

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)\* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

Committee: Oversight and Accountability

Subcommittee: Select Subcommittee on the Coronavirus Pandemic

Hearing Date: 06/21/2023

Hearing Title :

"Churches vs. Casinos: The Constitution is not Suspended in Times of Crisis"

Witness Name: Misha Tseytlin

Position/Title: Partner

Witness Type:  Governmental  Non-governmental

Are you representing yourself or an organization?  Self  Organization

If you are representing an organization, please list what entity or entities you are representing:

## **FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.

Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.

No.

**Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.**

N/A.

**Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.**

N/A.

**Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.**

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

\* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.



\_\_\_\_\_  
Witness signature

6/20/23

\_\_\_\_\_  
Date

## Misha Tseytlin

Partner  
Chicago  
Washington, D.C.

misha.tseytlin@troutman.com

D 312.759.5947  
M 608.999.1240



Misha is a leading appellate attorney with an accomplished track record before the U.S. Supreme Court, federal courts of appeal, and state courts. He is a nationally recognized authority on administrative law and political law issues.

### Areas of Focus:

- Appellate + Supreme Court
- Environmental Litigation + Enforcement Defense

Misha leads the firm's Appellate + Supreme Court Practice Group. He is nationally known for his work in high-profile cases in the fields of administrative law and political law. Misha has argued and won multiple cases in appellate courts throughout the U.S., from the U.S. Supreme Court and federal courts of appeals to state supreme courts and state appellate courts. Misha argued and prevailed before the U.S. Supreme Court in *Gill v. Whitford*, the most significant redistricting case in decades, and in *Murr v. Wisconsin*, a high-stakes regulatory takings case. He also obtained numerous favorable emergency orders from the U.S. Supreme Court, including in administrative law, political law, and First Amendment issues.

Clients in regulated industries value Misha's meticulous approach to bet-the-company challenges, including in the highest-stakes cases under the Administrative Procedure Act (APA). Misha has led and won many of the most important APA cases in the U.S. over the last decade, including lawsuits against rules and rulings issued by the Environmental Protection Agency (EPA), the Federal Energy Regulatory Commission (FERC), the Food and Drug Administration (FDA), the Consumer Financial Protection Bureau (CFPB), and the Office of Management and Budget (OMB).

Misha is also a recognized leader in political law, including redistricting and election-related litigation. He represents clients ranging from ordinary citizens to independent redistricting commissioners and state legislatures and is responsible for multiple landmark victories in state, federal appellate, and U.S. Supreme Court cases. Most recently, he secured a significant victory at the New York Court of Appeals, invalidating both the congressional and state senate maps as unconstitutional under New York's newly enacted anti-gerrymandering amendments.

## Representative Matters

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- 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.
- Successfully defended the nonpartisan Colorado Independent Congressional Redistricting Commission's final congressional map against multiple novel challenges in the Colorado Supreme Court, which issued a landmark, unanimous opinion adopting the map.
- 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.
- Obtained a nationwide stay from the U.S. Supreme Court pending appeal of a district court's order vacating a rule pertained to licensing requirements for, among other things, hydropower electric generating systems. This nationwide stay allowed the industry-favored Section 401 Rule to remain in effect, before a successful challenge to the district court's determination on the merits in the U.S. Court of Appeals for the Ninth Circuit.
- 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.
- 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 U.S. Court of Appeals for the Seventh Circuit.
- Successfully challenged burdensome restrictions imposed by state and local laws on religious exercise before the U.S. Supreme Court (at the emergency-stay stage) and the Wisconsin Supreme Court.
- Successfully defended a drug manufacturer against securities-fraud claims before the U.S. Court of Appeals for the Second Circuit.
- Briefed and argued *Gill v. Whitford*, a major redistricting case, before the U.S. Supreme Court. He obtained a 9-0 victory on behalf of his client, on his lead argument.
- Briefed and argued *Murr v. Wisconsin*, a significant regulatory takings case, before the U.S. Supreme Court. He obtained a 5-3 victory on behalf of his client.
- Was one of the key attorneys who briefed and argued *Wisconsin v. EPA*, a challenge to the Clean Power Plan, before the en banc D.C. Circuit. He was also one of the co-authors of the successful stay application in this case, before the U.S. Supreme Court, which was the first time that the court has ever stayed a regulation while litigation was pending below.
- Led the multistate, multicourt coalition against the WOTUS Rule, issued under the Clean Water Act. He obtained a stay and preliminary injunction against the rule from the Court of Appeals for the Sixth Circuit, as well as from the U.S. District Court for the Southern District of Georgia.
- Argued numerous cases before the federal courts of appeals, including several high-profile environmental law and election law challenges.
- Successfully challenged the federal COVID-19 vaccine mandate on federal contractors, obtaining a preliminary injunction in the district court against the mandate and then securing an affirmance of that injunction before the U.S. Court of Appeals for the Eleventh Circuit.

