

Emily J. Kennedy

Skadden

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Education

J.D., Duke Law School, 2010
(*summa cum laude*; Order of the Coif;
Notes Editor, *Duke Law Journal*)

B.A., Princeton University, 2005
(with honors)

Bar Admissions

District of Columbia

North Carolina

Emily Kennedy focuses on appellate advocacy. She has argued cases before the U.S. Courts of Appeals for the Fourth and Sixth Circuits and filed dozens of briefs in state and federal appellate courts across the country on a range of legal issues, including statutory interpretation, products liability, tort, contract, bankruptcy, labor, employment and constitutional law. Ms. Kennedy regularly represents clients before the U.S. Supreme Court and has drafted numerous briefs, both at the cert and merits stage. Notable representations and victories include:

- *NLRB v. SW General*, in which the Supreme Court invalidated the interpretation of the Federal Vacancies Reform Act followed by every president of both parties since the statute was passed in 1998;
- *Husky International Electronics v. Ritz*, in which the Supreme Court held, 7-1, that the “actual fraud” bar to discharge under Section 523(a)(2)(A) of the Bankruptcy Code does not require a false representation;
- *Town of Chester v. Laroe*, in which the Supreme Court considered whether intervenors as of right must independently demonstrate Article III standing. Ms. Kennedy represented Laroe, who argued that intervenors need standing only if they raise new claims or seek different relief from that sought by an existing party. The Court remanded the case for the Second Circuit to apply Laroe’s test;
- *RJR Nabisco v. European Community*, in which the Supreme Court restricted the extraterritorial application of the Racketeer Influenced and Corrupt Organizations Act; and
- successfully opposing cert in *Fusto v. Morse*, thus securing the client’s multimillion-dollar recovery against state prosecutors who knowingly and intentionally created false and misleading evidence during their investigation in order to obtain a grand jury indictment.

Before joining Skadden, Ms. Kennedy was senior counsel at the U.S. Chamber Litigation Center and previously was an associate in the appellate practice at another global law firm. She clerked for Justice Samuel A. Alito of the U.S. Supreme Court and Chief Judge Alice M. Batchelder of the U.S. Court of Appeals for the Sixth Circuit.