



Michael H. Brady

PARTNER; CO-LEADER OF APPELLATE PRACTICE

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RICHMOND

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BIOGRAPHY

Drawing on his prior public service, Mr. Brady focuses on representing clients who face serious legal, regulatory, and business risks from government action. He has won groundbreaking trial, appellate and administrative victories from state and federal trial and appellate courts and administrative tribunals on behalf of taxpayers, permittees, government contractors, landowners, public and private utilities, and private enterprises ranging from Fortune 50 companies to small, closely-held businesses and individuals.

A former Assistant Solicitor General of Virginia and a law clerk to the Supreme Court of Virginia, Mr. Brady has represented parties and amici in more than forty appeals, primarily before the Supreme Court of Virginia, the United States Courts of Appeals for the Fourth Circuit, the United States Court of Appeals for the D.C. Circuit, and the Supreme Court of the United States. Mr. Brady also advises clients in mission critical disputes with federal and state agencies and bodies, including with the Attorney General of Virginia and the Commonwealth's agencies, localities, and other political subdivisions, addressing issues ranging from licensing, permitting, zoning and government contracting

PRACTICES & INDUSTRIES

[Administrative Law, Regulatory Compliance & Enforcement](#)

[Business Litigation](#)

[Healthcare](#)

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[Real Estate](#)

[Zoning and Land Use](#)

[Appellate Practice](#)

[Land Use and Zoning Litigation](#)

[Condemnation / Eminent Domain](#)

[Environmental](#)

[Construction and Real Estate Litigation](#)

[Products Liability, Toxic Exposure & Environmental Litigation](#)

[Tax Controversy Matters](#)

EDUCATION

University of Texas School of Law, 2009, J.D., with honors

Liberty University, 2006, B.S., summa cum laude

disputes to confidentiality concerns arising under Virginia's Freedom of Information Act.

Prior to his public service and private practice, Mr. Brady served as a judicial intern to the Honorable Victor J. Wolski on the U.S. Court of Federal Claims, and also clerked for Chief Justice Cynthia D. Kinser of the Supreme Court of Virginia.

RECOGNITIONS

- *Virginia Business Magazine*, Appellate Law "Legal Elite" (2022-2025)
- *Virginia Lawyers Weekly* Go To Appellate Lawyer (2023)
- *Best Lawyers in America*®, Appellate Practice, Commercial Litigation, Administrative/Regulatory and Environmental Law (2025-2027)

MEMBERSHIPS & ACTIVITIES

- Vice President: The Federalist Society for Law & Public Policy Studies, Richmond Lawyers Chapter
- Member: John Marshall Inn of Court
- Member: Virginia Bar Association
- Member: Richmond Bar Association

APPEALS

- Represented parties and amici in more than a dozen appeals before the Supreme Court of the United States.
- Represented parties in eight civil appeals before the United States Court of Appeals for the Fourth Circuit and represented parties and amici on several appeals of agency action before the United States Court of Appeals for the District of Columbia Circuit.
- Represented parties in more than a dozen civil appeals before the Supreme Court of Virginia and in several civil appeals before the Court of Appeals of Virginia.
- Represented Commonwealth of Virginia in successful defense of Virginia's FOIA citizenship restriction in the Fourth Circuit and the Supreme Court of the United States, 569 U.S. 133.

ADMISSIONS

Virginia
U.S. Supreme Court
U.S. Court of Appeals: District of Columbia Circuit
U.S. Court of Appeals: Fourth Circuit
U.S. District Court: Eastern District of Virginia
U.S. District Court: Western District of Virginia
U.S. District Court: District of Columbia
Supreme Court of Virginia

- Assisted in representing Virginia transportation agency in obtaining appeal, expedited review, and reversal from Supreme Court of Virginia of judgment holding unconstitutional tolling provision in Virginia's Public-Private Transportation Act, 286 Va. 286.
- Assisted in obtaining affirmance on appeal to the Supreme Court of Virginia of a trial court's denial of video cameras in the courtroom at a high-profile criminal sentencing, 286 Va. 239.
- Assisted in defense of state health agency in challenge to the constitutionality of certificate of public need laws in Virginia federal district court and the Fourth Circuit, 733 F.3d 535.
- Represented non-profit in obtaining reversal of public records denial in the Court of Appeals of Virginia, 81 Va. App. 363.

