

JOSEPH KIERAN LEAHY

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ACADEMIC EXPERIENCE

SOUTH TEXAS COLLEGE OF LAW—HOUSTON, Houston, TX

Charles Weigel II Research Professor of Business Associations 2024-
Professor of Law (with tenure) 2015-
Associate Professor of Law 2012-2015
Assistant Professor of Law 2009-2012

Courses taught: Corporations, Securities Regulation, and Agency & Partnership

Chairperson, Faculty Appointments Committee 2024-
Chairperson, Student Scholarship Selection Committee (was Financial Aid Committee) 2018-2023
Chairperson, Environmental Stewardship Committee 2014-2016

Faculty Editor, Corporate Counsel Review 2022-
Edited articles and student case notes for practice-focused journal published semiannually by the Corporate Counsel Review of the State Bar of Texas in conjunction with South Texas College of Law—Houston. Assisted long-time, senior Faculty Editor with supervision of student editors.

SEATTLE UNIVERSITY SCHOOL OF LAW, Seattle, WA 2008-2009

Visiting Assistant Professor of Law
Courses taught: Business Entities and Securities Regulation.

BROOKLYN LAW SCHOOL, Brooklyn, NY 2007-2008

Visiting Assistant Professor of Law
Courses taught: Corporations, Agency Partnership & LLC, and Securities Regulation.

FLORIDA ST. UNIVERSITY COLLEGE OF LAW, Tallahassee, FL 2006-2007

Visiting Assistant Professor of Law
Courses taught: Business Associations, Unincorporated Business Associations & Securities Regulation.

BOOKS

DOUGLAS K. MOLL & JOSEPH K. LEAHY, *THE REVISED UNIFORM PARTNERSHIP ACT (beginning with the 2024–25 edition)* (Thomson Reuters) (updating/revising treatise written and previously updated by Donald J. Weidner, Robert W. Hillman & Allan G. Donn).

ARTICLES

Val Ricks, Joseph K. Leahy, et al., *Informal Partnership Formation in Texas after Energy Transfer Partners, L.P. v. Enterprise Products Partners, L.P.*, 44 CORP. COUNSEL REV. 120 (2025), available at <http://papers.ssrn.com/abstract=5877023>.

Joseph K. Leahy, *Series LLCs: Statutory Ambiguities, Potential Litigation, and Proposed Clarifications*, 27 U. PENN. J. BUS. L. 443 (2025), available at <http://papers.ssrn.com/abstract=4840831>.

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ARTICLES

Joseph K. Leahy, *Zombies Attack Inadvertent Partnerships!—How Undead Precedents Killed by Uniform Statutes Still Roam the Reporters*, 57 U. RICH. L. REV. 381 (2023), available at <http://papers.ssrn.com/abstract=4158565>.

Joseph K. Leahy, *Undead Dicta or Holdings? A Closer Look at Partnership Cases Stating that Subjective Intent Governs Inter Se*, 21 U.N.H. L. REV. 1 (2022), available at <http://papers.ssrn.com/abstract=4158566>.

Joseph K. Leahy, *An LLC is the Key: The False Dichotomy Between Inadvertent Partnerships and the Freedom of Contract*, 52 TEX. TECH L. REV. 243 (2020), available at <http://papers.ssrn.com/abstract=3351223>.

Joseph K. Leahy, *Intermediate Scrutiny for Corporate Political Contributions*, 44 FLA. ST. U. L. REV. 1119 (2017), available at <http://ssrn.com/abstract=2783970>.

Joseph K. Leahy, *Corporate Political Contributions as Bad Faith*, 86 U. COLO. L. REV. 477 (2015), available at <http://ssrn.com/abstract=2328991>.

Joseph K. Leahy, *A Decade After Disney: A Primer on Good and Bad Faith*, 83 U. CIN. L. REV. 859 (2015), available at <http://ssrn.com/abstract=2516641>, cited in *In re Dole Food Co. Stockholder Litig.*, 2015 WL 5052214, at *39 n.31 (Del. Ch. Aug. 27, 2015).

