Executive Committee, D.C. Circuit Historical Society (2017-2019)

Board of Directors, D.C. Circuit Historical Society (2013-2019)

Chair, Program Committee, D.C. Circuit Historical Society (2017-2019), Member, Program Committee (2013-2017)

Worked on planning committee for June 29, 2019 program entitled *Chevron Revisited*, including Gillian Metzger, David Vladeck, John Elwood, D.C. Circuit Judges Katsas and Rogers, and Dean Manning of the Harvard Law School.

Worked on planning committee for March 7, 2018 program entitled *From Goldwater to Zivotofsky – The Political Question Doctrine in the D.C. Circuit*, including Steve Vladeck, Harold Hongju Koh, Catherine Carroll, Beth Brinkmann, Paul Smith, and Judges Edwards and Williams.

Worked on planning committee for February 4, 2017 program entitled *In re Judith Miller – National Security and the Reporter’s Privilege*, including David Pozen, Laura Handmann, Amy Jeffress, Judges Tatel and Sentelle, James M. Cole, and Stuart Taylor.

Worked on planning committee for October 28, 2015 program entitled *Separation of Powers and the Independent Counsel: Morrison v. Olson Revisited*, including Amanda Frost, Theodore Olson, Catherine Stetson, and Judges Wald and Silberman.

Georgetown Supreme Court Institute—mooting panelist for advocates in advance of their arguments before the U.S. Supreme Court in the following cases:

- *Royal Canin USA v. Wulfschleger* (argued 2024)
- *Biden v. Nebraska* (argued 2023)
- *Berger v. NAACP* (argued 2022)
- *Oil States v. Greene’s Energy Group* (argued 2017)
- *Town of Chester v. LaRoe Estates* (argued 2017)
- *Bullard v. Blue Hills Bank* (argued 2015)
- *Limelight Networks v. Akamai Technologies* (argued 2014)
- *Metrish v. Lancaster* (argued 2013)
- *Evans v. Michigan* (argued 2012)
- *Martinez v. Ryan* (argued 2011)
- *Turner v. Rogers* (argued 2011)

Director, ABA Media Alert for U.S. Court of Appeals for District of Columbia Circuit (2011-2016). Read all published D.C. Circuit opinions and wrote same-day summaries of important decisions for nationwide publication through ABA’s media alert project.

Oral Historian, D.C. Circuit Historical Society. Conducted five separate in-person interviews with Supreme Court Litigator and former Solicitor General Ted Olson (over 10 hours in total; published in January 2025).

Coach, Student teams from School Without Walls (DC), participants in the District of Columbia Circuit's "Mock Court Argument Program"

IN-SCHOOL SERVICE

Chair, Career and Placement Committee (2020-fall 2023)

Member, Appointments Committee (2024-present)

Member, Intellectual Life Committee (2024-present)

Leader/Convener, Judicial Clerkship Faculty Practice Group. Administer a listserv with over 900 recipients giving students and graduates information about judicial internships and post-graduate clerkships.

Faculty Supervisory Board, AMERICAN UNIVERSITY LAW REVIEW

Faculty Supervisory Board, AMERICAN UNIVERSITY JOURNAL OF GENDER, SOCIAL POLICY & THE LAW

Coach of eleven teams, Moot Court Honor Society (2013-present)

Judge of Final Panel, Alvina First Year Moot Court Competition, Moot Court Honor Society (2014-present)

Coordinator, Legal Rhetoric Dean's Fellow Program (2015-2020)

Annual lecturer/participant in Ritsumeikan Law School Seminar.

SELECTED TESTIMONY, LECTURES, AND PRESENTATIONS

Testimony, House Judiciary Subcommittee on the Constitution and Limited Government, *Legislative Reforms to End Lawfare by State and Local Prosecutors* (March 4, 2025).

Presentation, *Article III's Constraints on the Legislative Power*, University of Virginia Law School (February 5, 2025).

Panelist, Supreme Court Panel, "The Term Ahead," *Human Resources Managers Annual Convention* (Nov. 20, 2024).

Panelist, Princeton University Alumni-Faculty Forum, *The Supreme Court*, Princeton University (May 24, 2024).

Panelist, “*The Legacy of Sandra Day O’Connor*,” DC Women’s Bar Association (March 17, 2024).

Presentation, “*The Life and Legacy of Sandra Day O’Connor*,” Nassau County District Attorney’s Office (March 1, 2024).

Moderator, Symposium, “Equal Justice Under Law?” *American University Law Review* (Feb. 3, 2023)—moderated panel entitled “The Current Term.”

Moderator, Symposium, “Major Questions About Agency Authority: A Practical Discussion on the Impact of Limiting Agency Authority,” *Administrative Law Review* (Nov. 11, 2022)—moderated panel entitled “The Implications of Limiting Agency Authority.”

Presenter, Twelfth Annual Junior Federal Courts Scholars Workshop, University of Florida Levin College of Law, December 2023 (paper entitled *The Court and the Private Plaintiff* selected for discussion at plenary session).

Rapid Response Teach-in on *Dobbs v. Jackson Women’s Health Org.*, June 27, 2022 (internal).

Rapid Response Teach-in on Texas SB-8 Statute (internal), September 13 and November 8, 2021. Participated in panel discussion with Professors Wermiel, Kraiem, and Manion on the Supreme Court’s denial of a preliminary injunction barring SB-8 from taking effect (September) and the Supreme Court’s oral arguments in the two combined cases (November).

Panelist, Symposium, “Empires or Umpires? Political Questions, Separation of Powers, and Judicial Legitimacy,” *University of Connecticut Law Review* (Oct. 9, 2020) – participant with Tara Leigh Grove and Fred Smith Jr. in panel entitled “The Constitution, the Courts, and the Development of the Political Question Doctrine.”

Rapid Response Teach-in on Justice Ginsburg and the Supreme Court (internal), September 24, 2020. Participated in a panel discussion with Professors Carle, Epperson, Frost, Wermiel, and LaGuarda to discuss the implications of Justice Ginsburg’s passing.

Panelist, Panelist, “Supreme Court Series: *Return Mail, Inc. v. United States Postal Service*,” Program on Information Justice and Intellectual Property, American University, February 19, 2019.

Panelist, “Rethinking the Role of the Supreme Court,” American University, February 27, 2012.

Panelist, “Preview of the OT 11 Supreme Court Term,” American University, September 26, 2011.