Timothy McHugh

Partner

Richmond

tim.mchugh@troutman.com

D 804.697.1365



Tim is a first-chair litigator who handles high-profile cases and obtains key approvals for clients in highly regulated sectors. From state agencies to the U.S. Supreme Court, he resolves his clients' most complex challenges.

OVERVIEW

Tim draws on more than 15 years of legal and military experience to advise a diverse client base on complex administrative law issues before agencies, commissions, and courts throughout the U.S. He is particularly experienced in leading teams on critical infrastructure projects, as well as federal and state veterans' educational benefits compliance issues. Tim's work spans a variety of sectors and client types, including utilities, government contractors, and educational institutions, among others.

Tim argued before an *en banc* court of appeals, obtained a writ of certiorari from the U.S. Supreme Court, and worked on other precedent-setting administrative law cases. The *Chicago Sun-Times* described one such case involving a far-reaching statutory interpretation by the U.S. Department of Veterans Affairs as "[c]ollectively worth potentially billions of dollars."

Educational institutions regularly seek Tim's advice on issues involving the U.S. Department of Veterans Affairs' and State Approving Agencies' regulation of their GI Bill, VET TEC, and similarly eligible programs, including in the compliance, advertising, overpayment, litigation, and transactional contexts.

Tim is also a decorated war veteran. Before joining the firm, he served as a paratrooper and noncommissioned officer in the U.S. Army's 82nd Airborne Division, where he led an airborne infantry squad in combat. Tim's awards include the Purple Heart and Army Commendation Medal for Valor. He was deployed twice to Iraq and once to Afghanistan.

Tim actively supports veterans through his pro bono practice, which is focused on systemic educational benefits issues.

REPRESENTATIVE MATTERS

Critical Infrastructure

- Representing an electricity utility in numerous certification proceedings before a state public utility commission.
- Representing a solar developer in the application for a certificate of public convenience and necessity before a

©2026 Troutman Pepper Locke

state public utility commission.

- Argued a renewable natural gas company's permit application before the Virginia Marine Resources Commission, resulting in a unanimous decision to issue the permit.
- On brief in *West Virginia v. EPA*, the landmark U.S. Supreme Court decision entrenching the major questions doctrine into administrative law, arguing that the EPA cannot require electrical generation shifting under Section 111(d) of the Clean Air Act. The Court ruled 6-3 in favor of our client.
- On application in *Louisiana v. American Rivers*, argued that sovereign immunity precludes the vacatur of agency action under the APA without a judicial finding of illegality. The U.S. Supreme Court granted the application, staying vacatur of the 2020 Clean Water Act Section 401 Certification Rule.

Government Contracting

- Represented a government contractor in a formal bid protest under Virginia Public Procurement Act, raising multiple procedural arguments in a case of first impression. In response, the procuring agency rescinded its award to other vendors, reopened bid process, and awarded the contract to our client.
- Representing a defense contractor on Berry Amendment, Buy American Act, and Trade Agreements Act compliance.

Veterans' Educational Benefits

- Secured a writ of certiorari from U.S. Supreme Court in *Rudisill v. McDonough*, 55 F.4th 879 (Fed. Cir. 2022) (en banc), *cert granted* (U.S. June 26, 2023) (No. 22-888).
- Served as lead attorney on multiple pending lawsuits against the U.S. Department of Veterans Affairs, including for an injunction against the continued application of VA regulation.
- Advising an educational institution on a targeted risk-based review by the U.S. Department of Veterans Affairs, including 85/15 Rule compliance, distance learning requirements, and advertising issues.
- Advising an educational institution on a risk-based survey and program suspension by State Approving Agency.
- Advised an educational institution on veterans' educational benefit overpayment process and risk exposure for further compliance-related monetary demands from the U.S. Department of Veterans Affairs.
- Led the due diligence of veterans' educational benefits compliance for the multimillion-dollar acquisition of an educational institution.

Other Complex Regulatory Litigation

- Obtained a stay pending appeal and merits victory from the Court of Appeals of Virginia, in a case of first impression involving the application of state discovery laws to a foreign subpoena under the Uniform Interstate Depositions and Discovery Act (UIDDA). *Patel v. Rabinowitz ex rel. Lakhani Assocs.*, LLC, 75 Va. App. 663 (2022).
- Authored an amicus brief against Virginia's petition for review of an injunction on the enforcement of unconstitutionally vague and broad gambling laws before the Supreme Court of Virginia. The court denied the petition.

