

**Merritt Ellen McAlister**

Interim Dean and Levin, Mabie & Levin Professor

University of Florida Levin College of Law

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**CURRENT ACADEMIC POSITION**

**University of Florida Levin College of Law, 2018–present**

Interim Dean, June 2023–present

Levin, Mabie & Levin Professor, July 2023–present

Professor of Law, July 2023–present

**Accomplishments as Interim Dean:**

- Spearheaded and oversaw new multi-part academic success and bar-passage strategy, which boosted first-time bar passage by more than 10% two years in a row and earned best results in more than 20 years; law school earned highest results state-wide in 2024 and 2025 for the first time in a decade; funded comprehensive program with more than \$1M in total new investments
- Recruited one of the most highly cited administrative law scholars to join faculty, which helped propel faculty *Sisk* citation impact ranking from #52 (2021) to #30 (2024); funded and launched ground-breaking A.I., Innovation, and Entrepreneurship Clinic and new Heirs' Property Clinic; recruited and hired three entry-level and early-career lateral hires
- Reorganized fundraising operation after key departures in leadership transition, including recruiting former University-wide Chief Development Officer to lead law school external affairs operation; doubled fundraising year-over-year; secured multiple seven-figure gifts in first eighteen months; launched \$25M new estate planning challenge and began capital campaign planning
- Secured more than \$1M in new funding in university-wide competitive strategic initiatives process to develop master's program in legal studies, which launched in October 2025; built studio on law school campus to support asynchronous instruction in new program
- Oversaw successful recruitment of incoming first-year class that boosted enrollment by more than 30 students, while maintaining outstanding credentials (169 LSAT/3.91 uGPA medians) and improving 25% percentile

medians

- Worked collaboratively with student leaders to address campus climate issues; continued to teach Federal Courts; grew events budget, including for student events, by more than 50%; and launched new student life initiative
- Undertook leadership reorganization in second year to improve efficiency, spur autonomy and innovation, and boost collaboration, while positioning school in a more forward-thinking posture for strategic planning
- Led College-wide improvements in administrative efficiency, including new system for financial expenditures/approvals to make administrative processes more customer-service oriented
- Hired more than 20 staff members; launched a staff representative committee and invested in staff appreciation and staff professional development
- Successfully implemented post-tenure review process throughout the College, and positioned College faculty for success in that process

#### **PREVIOUS ACADEMIC POSITION**

##### **University of Florida Levin College of Law**

Associate Professor of Law, 2021–2023

Assistant Professor of Law, 2018–2021

Courses: Federal Courts; Constitutional Law; Judicial Decisionmaking Seminar; Federal Habeas Corpus; Civil Procedure; Federal Jurisdiction

College Service: Appointments Committee (2022–2023; 2021–2022); Clerkship Committee, Chair (2020–2021), Co-Chair (2019–2020), Member (2018–2019); Career and Professional Development Search Committee, Member (2020)

University Service: University Constitution & Regulations Committee (Elected, 2019–2022)

#### **EDUCATION**

##### **University of Georgia School of Law, J.D., *summa cum laude*, 2007**

First Honor Graduate; Order of the Coif; Executive Articles Editor, *Georgia Law Review*; 2007 Outstanding Moot Court Advocate Award; Order of the Barristers; Best Oralist and National Champion, 2006 Prince Memorial Evidence Moot Court

Competition; Best Oralist, Talmadge Moot Court Competition; CALI Awards for Excellence in Civil Procedure, Legal Research and Writing, Property, Torts, Corporations, & Constitutional Law II

**Rice University**, B.A., *magna cum laude*, 2002

Majored in English and Women & Gender Studies

### **CLERKSHIPS**

Hon. John Paul Stevens of the Supreme Court of the United States, 2009–10

Hon. R. Lanier Anderson III of the U.S. Court of Appeals for the Eleventh Circuit, 2007–08

### **PUBLICATIONS**

*Sticky Procedure and Procedural Values in the Federal Appellate Courts*, 86 U. PITT. L. REV. 455 (2024) (invited symposium in honor of Arthur Hellman)

*Managing Out the Federal Appellate Judge*, 42 REV. OF LITIG. 165 (2023) (symposium honoring 40<sup>th</sup> anniversary of Judith Resnik's *Managerial Judges*)

