Kevin M. LeRoy
Counsel

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Kevin litigates high-stakes appeals in state and federal courts across the country, in addition to regularly handling significant critical motions in trial courts.

OVERVIEW

Kevin is counsel in the firm's Business Litigation practice. He has had significant involvement in high-stakes appeals in the U.S. Supreme Court and many federal circuit courts of appeals, in addition to state appellate courts across the country, often as a leading member of the brief-writing team. Kevin has argued before the U.S. Court of Appeals for the Seventh Circuit, the U.S. Court of Appeals for the Federal Circuit, and the Wisconsin Supreme Court. Kevin frequently litigates administrative-law cases and political-law cases, including redistricting and election-related litigation.

Prior to joining the firm, Kevin was a deputy solicitor general with the Wisconsin Office of the Solicitor General. While there, he routinely drafted briefs on behalf of Wisconsin in high-profile appeals before the U.S. Supreme Court, the Seventh Circuit, and the Wisconsin Supreme Court. He also regularly argued before the Seventh Circuit and the Wisconsin Supreme Court.

Kevin clerked for Judge Diane S. Sykes of the U.S. Court of Appeals for the Seventh Circuit during the 2015-16 term.

REPRESENTATIVE MATTERS

- Successfully challenged the New York Legislature's partisan gerrymandered congressional and State Senate maps, winning at all three levels of the New York Court system, including in expedited proceedings before the New York Court of Appeals, resulting in the drawing of new maps by an independent, nonpartisan special master.
- Drafted briefs, including the certiorari petition, in *PacifiCorp v. EPA*, No.23-1068 (U.S.) (consolidated under *Oklahoma v. EPA*, No.23-1067 (U.S.)), a case involving the proper interpretation of the Clean Air Act's venue statute, before the U.S. Supreme Court. The Court ruled unanimously in favor of his client, holding that challenges to EPA's denial of a state implementation plan may be filed in the appropriate regional circuit court of appeals.
- Drafted briefs, including the certiorari petition, in *Rudisill v. McDonough*, No.22-888 (U.S.), a case challenging the VA's interpretation of the Post-9/11 GI Bill, before the U.S. Supreme Court. The Court ruled 7-2 in favor of

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his client, ensuring more than a million veterans would be eligible for educational benefits previously denied by the VA.

- Successfully represented industry group before the U.S. Supreme Court in *West Virginia v. EPA*, No.20-1530 (U.S.), a landmark administrative-law case under the major-questions doctrine.
- Achieved multiple appellate victories on behalf of energy-sector clients before the U.S. Court of Appeals for the District of Columbia Circuit and the U.S. Court of Appeals for the Ninth Circuit.
- Representing New York counties, towns, and individuals in the first lawsuits filed under the John R. Lewis Voting Rights Act of New York, a state law governing redistricting and voting rules.
- Successfully defended Wisconsin state election laws before the U.S. Supreme Court (at the emergency-stay stage), the U.S. Court of Appeals for the Seventh Circuit, and the Wisconsin Supreme Court.
- Successfully defended various Wisconsin state laws and government actions against multiple novel constitutional challenges, resulting in landmark separation-of-powers opinions from the Wisconsin Supreme Court and published opinions from the Seventh Circuit.
- Successfully challenged burdensome restrictions imposed by local laws on religious exercise before the Wisconsin Supreme Court.
- Successfully defended a drug manufacturer against securities-fraud claims before the U.S. Court of Appeals for the Second Circuit.
- Drafted briefs and presented oral argument before the Federal Circuit on behalf of a veteran seeking additional disability benefits denied by the VA.
- Drafted briefs in *Gill v. Whitford*, No.16-1161 (U.S.), a major redistricting case before the U.S. Supreme Court. The Court ruled 9-0 on behalf of his client.
- Drafted briefs in *Tetra Tech v. DOR* and *DWD v. LIRC*, before the Wisconsin Supreme Court, leading administrative-law cases that ended agency deference in Wisconsin.
- Briefed and argued *State ex rel. DNR v. Wis. Court of Appeals, District IV* before the Wisconsin Supreme Court. The Court ruled in favor of his client on a novel question of statutory interpretation.
- Briefed and argued *Minerva Dairy v. Harsdorf* before the Seventh Circuit, successfully defending an economic regulation on behalf of his client.
- Briefed and argued numerous cases before the Wisconsin Supreme Court, successfully defending lower-court judgments obtained by his client.
- Drafted amicus brief in *Gaylor v. Mnuchin* in the Seventh Circuit, defending a federal tax exemption with significant impact in Wisconsin. The court cited this amicus brief in its opinion affirming the exemption.

AWARDS

- Best Brief Award, Wisconsin State Bar Appellate Practice Section
- Best Brief Award, National Association of Attorneys General

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation

ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Election Law + Redistricting

- Litigation + Trial

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Board member, Wisconsin State Bar Appellate Practice Section

EDUCATION AND CERTIFICATIONS

EDUCATION

- Indiana University Maurer School of Law, J.D., *magna cum laude*, 2015
- Franciscan University of Steubenville, M.B.A., 2012
- Franciscan University of Steubenville, B.A., *summa cum laude*, 2011

BAR ADMISSIONS

- Wisconsin
- Indiana (Inactive)
- Illinois

COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, District of Colorado
- U.S. District Court, Southern District of Indiana
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin

CLERKSHIPS

- Hon. Diane S. Sykes, U.S. Court of Appeals, Seventh Circuit, 2015-2016

SPEAKING ENGAGEMENTS

- Speaker, “The State of Wisconsin’s Administrative State,” Madison Federalist Society.
- Speaker, “Judicial Review and the Changing Nature of Deference,” Wisconsin State Bar.
- Panelist, “Voting Rights, Voting Wrongs: The Future of Gerrymandering,” Indiana University School of Public and Environmental Affairs.

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PUBLICATIONS

- Co-author, "Supreme Court Reverses Affirmative Action," *Troutman Pepper*, June 30, 2023.
- Co-author, "US Supreme Court to Decide Fate of Chevron Doctrine in Potentially Watershed Administrative Law Case," *Troutman Pepper*, May 2, 2023.
- Co-author, "*The Past and the Present: Stare Decisis in Wisconsin Law*," 102 Marq. L. Rev. 839 (2019).