- Briefed and argued *Tetra Tech v. DOR*, a leading administrative law case that ended agency deference in Wisconsin. He developed a new theory before the Wisconsin Supreme Court, which that court adopted in its landmark opinion.

*Representative matters may include engagements before joining Troutman Pepper.*

## Related Practices and Industries

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- Appellate + Supreme Court
- Environmental Litigation + Enforcement Defense
- Business Litigation
- Enforcement Actions + Investigations
- Litigation
- Election Law + Government Ethics Compliance
- Election Law, Recount + Redistricting

## Speaking Engagements

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- Speaker, “United States Supreme Court Update and Review 2022-2023 Term,” Associate of Corporate Counsel, Georgia CLE, February 2023.
- Speaker, “United States Supreme Court Update and Review 2022-2023 Term,” Troutman Pepper CLE, January 2023.
- Speaker, “[U.S. Supreme Court Update and Review](#),” Troutman Pepper, June 30, 2021.
- Speaker, “[Duguid v. Facebook: Supreme Court Answers the Call on the TCPA](#),” Troutman Pepper, April 7, 2021.
- Speaker, Federalist Society Chapter of the Federalist Society at Washington University in St. Louis, November 6, 2019.
- Speaker, “Misha Tseytlin Lunch Talk,” Harvard Law School – Harvard Federalist Society, October 16, 2019.
- Speaker, “[Court in Transition](#),” American Bar Association – 2019 ABA Annual Meeting, August 9, 2019.
- Panel, “[Sea Change in Administrative Agency Review: A Discussion on the Wisconsin Supreme Court’s Tetra Tech Decision](#),” Year in Review: Hot Topics for Government Lawyers Seminar, State Bar of Wisconsin, April 24, 2019.
- Speaker, “The Law and Policy of Redistricting Reform,” The Federalist Society - 2019 Ohio Lawyers Chapters Conference, April 5, 2019.
- Speaker, “The Extraordinary Session,” American Constitution Society – University of Wisconsin Law School, April 1, 2019.
- Speaker, “[Executive Oversight and Separation of Powers: The Potential for Change in Kisor v. Wilkie](#),” The Federalist Society – Wisconsin Student Chapter, March 28, 2019.
- Speaker, “[DOJ: The Mighty Agency No One Knows About](#),” The Federalist Society - Milwaukee Lawyers Chapter, March 20, 2019.
- Speaker, “[Seminar on the State of Wisconsin’s Administrative State](#),” The Federalist Society - Madison Lawyers Chapter, March 19, 2019.

- Panels regarding *Tetra Tech v. DOR* – Marquette Law School; Wisconsin DNR CLE; October – November 2018.
- Panel regarding Justice Kennedy – Phoenix Federalist Society; October 22, 2018.
- Speeches and keynote engagement regarding Solicitor General's Office – Madison Federalist Society; Milwaukee Federalist Society; Wisconsin Manufacturers and Commerce; Madison Inn of Court; American Bar Association; April 2016 – September 2018.
- Panel regarding administrative law – University of Wisconsin Law School; American Bar Association; April 2017 – August 2018.
- Television appearance – CBS; July 9, 2018.
- Television appearance – CNN; June 30, 2018.
- Television appearance – Fox News; June 30, 2018.
- Television appearance – Fox Business; June 29, 2018.
- Television appearance – CNN; June 27, 2018.
- Panels and speech regarding *Gill v. Whitford* – Georgetown University Law Center; University of Wisconsin Law School; Madison Federalist Society; Federalist Society; October 2017 – June 2018.
- Panel regarding appellate advocacy – Harvard Law School; April 2, 2018.
- Teleforum regarding redistricting – Federalist Society; March 30, 2018.
- Teleforum regarding Affordable Care Act litigation – Federalist Society; March 14, 2018.
- Teleforum regarding *Artis v. D.C.* – Federalist Society; November 27, 2017.
- Panels regarding Wisconsin Supreme Court, Milwaukee Federalist Society, University of Wisconsin; October – November 2017.
- Panels and teleforum regarding *Murr v. Wisconsin* – Federalist Society; University of Wisconsin Law School; March – October 2017.
- Panels regarding Supreme Court – Fayetteville Federalist Society; Iowa Federalist Society; University of Arkansas Law School; February 2016 – August 2017.
- Testimony regarding WOTUS Rule, Senate Committee on Environment and Public Works, April 26, 2017.
- Panels and speeches regarding Clean Power Plan – Federalist Society; Energy and Mineral Law Foundation; Wisconsin Energy Providers Conference; National Association of Attorneys General; American Bar Association; June 2015 – April 2017.
- Panels and speeches regarding *North Carolina State Board v. FTC* – Heritage Foundation; American Bar Association; Federation of Associations of Regulatory Boards; April 2015 – September 2016.
- Testimony regarding *North Carolina State Board v. FTC*, Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights, February 2, 2016.

