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Complex Business Litigation, Personal Injury, Product Liability, Environmental Compliance, Administrative Proceedings, and Appeals

Mr. Heister's practice focuses on complex business litigation, regulatory compliance, personal injury, and appeals from both agency and trial court decisions. He is listed with *The Best Lawyers in America*® in the area of Appellate Practice, recognized as a Mid-South Super Lawyer in Civil Litigation Defense by *Super Lawyers*, and named to the 2017 Under 40 Hot List by *Benchmark Litigation*. Recent matters include:

- Obtaining summary judgment in federal court to allow development of a multi-state, multi-billion-dollar transmission line.
- Litigating in state and federal court on behalf of clients regarding disputes over business valuation, insurance coverage, and breach of contracts.
- Litigating multiple personal injury lawsuits, including wrongful death lawsuits, asserting product liability and related claims.
- Obtaining favorable rulings from the Arkansas Supreme Court in cases raising jurisdictional and arbitration issues.
- Representing clients in a variety of environmental matters before state agencies such as obtaining a third-party rulemaking, permit compliance, and remediation of contaminated properties.

Prior to joining the firm, Mr. Heister practiced law in Washington, DC, for nine years, first as a trial attorney with the United States Department of Justice and later with a large, international law firm. While at the Department of Justice, Mr. Heister was awarded the EPA Gold Medal for Exceptional Service, the highest award bestowed by the Environmental Protection Agency. Mr. Heister's experience in private practice includes trial and appellate work in civil environmental enforcement actions, private cost-recovery actions, bankruptcy cases, and criminal investigations. He was also appointed legal

counsel to the Architect of the Capitol's blue ribbon panel on safety in the Russell Senate Building.

A native of Little Rock, Arkansas, Mr. Heister is a *magna cum laude* graduate of Vanderbilt University and received his J. D. from the University of Arkansas, *summa cum laude*. Following graduation from law school, Mr. Heister served as a law clerk to the Honorable Richard S. Arnold of the U.S. Court of Appeals for the Eighth Circuit. He also taught civil rights litigation as an adjunct professor at the University of Arkansas at Little Rock Bowen School of Law.

Mr. Heister is licensed to practice law in Arkansas and the District of Columbia. He is admitted to practice before the U.S. Supreme Court and the U.S. Courts of Appeals for the First, Eighth, Ninth, Tenth, Eleventh, and D.C. Circuits as well as the Western and Eastern Districts of Arkansas and the U.S. District Court for the District of Columbia.

Articles and Publications

Administrative Law Tips and Tricks, The Arkansas Lawyer, Vol. 48, No. 2 (Spring 2013).

Changes to Divisibility, Arranger Liability in CERCLA, Environmental Law 360, Apr. 13, 2010 (Joseph Herbster, co-author).

Chapter Author, *Settlement Policy and Practice as a Centerpiece of the Superfund Program*, Law of Environmental Protection, Environmental Law Institute, 2008 - 2009 (Steven Leifer, Megan Berge and Blake Hudson, co-authors).

The Structure of the United States District Courts in Arkansas, 56 Ark. L. Rev. 715 (2004) (Hon. Richard S. Arnold, co-author).

State v. Cherry: The Lone Juror Forces Arkansas to Confront Pre-Deliberative Juror Misconduct and Rule of Evidence 606(b), 54 Ark. L. Rev. 823 (2002).

Published Cases

Bigge Crane & Rigging Co. v. Entergy Arkansas, Inc. 2015 Ark. 58; *Entergy Arkansas, Inc. v. Pope County Circuit Court*, 2014 Ark. 506; *North Dakota v. EPA*, 730 F.3d 750 (8th Cir. 2013); *WildEarth Guardians v. U.S. EPA*, 728 F.3d 1075 (10th Cir. 2013); *WildEarth Guardians v. Public Services Co. of Colorado*, 690 F.3d 1174 (10th Cir. 2012); *Solutia, Inc. v. McWane, Inc.*, 672 F.3d 1230 (11th Cir. 2012); *Shaverdy v. Mukasey*, 262 Fed. Appx. 832 (9th Cir. 2008); *New York v. EPA*, 443 F.3d 880 (D.C. Cir. 2006); *North Carolina v. EPA*, 531 F.43d 896 (D.C. Cir. 2005); *Amer. Int'l Spec. Lines Ins. Co. v. United States*, 2005 WL 680159 (N.D. Cal. 2005); *Rhode Island v. U.S. EPA*, 378 F.3d 19 (1st Cir. 2004); *Alliance for Legal Action v. U.S. Army Corps of Engineers*, 314 F.Supp.2d 534 (M.D.N.C 2004).

Education

University of Arkansas School of Law (J.D., *summa cum laude*, 2002)
Note and Comment Editor, *Arkansas Law Review*
W. J. Arnold Award
James H. McKenzie Award

Vanderbilt University (B.A., *magna cum laude*, 1998)

Associations and Affiliations

Arkansas Bar Association, Environmental Law Section, Board Member (2013-2016)
Arkansas Bar Association, Mock Trial Committee (2013-2017)