Joseph K. Leahy, *Are Corporate Super PAC Contributions Waste or Self-Dealing? A Closer Look*, 79 MO. L. REV. 283 (2014), available at <http://ssrn.com/abstract=2304852>, cited in *Se. Pa. Transp. Auth. v. Abbvie Inc.*, 2015 WL 1753033, at *14 n.114 (Del. Ch. Apr. 15, 2015).

Joseph K. Leahy, *The Irrepressible Myths of BarChris*, 37 DEL. J. CORP. L. 411 (2012), available at <http://ssrn.com/abstract=2196265>.

Joseph K. Leahy, *What Due Diligence Dilemma? Re-Envisioning Underwriters' Continuous Due Diligence After WorldCom*, 30 CARDOZO L. REV. 2001 (2009), available at <http://ssrn.com/abstract=1126863>, reprinted in 42 SEC. L. REV. 201 (2010) (with introduction by Prof. Donald Langevoort).

Brian D. Galle & Joseph K. Leahy, *Laboratories of Democracy? Policy Innovation in Decentralized Governments*, 58 EMORY L.J. 1333 (2009), available at <http://ssrn.com/abstract=1198835>.

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ESSAYS & SHORTER WORKS

Joseph K. Leahy, *Fixing a Series of Series LLC Holes: Houston Court of Appeals Decides First Texas Series LLC Law Case*, 16 HOUS. L. REV. ONLINE 13 (2025), <https://houstonlawreview.org/article/151790-fixing-a-series-of-series-llc-holes-houston-court-of-appeals-decides-first-texas-series-llc-law-case>, also available at <https://ssrn.com/abstract=5855043>.

WORKS IN PROGRESS

Joseph K. Leahy, *Are Corporate Political Contributions Ultra Vires—And If Not, Should They Be?* (working paper), presentation available at <http://ssrn.com/abstract=1198835>.

OTHER WRITING

The House Did Not Impeach President Trump for Acting Like a Politician, MEDIUM.COM, Jan. 24, 2020, <https://www.tinyurl.com/LeahyBlackmanResponse12420>

Amicus Brief of Joseph K. Leahy, *pro se*, in *Enterprise Products Partners, L.P., v. Energy Transfer Partners, L.P.*, No. 17-0862 (Tex. 2019), available at <https://tinyurl.com/LeahyAmicusEPPvETP>.

Loftium Unwittingly Forms General Partnerships with Homebuyers, HACKERNOON, Sept. 20, 2017, <https://hackernoon.com/yesterday-the-new-york-times-trumpeted-a-new-internet-company-loftium-and-its-interesting-new-1754b6cdfed>, cross-posted at UNINCORPORATED BUS. L. PROF BLOG, <http://uberlaw.net/2017/09/loftium-unwittingly-forms-partnerships-with-homebuyers/>