AWARDS

- *Best Lawyers in America*®: Appellate Practice (2026-2027), Commercial Litigation (2027)
- *Best Lawyers in America®: Ones to Watch,* Energy Law (2023-2025), Environmental Law (2022-2024), Litigation – Environmental (2022-2024)

TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Educational Institutions
- Energy
- Environmental + Natural Resources
- Regulatory Investigations, Strategy + Enforcement

ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Educational Institutions
- Election Law + Redistricting
- Energy
- Enforcement Actions + Investigations
- Environmental + Natural Resources
- Gaming
- Government + Regulatory
- Government + Regulatory Litigation
- Litigation + Trial
- Local Government Services
- Public Records + FOIA Law
- Regulatory Investigations, Strategy + Enforcement
- State Administrative + Business Solutions
- Virginia State Corporation Commission

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Fellow, The American Bar Foundation
- Participant, 2023 Lead Virginia
- Counsel member, American Bar Association, Infrastructure and Regulated Industries Section
- Editor-in-Chief, *Infrastructure*
- Chair, Richmond Bar Association Environmental & Energy Law Section
- Virginia Bar Association
- Advisory Council, National Veterans Legal Services Program, 2016-2018
- Board of Trustees, Washington University, Graduate Student Representative, 2013-2014

PROFESSIONAL EXPERIENCE

- Non-Commissioned Officer, U.S. Army, 2006-2008

EDUCATION AND CERTIFICATIONS

©2026 Troutman Pepper Locke

EDUCATION

- Washington University in St. Louis School of Law, J.D., *cum laude*, 2014, Dean's Leadership Award (2014); Dean's Service Award (2014)
- Appalachian State University, B.S., 2011

BAR ADMISSIONS

- Virginia
- Maryland
- North Carolina

COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals for Veterans Claims
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, District of Columbia
- U.S. Court of Federal Claims
- Virginia State Courts

PUBLICATIONS

- Co-author, "Federal Cybersecurity Requirements Ought Not Be Ignored by Contractors," *Troutman Pepper*, October 8, 2024.
- Co-author, "Contractor's Guide to the Revised Davis-Bacon Act Regulations," *Surety Bond Quarterly*, October 2024.
- Co-author, "VA to Revise Educational Institution Requirements Under the 2018 Veterans Benefits and Transition Act," *Regulatory Oversight*, February 9, 2024.
- Co-author, "Advancing Nuclear Energy: The Role of Advanced Technologies in a Changing Political and Regulatory Landscape," *Infrastructure*, Volume 62, Number 4, Summer 2023.
- Co-author, "The Supreme Court Decides to Revisit Chevron: Here's What It Could Mean for Future Deference to U.S. Government Agency Interpretations," *The Journal of Federal Agency Action*, September 2023.
- Co-author, "Important Policy Implications of *Rudisill v. McDonough*," *Troutman Pepper Locke*, March 13, 2023.
- Editor, *The Virginia Lawyer: A Deskbook for Practitioners*, Virginia CLE & Virginia Bar Association, 2014 to present.
- Co-author, "Should Conscription of State Attorneys General Be a Recognized Fourth Form of Federal Agency Action? How Federal Agencies Are Using the States to Expand Their Regulatory Reach and Advance Their Missions," *The Journal of Federal Agency Action*, November 18, 2022.
- Co-author, "Recent Federal- and State-Level Servicemembers Civil Relief Act Enforcement Re-Emphasize the Act's Importance," *Troutman Pepper* and *JD Supra*, February 9, 2022.