*White-Collar Courts*, 76 VAND. L. REV. 1155 (2023)

- Reviewed by Lyrissa Lidsky, *Aren't We Special?: Article III's Institutional Design*, JOTWELL (June 27, 2023), <https://conlaw.jotwell.com/arent-we-special-article-iiis-institutional-design/>

*Bottom-Rung Appeals*, 91 FORDHAM L. REV. 1355 (2023)

*Rebuilding the Federal Circuit Courts*, 116 NW. U. L. REV. 1137 (2022)

- Profiled in *Law360*, <https://www.law360.com/pulse/articles/1472160/2-tier-system-in-circuit-courts-raises-fairness-concerns>; and *National Law Journal*, <https://www.law.com/nationallawjournal/2021/11/12/qa-inside-a-law-professors-push-to-expand-federal-appellate-courts/>

*Missing Decisions*, 169 U. PA. L. REV. 1101 (2021)

- Response by Jason Rantanen, *Missing Decisions and the United States Court of Appeals for the Federal Circuit*, 170 U. PA. L. REV. ONLINE 73 (2022)
- Reviewed by Marin K. Levy, *The Status of Non-Binding Authority*, JOTWELL

(Nov. 12, 2020), <https://courtslaw.jotwell.com/the-status-of-non-binding-authority/>

*“Downright Indifference”: Examining Unpublished Decisions in the Federal Courts of Appeals*, 118 MICH. L. REV. 533 (2020)

- Selected for 2021 Best Untenured Article Award by AALS Section on Federal Courts
- Reviewed by Ryan Azad, *Decision-Making in the Dark*, JOTWELL (Nov. 27, 2019), <https://courtslaw.jotwell.com/decision-making-in-the-dark/>

*Measuring How Stock Ownership Affects Which Judges (and Justices) Hear Cases*, 103 GEO. L.J. 1163 (2015), with James M. Anderson and Eric Helland

Note, *The Swift, Silent Sword Hiding in the (Defense) Attorney’s Arsenal: The Efficacy of Georgia’s New Offer of Judgment Provision as Procedural Tort Reform*, 40 GA. L. REV. 995 (2006)

### **Shorter Works:**

*Judges Compete Because They Are Human*, 104 B.U. L. REV. 2049 (2024) (invited response to Paul Gugliuzza & J. Jonas Anderson)

*What Can Be Done About Backlogs*, 107 JUDICATURE 26 (vol. 2, 2023) (invited) (interview conducted with Judges Adalberto Jordan and Kimberly J. Mueller)

*The Privilege and Responsibility of Clerkships*, 105 JUDICATURE 5 (vol. 2, 2021) (invited)

*Judging and Baseball*, 114 NW. U. L. REV. 1765 (2020) (*in memoriam* issue on Justice John Paul Stevens)

*Justice Stevens, Babe Ruth and the best law clerk assignment ever*, THE CONVERSATION, July 18, 2019, <https://theconversation.com/profiles/merritt-mcalister-781073/articles>

### **Works-in-Progress:**

*Judicial Pygmals* (article on discretionary appointment of counsel in civil appeals)

## **PRIVATE PRACTICE EXPERIENCE**

**King & Spalding LLP**, Atlanta, GA, 2010–18; 2008–09

Partner, National Appellate Practice, 2015–18

Associate, National Appellate Practice, 2010–2014; Associate, Tort & Environmental Litigation, 2008–09; Summer Associate, 2007

- Successfully handled dozens of appeals in federal and state courts throughout the country (including 12 oral arguments) in cases involving complex statutory construction issues, class certification, jurisdictional questions, due process challenges, federalism issues, and administrative law
- Served as Staffing Partner for Atlanta Business Litigation Team and oversaw utilization, availability, and hiring of 30 associates; partner responsible for summer program for Business Litigation team, including reviewing and evaluating 15 summer associates and managing program; served as Deputy Hiring Partner for Atlanta Office and served on office hiring committee for four years

**Rogers & Hardin LLP**, Atlanta, GA

Summer Associate, 2005, 2006, 2007

**Alston & Bird LLP**, Atlanta, GA

Summer Associate, 2006

## **OTHER ACADEMIC EXPERIENCE**

**University of Georgia School of Law**, Fall 2017

Adjunct Professor of Law

**Rice University**, 2002–04

Assistant Director of Admissions

## **SELECTED PRESENTATIONS**

Invited Panelist, “When Should We Write?”, Florida District Court of Appeals Judges Conference, scheduled for February 18, 2026