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ACADEMIC PRESENTATIONS

- NAT'L BUSINESS LAW SCHOLARS CONF.**, Los Angeles, CA June 2025
Presented "*Against Non-Filing Series of Series LLCs*" at workshop sponsored by U.C.L.A School of Law.
- AM. ASS'N OF LAW SCHOOLS ANN. MTG.**, Washington, DC January 2020
Selected from call for papers to present *An LLC is the Key* on panel entitled Entity Selection in the 21st Century at the annual meeting of AALS Section on Agency, Partnership & Unincorporated Entities.
- NAT'L BUSINESS LAW SCHOLARS CONF.**, Berkeley, CA June 2019
Presented "Re-RUPA," *Its Time Has Come...?* at workshop sponsored by Univ. of Cal. Law.
- NAT'L BUSINESS LAW SCHOLARS CONF.**, Salt Lake City, UT June 2017
Presented *The Curious Case of EPP L.P. v. ETP, L.P.* at workshop sponsored by Univ. of Utah of Law.
- TX LEGAL SCHOLARS WORKSHOP**, Dallas, TX August 2016
Presented *Is a Corp. Political Contribution a Business Judgment?* at workshop sponsored by S.M.U Law.
- NAT'L BUSINESS LAW SCHOLARS CONF.**, Chicago, IL June 2016
Presented *Is a Corp. Political Contribution a Bus. Judgment?* at conference sponsored by Univ. of Chicago Law.
- TX LEGAL SCHOLARS WORKSHOP**, Houston, TX August 2015
Presented *Corp. Political Contributions as Ultra Vires* at workshop sponsored by Univ. of Houston Law.
- NAT'L BUSINESS LAW SCHOLARS CONF.**, Newark, NJ June 2015
Presented *Corporate Political Contributions as Ultra Vires* at conference sponsored by Seton Hall Law.
- TSU FACULTY SPEAKER PROGRAM**, Houston, TX February 2015
Presented *Intermediate Scrutiny for Corporate Political Contributions* at Thurgood Marshall School of Law.
- NAT'L BUSINESS LAW SCHOLARS CONF.**, Los Angeles, CA June 2014
Presented *Intermediate Scrutiny for Corporate Political Contributions* at conference sponsored by Loyola Law.
- SOUTHEASTERN LAW SCHOLARS CONF.**, Charleston, SC October 2013
Presented *Intermediate Scrutiny for Corporate Political Contributions* at conference sponsored by Charleston Law.
- TSU FACULTY SPEAKER PROGRAM**, Houston, TX April 2013
Presented *Are Corp. Political Contribs. Waste or Self-Dealing? A Closer Look* at Thurgood Marshall Law.
- TSU FACULTY SPEAKER PROGRAM**, Houston, TX October 2011
Presented *The Irrepressible Myths of BarChris* at Texas Southern Univ., Thurgood Marshall Law.
- SOUTHEASTERN LAW SCHOLARS CONF.**, Charleston, SC October 2011
Presented *The Irrepressible Myths of BarChris* at conference sponsored by Charleston Law.
- CANADIAN LAW & ECONOMICS ASS'N**, Toronto, ON October 2007
Presented *Labs. of Democracy? Policy Innovation in Decentralized Gov'ts*, with co-author Brian D. Galle.

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OTHER PRESENTATIONS

U OF H ADVANCED LEGAL STUDIES PROGRAM, Houston, TX June 2015
Featured speaker for day four of the Univ. of Houston Law's Petrobras Legal Ed. Program in Oil & Gas Law. Presented on section 11 liability, section 10b-5 liability, and securities litigation generally.

JAMES L. HOLMAN ETHICS PROGRAM, Seattle WA April 2009
Presented at CLE "Terrorism and the Corporation" at Seattle Univ. School of Law. Analyzed ramifications of corporate payments to foreign terrorist organizations. Presented on disclosure obligations under federal securities law, Foreign Corrupt Practices Act compliance, and potential derivative litigation.

PROFESSIONAL ASSOCIATIONS & AFFILIATIONS

AMERICAN COLLEGE OF LLC & PARTNERSHIP ATTYS., Washington, DC
Fellow (invited) 2025-

ACADEMIC FREEDOM ALLIANCE, Princeton, NJ
Member 2024-

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, NY 1994-1997
Juris Doctor, *magna cum laude*

Honors: *Member*, Order of the Coif
Associate Editor, New York University Law Review
Finalist, Root-Tilden-Snow Public Interest Scholarship
Finalist, Arthur Garfield Hays Civil Liberties Fellowship

Activities: *Fellow*, William J. Brennan, Jr. Center for Justice
Co-chairperson, NYU Civil Rights & Civil Liberties Union
Intern, American Civil Liberties Union
Member, NYU Bias and Harassment Committee

SWARTHMORE COLLEGE, Swarthmore, PA 1990-1994
Bachelor of Arts in Political Science.
Concentrations in Public Policy and Peace & Conflict Studies.

Honors: *Eighteenth Place*, 1994 National Parliamentary Debate Championships
Participant, 1993 World Debate Championships at Oxford University
Recipient, Attorney General's Fellowship; Swarthmore Community Service Fellowship

Activities: *Vice-President*, Amos J. Peaslee Debate Society
Co-Founder, Swarthmore Civil Liberties Society

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LEGAL EXPERIENCE

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP, New York, NY

Associate 2002-2006

Representative securities action: In re WorldCom, Inc. Sec. Litig., No. 02 Civ. 3288 (S.D.N.Y. 2002). Lead senior associate on defense team for underwriting syndicate in largest securities class action in US history. Developed underwriters' due diligence defense for trial. Prepared key due diligence witnesses for depositions and trial; second-chaired depositions; helped expert due diligence witness draft report; wrote motion to dismiss; helped oversee massive document production; briefed discovery disputes.