MEDIA COMMENTARY

- Quoted, “In GI Bill Case, VA Drops Appeal, Giving Another 1.2 Million Vets Extra Education Benefits,” *Chicago Sun-Times*, March 11, 2026.
- Quoted, “Still Fighting: After High Court GI Bill Victory, Army Vet Perseveres,” *USA Today Veteran Affair’s Special Edition*, November 4, 2025.
- Featured and quoted, “Representing One to Help Millions,” *Virginia Lawyer* magazine, October 2025
- Quoted, “Fed Circ. Passes On VA, Veteran Dispute Over GI Bill Benefits,” *Law360*, June 27, 2025.
- Mentioned, “Military Retirees Say They Were Denied Extended GI Bill Benefits Despite Supreme Court Ruling,” *Military.com*, March 31, 2025.
- Quoted, “Illinois Backs Veterans Claiming They Were Denied GI Bill Benefits Despite Supreme Court Ruling,” *Chicago Sun-Times*, March 20, 2025.
- Quoted, “Army Vet Tells Justices VA Misread Post-9/11 Benefits Law,” *Law360*, October 12, 2023.
- Mentioned, “VA Argues for Limiting Veterans’ GI Bill Benefits in Case Before Supreme Court,” *Chicago Sun-Times*, September 11, 2023.
- Quoted, “Supreme Court to Hear Virginia Veteran’s Case,” *Radio IQ*, June 28, 2023.
- Quoted, “Supreme Court to Hear Case that Could Impact 1.7 Million Post-9/11 Military Vets,” *13 News Now*, June 27, 2023.
- Quoted, “Supreme Court Agrees to Hear Case that Could Expand VA Education Benefits to Nearly 2 Million Vets,” *Stars and Stripes*, June 27, 2023.
- Quoted, “Supreme Court to Rule on Whether Vets Should Get More GI Bill Benefits,” *Military Times*, June 26, 2023.
- Quoted, “GI Bill Case Filed by Decorated Army Veteran James Rudisill to be Heard by the Supreme Court,” *Chicago Sun-Times*, June 26, 2023.
- Quoted, “Justices to Hear Army Vet’s Bid for More Education Benefits,” *Law360*, June 26, 2023.
- Quoted, “Decorated Vet’s Last Stand: FBI Agent Wants Supreme Court to Make VA Stop Shortchanging Veterans on GI Bill Benefits,” *Chicago Sun-Times*, March 10, 2023.
- Quoted, “Court Overturns Ruling That Would Have Given Some Vets Extra GI Bill Money for More School,” *Military.com*, January 22, 2023.
- Mentioned, “Pro Bono Innovators 2022 Honoree,” *Bloomberg Law*, November 2, 2022.
- Quoted, “Circ. Questions Congressional Intent in GI Bill Case,” *Law360*, October 6, 2022.
- Quoted, “Marine Resources Commission OKs Biogas Pipeline,” *The Smithfield Times*, June 28, 2022.
- Quoted, “Ex-Chief Justice Melton Backing Veteran in Potential Precedent-Setting Case,” *Daily Report*, July 13, 2022.
- Quoted, “Want to Use Both Post-9/11 and Montgomery GI Bill Benefits? Hurry Up and Wait,” *Military Times*, February 8, 2022.
- Quoted, “GI Bill Snafus Widespread and Longstanding, Long-secret Whistleblower Investigation Finds,” *Chicago Sun-Times*, November 5, 2021.
- Quoted, “Court Ruling May Let Veterans Access Both Montgomery and Post-9/11 GI Bill Benefits,” *Military.com*, July 13, 2021.
- Quoted, “Millions of Vets May be Eligible for Extra GI Bill Benefits Thanks to Court Ruling,” *Military Times*, July 12, 2021.
- Quoted, “FBI Agent Who Fought VA for GI Bill College Benefits Wins Appeal; Case Could Help Vets Nationwide ,” *Chicago Sun-Times*, July 9, 2021.
- Quoted, “Circ. OKs Longer GI Bill Benefits for Vet With 3 Tours,” *Law360*, July 8, 2021.
- Featured, “Attorneys Lend Skills to Help Current and Former Service Members,” *ABA Journal*, April 1, 2021.
- Quoted, “One Vet’s GI Bill Fight Could Win Benefits for Millions of Other Students,” *Military Times*, December 26, 2020.

- Quoted, “Ruling on Major GI Bill Benefits Case Won’t Come in Time for Fall Classes,” *Military Times*, July 27, 2020.
- Quoted, “Attorneys Want Court to Fast-track GI Bill Legal Case Because of Coronavirus Financial Impact,” *Military Times*, April 1, 2020.
- Quoted, “GI Bill College Help Came for One Vet’s Family but Others Still Dealing With Military’s Broken Promises,” *Chicago Sun-Times*, December 20, 2019.
- Quoted, “Court Ruling Could Give Veterans an Extra Year of GI Bill Benefits,” *Military Times*, September 3, 2019.
- Featured, “Daily Dicta: Meet the In-House Counsel Who Just Tried — and Won — a Billion Dollar Case, Pro Bono ,” *Litigation Daily*, August 27, 2019.