Invited Panelist, AALS Advanced Workshop for Experienced Deans, Invited for Hot Topics/Special Challenges Panel, scheduled for January 9, 2026

Invited Panelist, Judicial Oversight of District Courts After CASA, Federalist Society's National Lawyers Convention, scheduled for November 6, 2025

Invited Panelist, The Shared Journey Dean Forum: Building Welcoming Law School Communities, University of Utah S.J. Quinney College of Law, February 1, 2025

Guest Lecture, Unpublished Decisions, Duke Law School, Prof. Marin Levy's Appeals course, 2025-2020

Invited Panelist, "Speech & Protest: Special Challenges Posed by Election 2024," ABA Dean's Conference at Seattle University, July 19, 2024

Invited Panelist, Design of the Federal Appellate Courts, Symposium Honoring Professor Arthur Hellman, University of Pittsburgh Law Review, April 5, 2024 (with Stefanie Lindquist, Judge Mary Schroeder, and Judge Maryellen Noreika)

Panelist, Thirteen Laboratories of Appellate Adjudication, AALS Section on Federal Courts, AALS Annual Meeting, Jan. 2024 (with Allison Orr Larsen, Marin Levin, Judge Sri Srinivasan, and Judge Pamela Harris)

Invited Participant/Discussant for How Will We Teach?, Judicial Decision-Making: A Symposium, Washington University in St. Louis School of Law, Sept. 28-30, 2023

Invited Panelist, "Procedural Justice and Court Legitimacy in a Time of Distrust," University of Missouri Kansas City Law School Colloquium, Oct. 11, 2022 (with Tom Tyler and Steve Leben) (virtual)

Guest Lecture, Admitted Student Day Mock Class, University of Florida Levin College of Law, 2019, 2021 (virtual), 2022, & 2023

### ***Managing Out the Federal Appellate Judge***

Invited Panelist, University of Texas School of Law, Symposium on *Managerial Judges*, sponsored by *The Review of Litigation*, April 7, 2023

Invited Panelist, Managing Judges: Courts, Appeals, and Rulemaking, Yale Law School Symposium celebrating 40<sup>th</sup> Anniversary of Judith Resnik's *Managerial Judges*, Nov. 4, 2022

### ***Bottom-Rung Appeals***

Invited Speaker, Faculty Workshop, Vanderbilt Law School, Feb. 1, 2023

### ***White-Collar Courts***

Selected Presenter, Plenary Panel, Civil Procedure Workshop, Cardozo Law School, May 2022 (commentator Judith Resnik) (presented under a different paper name)

### ***Judicial Pygmalsions***

Presenter, University of Florida Levin College of Law, Works-in-Progress Roundtable, April 2022

Invited Presenter, Judicial Administration/Judicial Process Roundtable, Duke Law School/Bolch Judicial Institute, December 2021

### ***Rebuilding the Federal Circuit Courts***

Invited Speaker, Northwestern Pritzker School of Law, Faculty Workshop Series, Sept. 2021

Speaker, Washington University in St. Louis School of Law, Faculty Workshop, Sept. 2021 (junior faculty exchange; virtual)

Presenter, University of Richmond School of Law, Junior Faculty Forum, Sept. 2021

Presenter, 2021 Civil Procedure Workshop Works-In-Progress Series, Aug. 2021 (virtual)

Presenter, Southeastern Association of Law Schools Conference, New Scholars Federal and State Courts Workshop, July 2021 (presented as “Defining Merit”)

Presenter, University of Florida Levin College of Law Internal Workshop Roundtable, April 2021 (virtual) (presented as “Defining Merit”)

Invited Presenter, Judicial Administration/Judicial Process (Virtual) Roundtable, Dec. 2020, Duke Law School (invited participant; virtual) (presented as “Defining Merit”)

### ***Missing Decisions***

Speaker, University of Florida Levin College of Law Summer Internal Workshop Series, June 2020 (virtual)

Invited Presenter, Judicial Administration/Judicial Process Roundtable, Dec. 2019, Duke Law School (commentator Tejas Narechania)