Other securities litigation matters: Defended directors against claims for breach of fiduciary duty in proxy battle with large activist shareholder; represented limited partners in suit against general partner concerning largest residential development in NYC history; drafted motions to dismiss on behalf of directors, officers and corporations in numerous putative federal securities fraud class actions.

Representative pro bono case: U.S. v. Hersom (S.D.N.Y. 2003). Obtained dismissal, with prejudice, of all five federal misdemeanor charges against indigent, elderly disabled Korean War veteran.

Other pro bono matters: Advised former firm in preparation for trial of complex contract and tort dispute, resulting in multi-million-dollar jury verdict (upheld on appeal) for non-profit hospital.

KELLOGG, HUBER, HANSEN, TODD & EVANS LLP, Washington, DC

Associate 2000-2002

Representative action: NCRIC, Inc. v. Columbia Hospital for Women Med. Ctr., Inc. Civ. No. 00-7388 (D.C. Super. 2000). Represented 130-year-old non-profit hospital in complex contract/tort dispute with insurer. Managed all aspects of lawsuit up through summary judgment before leaving firm. Drafted pleadings; took/defended depositions; wrote and argued discovery motions; briefed dispositive motions; supervised document collection, review and production; hired and supervised expert witnesses; directed settlement negotiations; briefed and argued administrative appeal. After leaving firm, advised associate assisting then-partner Neil Gorsuch with initial trial preparation. (Gorsuch won an eighteen-million-dollar jury verdict for the client that was upheld on appeal.)

Other actions: Took and defended depositions; and assisted with drafting summary judgment opposition in massive, complex fraud action concerning brokerage services in SDNY.

DEBEVOISE & PLIMPTON LLP, Washington, DC

Associate 1999-2000

Helped defend SEC enforcement actions. Helped prepare motions to dismiss in securities fraud class actions. Represented Democratic National Committee (DNC) in campaign finance-related grand jury investigations. Represented DNC officials in interviews with FBI and independent counsels.

ANTITRUST DIV., U.S. DEPARTMENT OF JUSTICE, Washington, DC

Trial Attorney 1998-1999

Selected for Honor Program. Investigated potential criminal antitrust violations.

U.S. COURT OF APPEALS, FOURTH CIRCUIT, Charleston, WV

Law Clerk 1997-1998

Researched and wrote bench memoranda for Hon. M. Blane Michael. Helped draft opinions.

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STUDENT & SUMMER LEGAL EXPERIENCE

WASHINGTON SQUARE LEGAL SERVICES, Brooklyn, NY

Student attorney

1996-1997

Participated in student clinic that handled federal misdemeanors for E.D.N.Y. Represented numerous indigent persons charged with federal misdemeanors. Tried and won case before federal magistrate. Helped federal defender prepare jury instructions and sentencing letters in felony cases.

CRAVATH, SWAINE & MOORE LLP, New York, NY

Summer Associate (received offer of permanent employment)

1997

HILL & BARLOW, PC, Boston, MA

Summer Associate (received offer of permanent employment)

1996

FAEGRE & BENSON LLP, Minneapolis, MN

Pro Bono Summer Associate

1995

OFFICE OF THE UNITED STATES ATTORNEY, Washington, DC

Summer Fellow

1994

HENNEPIN COUNTY PUBLIC DEFENDER, Minneapolis, MN

Investigative Summer Intern

1993

OTHER EXPERIENCE

OFFICE OF U.S. SENATOR PAUL D. WELLSTONE, Washington, DC

Summer Intern

1992

BLOOMINGTON HUMAN RIGHTS COMMISSION, Bloomington, MN

Second Vice-Chairperson

1989-1990

Commissioner

1987-1990