



Heather Welles

Counsel

Los Angeles

D: +1-213-430-7613

hwelles@omm.com

Heather Welles represents clients in complex litigation and transactions and provides regulatory and strategic advice, with a particular focus on water and public law and policy issues. She has drafted briefs in federal and state trial and appellate courts, including the US Supreme Court, and in ADR settings on a range of subjects, including federal constitutional law, federal courts and jurisdictional issues, statutory interpretation, water law, contracts, and trademark law. Heather is a core member of the firm's water practice, representing clients in industries including public agencies, agriculture, energy, private equity, and environmental conservation. She regularly speaks on water law and related issues. Heather also maintains an active pro bono practice focused on civil rights and impact litigation.

Prior to joining O'Melveny, Heather completed two federal appellate clerkships, most recently for the Honorable David S. Tatel on the DC Circuit Court of Appeals, and previously for the Honorable William A. Fletcher on the Ninth Circuit Court of Appeals.

Heather graduated from the University of California, Berkeley School of Law, where she was awarded the Thelen Marrin Prize for Academic Excellence and served as the Editor in Chief of the *Ecology Law Quarterly*. She previously served as a legislative director in the Texas House of Representatives, where she drafted legislation, staffed committee hearings, and worked on groundwater regulation, water quality, energy, and land use.

Experience

- Representing a public agency in federal court on multiple matters of first impression involving reserved water

Admissions

Bar Admissions

California

Court Admissions

US Court of Appeals, Ninth Circuit

US District Court, Central District of California

Education

University of California at Berkeley, J.D.: Thelen Marrin Prize for Academic Excellence (best academic record in graduating class); Order of the Coif; Editor in Chief, *Ecology Law Quarterly*; Landis Prize (most accomplished research paper in water or local government law); American Jurisprudence Awards for best exam in Constitutional Law, Contracts, Water Law, and Land Use Law

University of California at San Diego, B.A., Political Science

rights, including successfully obtaining dismissal of multiple claims on standing grounds.

- Serving as the primary drafter of appellate briefing defending a successful challenge to a local initiative impacting property rights and water use. Co-authored trial briefing and presented argument in a regulatory takings bench trial and collateral administrative proceedings. The case resulted in a rare facial takings ruling in favor of O'Melveny's client.
- Representing multiple large landowners in the first groundwater adjudication under California's modified statutory scheme for such adjudications.
- Advising a major energy company and a major utility company on federal constitutional and statutory issues related to international and interstate pipelines, including appellate briefing and strategy, consulting with federal officials, and regulatory advice.
- Co-authoring pre-trial and post-trial briefing in a contract and trademark dispute involving more than \$150m in potential liability.
- Advising on water rights and legal issues affecting water supply in multiple contexts, including disputes, project development, and regulatory compliance. Representative projects include multi-million-dollar transactions related to land acquisition and infrastructure.
- Represented a nonprofit organization in connection with high-profile negotiations over water quality in the Sacramento/San Joaquin River Delta system.
- Advised a government agency and nonprofit organization on constitutional, statutory, and regulatory issues related to immigration.
- Representing Planned Parenthood Arizona and individual clinicians in litigation challenging multiple statutes that reduce access to reproductive health care.
- Representing anti-violence organizations before the US Supreme Court in defending a Sixth Circuit decision holding that transgender Americans are protected by Title VII's prohibition on discrimination on the basis of sex.

Professional Activities

Clerkships

- Honorable David S. Tatel, US Court of Appeals, District of Columbia Circuit
- Honorable William A. Fletcher, US Court of Appeals, Ninth Circuit

Publications

- "Toward a Management Doctrine for Texas Groundwater," *Ecology Law Quarterly*, Vol. 40 (2013)
- "What's a Smelt Worth?: The Endangered Species Act and the Commerce Clause in the Bay-Delta," *Ecology Law Quarterly*, Vol. 39 (2012)
- "Will the Wilderness Act Be Diluted in Drakes Estero?" *Ecology Law Quarterly Currents* (Aug. 26, 2012) (co-authored with Nell Green Nylen, Elisabeth Long, Mary Loum, Dan Carlin, Brynn Cook, and Sage Adams)

Honors & Awards

- Member of the team recognized as Environment/Natural Resources Litigation Firm of the Year by *Benchmark Litigation California* (2019)