Breakout Group Presenter, Fifth Annual Civil Procedure Workshop, Oct. 2019, University of Texas at Austin

Presenter, University of Florida Levin College of Law Internal Junior Faculty Workshop, Oct. 2019

### ***“Downright Indifference”***

Presenter, Eleventh Annual Junior Faculty Federal Courts Workshop, University of Arkansas School of Law, Sept. 2019 (commentator Allan Erbsen)

Presenter, University of Michigan Law School’s Junior Scholars Conference, April 2019 (competitive selection with over 400 submissions)

Presenter, University of Richmond School of Law, Junior Faculty Forum, May 2019

Presenter, Law & Society Annual Meeting, June 2019

Presenter, Southeastern Junior-Senior Workshop, at the University of Georgia School of Law, Oct. 2018 (commentator Jonathan Nash)

### **Supreme Court and Constitutional Law Presentations**

Invited Panelist, Judicial Power, Florida Appellate Judges Conference, Sept. 7, 2022

Invited Panelist, First Amendment and the Supreme Court, Florida Bar Convention, June 24, 2022

Invited Panelist, Judicial Power, Florida Appellate Judges Conference, Apr. 14, 2022



Invited Panelist, *The End of Roe v. Wade*, Federalist Society Convention for the State of Florida, Feb. 2, 2022

Panelist, Constitution Day Celebration, University of Florida Levin College of Law, September 2021

Moderator, *The Prospect, History, and Controversies of Supreme Court Reform*, Poucher Lecture, *Florida Law Review*, Oct. 23, 2020 (with Amanda Hollis-Brusky, Laura Kellman, and Ganesh Sitaraman as panelists)

Moderator, *The Amy Coney Barrett Confirmation Hearings: Context, Process, and Effect*, sponsored by the UF Law Chapter of the Federalist Society and the American Constitution Society, Oct., 8, 2020 (with Josh Blackman, David Strauss, and Annie Donaldson Talley, panelists)

Invited Panelist, Eleventh Circuit Year-in-Review, American Constitution Society's Tampa Chapter, November 2019

Invited Panelist, Supreme Court Term-in-Review, Lawyers for Civil Justice Reform, May 2019 (with Neal Katyal and Elizabeth Slattery)

Guest Co-Host, *First Mondays* Podcast, OT2018 #13, Jan. 7, 2019 (with Dan Epps & Leah Litman), <http://www.firstmondays.fm/episodes/2019/1/7/ot2018-13-beer-for-lunch>

#### **HONORS AND RECOGNITION**

2021 AALS Federal Courts Section Best Untenured Article Award (for "*Downright Indifference*")

American Law Institute, elected member, 2016–present

Georgia Super Lawyers, 2018

*Benchmark Litigation*, Rising Star, 2018; Under 40 Hot List, 2016

Women Making a Mark Award, *Atlanta Magazine*, 2015

#### **ACADEMIC, BAR, AND COMMUNITY SERVICE**

Chair, AALS Federal Courts Section, 2023–24; Chair-Elect, AALS Federal Courts Section, 2022-23

Host, Junior Federal Courts Workshop, December 1-2, 2022

Leadership Atlanta, Class of 2017

University of Georgia School of Law Alumni Association Council, 2015–18;  
Secretary, 2017–18

The Paideia School, Atlanta, GA, Alumni Advisory Committee, 2011–2015; Chair,  
2013–2015

#### **OCCASIONAL REVIEWER**

Cambridge University Press

*Stanford Law Review*

*University of Chicago Law Review*

#### **BAR MEMBERSHIPS**

State Bar of Georgia, 2007 (inactive); State Bar of Florida (affiliate); Supreme Court of the United States; U.S. Court of Appeals for the D.C. Circuit; U.S. Court of Appeals for the Second Circuit; U.S. Court of Appeals for the Fourth Circuit; U.S. Court of Appeals for the Sixth Circuit; U.S. Court of Appeals for the Seventh Circuit; U.S. Court of Appeals for the Ninth Circuit; U.S. Court of Appeals for the Tenth Circuit; U.S. Court of Appeals for the Eleventh Circuit; U.S. Court of Appeals for the Federal Circuit; U.S. District Court for the Northern District and Middle District of Georgia