## Publications

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- Co-author, "[US Supreme Court to Decide Fate of Chevron Doctrine in Potentially Watershed Administrative Law Case](#)," *Troutman Pepper*, May 2, 2023.
- Podcast, "[Can Courts End Partisan Gerrymandering?](#)" *We The People*, March 23, 2023.
- Podcast, "[State of Redistricting 2021](#)," *Policy for the People Podcast*, September 30, 2021.
- "As-Applied Commerce Clause Challenges," *16 U. Pa. J. Const. L.* 479 (2013).

- Co-author, “Applying Constitutional Decision Rules Versus Invalidating Statutes in *Toto*,” 90 *Va. L. Rev.* 301 (2012).
- Co-author, *You’re (Probably) a Federal Criminal*, Cato, 2009.

## Media Commentary

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- Mentioned, “[Shortchanging on GI Bill Benefits Is No Way to Thank Veterans for Their Service](#),” *Chicago Sun-Times*, March 13, 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, “[Supreme Court Delay Complicates CFPB’s Aggressive Agenda Push](#),” *S&P Global Market Intelligence*, March 2, 2023.
- Quoted, “[Focus Turns to Congress as Justices Narrow TCPA Liability](#),” *Law360*, April 2, 2021.
- Quoted, “[Attorneys Expect Enviro Policy Whiplash With Biden Win](#),” *Law360*, November 8, 2020.
- Quoted, “[What Amy Coney Barrett Could Mean for Climate Law](#),” *Politico*, September 28, 2020.
- Quoted, “[How the New Supreme Court Could Stymie a Biden Presidency](#),” *Politico*, September 25, 2020.
- Quoted, “[Election Rule Changes Debated in Wisconsin Federal Court](#),” *Courthouse News Service*, August 5, 2020.
- Quoted, “[What to Watch as High Court Tackles TCPA’s Autodialer Ban](#),” *Law360*, May 5, 2020.
- Quoted, “[Supreme Court Legal Fights to Watch in 2020](#),” *The Epoch Times*, January 7, 2020.
- Quoted, “[Trump Fills 50th Appeals Court Seat With ‘Unqualified’ Pick \(1\)](#),” *Bloomberg Law*, December 11, 2019.
- Quoted, “[Wisconsin Supreme Court Sides With GOP Legislature in Case Challenging Lame-duck Laws](#),” *Wisconsin State Journal*, June 21, 2019.
- Mentioned, “[Lawyer Who Fought Clean Power Plan on ACE ‘Battle Royal’](#),” *E&E News*, June 14, 2019.
- Quoted, “[Georgia Code Copyright Case Gets U.S. High Court Cert Review](#),” *Daily Report*, June 12, 2019.
- Mentioned, “[Conservative Justices Signal Skepticism of Challenge to Lame-duck Laws](#),” *Wisconsin State Journal*, May 16, 2019.
- Quoted, “[What to Expect as Justices Weigh Fate of Auer Deference](#),” *Law360*, March 26, 2019.
- Mentioned, “[Troutman Sanders Lands Wisconsin’s First Solicitor General](#),” *Law360*, February 19, 2019.
- Mentioned, “[Ex-Wisconsin SG to Head Troutman Sanders’ Supreme Court Group](#),” *Bloomberg Law*, February 15, 2019.
- Mentioned, “[Former Wisconsin Solicitor General Lands at National Firm](#),” *Wisconsin Law Journal*, February 15, 2019.
- Mentioned, “[Troutman Sanders Hires Ex-Wisconsin Solicitor General Known for EPA Challenges](#),” *The American Lawyer*, February 15, 2019.

## Rankings and Recognition

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- *City & State New York*: Law Power 100 (2023)
- Best Brief Award from the National Association of Attorneys General for merits brief in *Gill v. Whitford*

## Professional Experience

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- Solicitor general of Wisconsin, 2015-2018
- Deputy attorney general and general counsel, Office of the West Virginia Attorney General, 2014-2015

## Bar Admissions

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- District of Columbia
- Illinois
- New York
- Wisconsin
- West Virginia (Inactive)

## Court Admissions

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- 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, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth 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. District Court, Northern District of Alabama
- U.S. District Court, District of Columbia
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Southern District of West Virginia
- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Western District of Wisconsin

## Education

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- Georgetown University Law Center, J.D., *summa cum laude*, 2006
  - Amherst College, B.A., *magna cum laude*, 2003

## **Clerkships**

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- Hon. Anthony M. Kennedy, Supreme Court of the United States, 2009-2010
- Hon. Janice Rogers Brown, U.S. Court of Appeals, District of Columbia Circuit, 2007-2008
- Hon. Alex Kozinski, U.S. Court of Appeals, Ninth Circuit, 2007