Emily J. Kennedy

Skadden

Firm Counsel, Washington, D.C.

Supreme Court and Appellate Litigation



T: 202.371.7382
emily.kennedy@skadden.com

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

Experience

Law Clerk, U.S. Supreme Court (2012-13)

Law Clerk, U.S. Court of Appeals for the Sixth Circuit (2010-11)

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:

- *Caniglia v. Strom*, in which the Court unanimously held that the so-called "community caretaking" exception to the Fourth Amendment's warrant requirement does not extend to the home
- *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

In 2025, Ms. Kennedy was named as a recipient of a Burton Award for Distinguished Legal Writing for co-authoring the July 2024 Skadden client alert "Supreme Court's Overruling of *Chevron* Deference to Administrative Agencies' Interpretations of Statutes Will Invite More Challenges to Agency Decisions."