

## **ELISA SMITH RIVES**

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### **PROFESSIONAL HIGHLIGHTS**

- Admitted to Practice before the United States Supreme Court, the United States Court of Appeals-Eleventh Circuit, the United States District Court-Northern District of Alabama, and the Courts of the States of Alabama and Washington.
- Civil Litigation in Several Areas of Law in State and Federal Courts
- Published ERISA Decision- *Gilley v. Monsanto Co., Inc.*, 490 F.3d. 848 (11<sup>th</sup> Cir. 2007)(Oral Argument)
- Judicial Law Clerk - United States District Court Northern District of Alabama.
- Published Legal Article- Cumberland Law Review and National Agricultural Law Center
- Judicial Law Intern - United States Court of Appeals for the Federal Circuit.
- Cumberland Legal Honor Society - CURIS HONORIS (April 11, 2003).
- Writing Editor CUMBERLAND LAW REVIEW.
- Scholar of Merit Award - Property Law, Constitutional Law, Patent Law, ERISA Law, and Damages.
- Published Scientific Refereed Articles and Book Chapter.

### **EDUCATION**

Juris Doctorate, Cumberland School of Law 2002, Cum Laude, Samford University, Birmingham, Alabama.

Master of Science, Plant Pathology 1988, Auburn University, Auburn, Alabama.

Bachelor of Science, Entomology 1982, Auburn University, Auburn, Alabama.

### **EMPLOYMENT HISTORY**

#### **Legal**

September 2003 – Present. Attorney at Law, Elisa S. Rives, LLC, Guntersville, Alabama and Auburn, Alabama.

August 2002 – August 2003. Judicial Law Clerk, Honorable William M. Acker Jr., Senior U.S. District Judge for Northern District of Alabama, Hugo L. Black U.S. Courthouse, Birmingham, Alabama.

August 2000 – January 2001. Judicial Intern, Honorable Edward L. Smith, Senior Circuit Judge, U.S. Court of Appeals for the Federal Circuit, Hugo L. Black U.S. Courthouse, Birmingham, Alabama.

May 2000 – June 2000. Summer Associate, Sirote & Permutt, Huntsville, Alabama 35801.

#### **Scientific**

January 1992-May 1993. Research Scientist III, Fish and Wildlife Associates, Whittier, North Carolina.

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February 1988-March 1991. Senior Research Associate, Department of Botany & Microbiology, Auburn University, Auburn, Alabama.

September 1985-February 1988. Research Associate, Department of Plant Pathology, Auburn University, Auburn, Alabama.

July 1984-September 1985. Graduate Research Assistant, Department of Plant Pathology, Auburn University, Auburn, Alabama.

October 1982-July 1984. Laboratory Technician (II and III), Department Botany, Plant Pathology & Microbiology, Auburn University, Auburn, Alabama.

## PUBLICATIONS

### **Published Legal Decision**

*Gilley v. Monsanto Co., Inc.*, 490 F.3d. 848 (11<sup>th</sup> Cir. 2007)(Oral Argument) *cert. denied*, \_\_\_\_ U.S. \_\_\_\_; 128 S.Ct. 1086; 169 L.Ed.2d 810; 76 U.S.L.W. 3372 (Jan. 14, 2008).

### **Unpublished Legal Decisions**

*Gilley v. Monsanto Co., Inc.*, 428 Fed. Appx. 883 (11<sup>th</sup> Cir. 2011) *cert. denied* 565 U.S. \_\_\_\_ (Jan. 9, 2012).

*Heptinstall et al. v. Monsanto Co., Inc.*, 367 Fed. Appx. 998 (11<sup>th</sup> Cir. 2010) *cert. denied* 565 U.S. \_\_\_\_ (Jan. 9, 2012).

*Gilley v. Monsanto Co., Inc.*, 309 Fed. Appx 362 (11<sup>th</sup> Cir. 2009)(Oral Argument) *cert. denied*. 130 S.Ct. 137 (Feb. 3, 2009) *reh'g denied* 130 S.Ct. 792 (April 6, 2009).

*Kilpatrick v. Tyson Foods, Inc.*, 268 Fed. Appx. 860 (11<sup>th</sup> Cir. 2008).

*Kubert, Keith A. and Brenda C. v. The Premiere Agency-Century 21 et al.* CV 04-0244 (SJ granted 2007) *affm'd without opinion* S. Ct. Ala. April 9, 2010 *reh'g denied* August 6, 2010.