BUSINESS LITIGATION

- Represented tire manufacturer in successful interlocutory appeal to the Fourth Circuit, obtaining reversal of discovery order compelling production of trade secrets in products liability action, 672 F. App'x 223, 813 S.E.2d 696, 723 F. App'x 224.
- Represented nuclear manufacturer in appeal to Supreme Court of Virginia, winning reversal of \$16 million jury verdict and final judgment for manufacturer on breach of license and trade secret misappropriation claims, 292 Va. 165.
- Represented political subdivision in Virginia circuit court, defeating challenge to land transfer as void based on alleged violation of Virginia Constitution.

TAX CONTROVERSY

- Represented taxpayer at trial and on appeal to the Supreme Court of Virginia in successful challenge to tax assessments as violating state constitutional uniformity, 299 Va. 150.
- Represented leading duty-free retailer at trial and on appeal to the Supreme Court of Virginia in successful constitutional challenge to application of a local business licensure tax to duty-free sales made at Dulles International Airport, 294 Va. 9.

- Represented Fortune 200 paper manufacturer at trial and obtained denial of appeal by the Supreme Court of Virginia in successful challenge to a County's machinery and tools taxes, resulting in a revision of the assessment methodology and a \$5 million refund.

INSIGHTS

Co-author: "At a glance: key environmental legislation in USA ([District of Columbia, Virginia](#))," *Lexology*, December 2, 2025

Co-author: An Emerging Risk of Allegations of Insider Trading, *Interglobix Magazine*, April 30, 2023

Speaker: "Recent Developments in Virginia Taxation," 32nd Annual Tax Practitioner's Roundtable, Virginia Bar Association, October 29, 2020

Co-author: Taxation – The Annual Survey of Virginia Law, *The University of Richmond Law Review*, 2020

Speaker: "Recent Developments in Virginia Taxation," 31st Annual Tax Practitioner's Roundtable, Virginia Bar Association, October 30, 2020

Speaker: Business Interruption Coverage for the Internet Infrastructure Industry, June 10, 2020

Co-author: Taxation – The Annual Survey of Virginia Law, *The University of Richmond Law Review*, 2019

Speaker: "Recent Developments in Virginia Taxation," 30th Annual Tax Practitioner's Roundtable, Virginia Bar Association, October 25, 2019

Co-author: Taxation – The Annual Survey of Virginia Law, *The University of Richmond Law Review*, 2018

Co-author: "Chevron Deference: Where Do We Go From Here?," *Regent University Law Review*, 2017

Co-author: "Are the Rights Guaranteed by the Third Amendment Sufficiently Deep Rooted and Fundamental to be Incorporated into the Fourteenth?," *University of Tennessee Law Review*, 2015

Co-author: "What If States Opt Out Of EPA's Existing Source Rule?," *Law360*, November 24, 2014

Co-author: "A Constitutional Challenge to EPA's 'Clean Power Plan'," *Law360*, October 28, 2014

Co-author: "Toward True Client Communication in Mass Torts," *The Journal of Civil Litigation*, 2014

Co-author: "How the Constitutions of the Thirty-Seven States in Effect When the Fourteenth Amendment Was Adopted Demonstrate that the Governmental Endorsement Test in Establishment Clause Jurisprudence Is Contrary to American History and Tradition," *Texas Review of Law & Politics*, 2012

Co-author: "Florida Supreme Court Erred in Drug Dog Ruling," JURIST-Hotline, 2012

Author: Note: Exclusive Separability? Arbitrability and the Contract Formation Defense, *The Review of Litigation*, 2009