### **Published Legal Article**

Elisa Smith Rives *Mother Nature and the Courts: Are Sexually Reproducing Plants and Their Progeny Patentable Under the Utility Patent Act of 1952?* 32 CUMB. L. REV. 1 (2001). Republished in electronic format at National Agricultural Law Center:

[http://nationalaglawcenter.org/publication/comment-mother-nature-and-the-courts-are-sexually-reproducing-plants-and-their-progeny-patentable-under-the-utility-patent-act-of-1952-32-cumberland-l-rev-187-231-2002/wppa\\_open/](http://nationalaglawcenter.org/publication/comment-mother-nature-and-the-courts-are-sexually-reproducing-plants-and-their-progeny-patentable-under-the-utility-patent-act-of-1952-32-cumberland-l-rev-187-231-2002/wppa_open/)

### **Published Refereed Scientific Journals**

Elisa F. Smith, Norman D. Davis and Paul A. Lemke, *Inhibition of Aflatoxin B<sub>1</sub> Production by Emetine in Stationary Cultures of *Aspergillus flavus**. 96 MYCOL. RES. 5, 385 (1992).

Elisa F. Smith, P. A. Backman. *Epidemiology of Soybean Stem Canker in the Southeastern United States: Relationship Between Time of Exposure to Inoculum and Disease Severity*. 73 PLANT DIS., 464 (1989).

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Elisa F. Smith and P. A. Backman. *Soybean Stem Canker: An Overview*, SOYBEAN DISEASES OF THE NORTH CENTRAL REGION, (T. D. Wyllie, D. H. Scott eds., 1988).

D. B. Weaver, S. A. Sedham, E. F. Smith and P. A. Backman. *Screening for Resistance to Stem Canker in Southern Soybean.*, 8 CROP SCI.626 (1988).

### **Published Experiment Station and Non-Refereed Scientific Journals**

E. Smith and P. A. Backman. *Evaluation of Fungicides for the Control of White Mold and Limb Rot in Peanuts*. 41 FUNGICIDE AND NEMATICIDE TESTS 117 (1986).

P. A. Backman, M. A. Crawford and Elisa Smith. *Management of Stem Canker with Fungicides*. 13 PROC. S. SOYBEAN DISEASE WKRS. 64, (Abstract 1986).

P. A. Backman, M. A. Crawford, E. Smith and D. B. Weaver. *Soybean Stem Canker: Infection, Disease Development, and Control*. 32 ALA. AGRIC. EXPT. STN.: HIGHLIGHTS AGRIC. RES. 1(b), 3 (1985).

### **Editing**

32 CUMBERLAND LAW REVIEW 1-3 (2001- 2002).

SOUTHEASTERN LYME DISEASE WORKSHOP PROCEEDINGS. Edward L. Snoddy, Elisa Smith Rives, Steve R. Bloemer and Joseph C. Cooney eds., (1992).

## INVITED PRESENTATIONS

E. F. Smith, Poster Presentation, Annual Meeting of the American Society for Microbiology, New Orleans, Louisiana: *Inhibition of Aflatoxin B<sub>1</sub> Production by Emetine in Stationary Cultures of Aspergillus flavus* NRRL 6515 (May 14, 1989).

E. Smith, Graduate Student Competition, Annual Southern Soybean Disease Workers Conference, Savannah, Georgia: *The Development of Soybean Diseases in Six Cultivars Receiving Naturally Infested Soybean Debris at Different Growth Stages* (Mar. 24, 1987) (Abstract published)

E. F. Smith, Annual Alabama Pests and Pesticides Conference in Auburn, AL: *Southern Stem Canker Caused by Diaporthe phaseolorum var. caulivora* (Feb. 24, 1987).

Elisa F. Smith, Graduate Student Competition, 76<sup>th</sup> National Meeting of the American Phytopathological Society in Kissimmee, Florida: *Epidemiology of Diaporthe phaseolorum var. caulivora and Stem Canker Development in Southern Soybeans* (Aug. 10, 1986) (Abstract published).

E. F. Smith, Graduate Student Competition, Annual Southern Soybean Disease Workers Conference, Baton Rouge, Louisiana: *Epidemiology of Diaporthe phaseolorum var. caulivora in Southern Soybeans* (Mar. 25, 1986) (Abstract published).

E. F. Smith, Alabama Pests and Pesticides Conference, Auburn, Alabama: *Epidemiology of Stem Canker in Southern Soybean Caused by Diaporthe phaseolorum var. caulivora* (Feb. 25, 1986).