



Stephen Kinnaird

Partner, Litigation Department

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Stephen B. Kinnaird is a partner in the Litigation practice of Paul Hastings and co-chair of the Appellate practice. He is based in the firm's Washington, D.C., office. He has represented clients in numerous cases in the United States Supreme Court, the federal courts of appeals and district courts, and state appellate courts.

A highly experienced appellate lawyer, Mr. Kinnaird has handled matters involving energy, transportation, intellectual property, antitrust, environmental, telecommunications, administrative, criminal, and constitutional law. Specifically, Mr. Kinnaird has handled cases involving the Communications Act, the Interstate Commerce Act, the Federal Power Act, the Federal Railroad Safety Act, the Federal Employer's Liability Act, the Social Security Act, the Sherman and Robinson-Patman Acts, the Lanham Act, the Clean Water and Clean Air Acts, CERCLA, the Patent and Trademark Acts, ERISA, the Carriage of Goods by Sea Act, and the Civil Rights Act; the Commerce, Due Process, and Takings Clauses; and the Fourth, Fifth, Sixth, Seventh, Eighth, Tenth, and Eleventh Amendments.

Prior to entering private practice, Mr. Kinnaird served as a law clerk to Justice Anthony M. Kennedy of the United States Supreme Court, and to Judge John M. Walker, Jr. of the United States Court of Appeals for the Second Circuit.

Mr. Kinnaird argued *Padilla v. Kentucky* in the United States Supreme Court in 2009. The Court ruled in favor of firm client Jose Padilla in holding that the Sixth Amendment imposed duties upon defense counsel to advise criminal defendants of the deportation consequences of criminal convictions. Mr. Kinnaird was featured on the cover of the July/August 2010 issue of *The American Lawyer* in a story highlighting the historic decision.

Recent Representations

- An energy company in the U.S. Supreme Court in a case establishing private rights to coal bed methane in homestead grants

Washington, D.C.

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Practice Areas

Litigation
Complex Litigation and
Arbitration
Appellate Litigation

Admissions

District of Columbia Bar
New York Bar

Education

University of Oxford, M.A.
1992
Yale Law School, J.D. 1994
Yale University, B.A. 1984

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- A railroad in the U.S. Supreme Court in a case establishing preemption of state tort claims for inadequate warning devices
- A major league baseball team in the U.S. Supreme Court in a case involving taxation of back pay
- A telecommunications company in the U.S. Supreme Court and the courts of appeals in cases establishing rules of competitive access to network facilities under the Telecommunications Act of 1996 and rejecting takings and sovereign immunity defenses
- A railroad in the U.S. Supreme Court in a case establishing the protections of limited liability clauses for inland carriers engaged in international cargo transportation
- A tire manufacturer in the Ninth Circuit in a case involving the availability of preliminary injunctive relief in aid of arbitration
- An information technology company in the Federal Circuit in cases involving patent infringement and the scope of authority of the International Trade Commission
- A chemical company in the Fourth Circuit in a case involving relevant market definition under the Sherman Act
- Veterans in the Federal Circuit in major cases involving veterans benefits laws

Accolades and Recognitions

- Awarded the Jack Wasserman Memorial Award in 2011 for excellence in litigation in the field of immigration law by The American Immigration Lawyers Association (AILA) for the representation of Jose Padilla in *Padilla v. Kentucky*
- Recognized in 2011 by Lawyers USA as one of nine Lawyers of the Year in 2010 for his representation of Jose Padilla in the *Padilla v. Kentucky* Supreme Court win
- Honored by The National Association of Attorneys General for his assistance in helping state attorneys general prepare for Supreme Court cases in 2010
- Honored with the 2010 Public Advocate's Award by the Kentucky Department of Public Advocacy for his pro bono service in the *Padilla* case

Speaking Engagements and Publications

- Presented on issues of federal and constitutional law to the Food and Drug Law Institute, Mealey's National Asbestos Litigation Conference, and the National Association of Railroad Trial Counsel, among other organizations
- High Court to Revisit Federal Preemption, *Paul Hastings - Stay Current* (January 2009)
- All Over the High Court: Major Corporate Law Firms Dominate the Court's New Cases, *Legal Times* (Oct. 6, 2008)

Stephen Kinnaird (Continued)

- Fear-of-Cancer Claims After Norfolk Southern Railway v. Ayers, Washington Legal Foundation Legal Briefing, Vol. 18, No. 29 (July 2003)
- The Supreme Court's Revolutionary Decision On Punitive Damages Promises Much Relief for Defendants, The Insurance Advocate (May 5, 2003)
- The Impact of State Farm Insurance Co. v. Campbell, Claims Magazine (May 2003)
- Public Housing: Abandon HOPE, But Not Privatization, 103 Yale L.J. 961 (1994), excerpted and discussed in Robert C. Ellickson & Vicki L. Been, Land Use Controls: Cases And Materials (2d ed. 1999)

Professional and Community Involvement

- Lecturer in Law at the University of Pennsylvania Law School and co-teaches its Supreme Court Advocacy Clinic
- Member of the Board of Directors of the Washington Lawyers' Committee for Civil Rights and Urban Affairs
- Board Member, National Veterans Legal Services Program
- Board Member, Saint Anselm's Abbey School

Education

- Yale Law School, J.D., 1994 (Yale Law Journal, Articles Editor; awarded three faculty prizes for scholarship)
- The University of Oxford, M.A., 1992 (Rhodes Scholar)
- Yale University, B.A., 1984 (summa cum laude)

News

April 08, 2015

Paul Hastings Pens Amicus Brief for Senators Urging the Court to Uphold President Obama's Immigration Executive Actions

May 27, 2014

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2014

April 04, 2014

Paul Hastings Leads Kolon Industries to Appellate Victory in Trade Secrets Case

June 11, 2013

Paul Hastings Secures Supreme Court Victory in Important Sentencing Case

June 05, 2013

Stephen Kinnaird (Continued)

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United States 2013

May 27, 2013

Paul Hastings Employment Practice Honored with Chambers "Award for Excellence" and Firms Leading Practices and Lawyers Ranked in Chambers USA 2013

February 22, 2013

Paul Hastings Secures Supreme Court Victory in Chafin v. Chafin

June 07, 2012

Paul Hastings Excels in Chambers USA 2012 Guide

May 25, 2012

Paul Hastings Secures Victory on Behalf of Invensys plc

January 17, 2012

Paul Hastings Represents Pro Bono Client Carlos Martinez Gutierrez in Supreme Court Deportation Case

June 10, 2011

Paul Hastings Excels in Chambers USA 2011 Guide

June 01, 2011

Paul Hastings Soars in 2011 Edition of Legal 500 US

June 07, 2010

Paul Hastings Excels in 2010 Edition of Legal 500 US

April 01, 2010

Paul Hastings Secures Supreme Court Victory in *Padilla v. Kentucky*

September 29, 2008

Top Appellate Specialist to Join Paul Hastings in Washington, D.C.

Insights

April 25, 2018

A Divided Supreme Court Upholds Inter Partes Review's Constitutionality but

Stephen Kinnaird (Continued)

Constrains the Patent Office's Authority

August 05, 2015

The Seventh Circuit Curtails Early Appellate Review of Service of Criminal Process on Foreign Corporate Defendants

April 15, 2015

Supreme Court Opinion on Preclusive Effect of TTAB's Registration Decisions Has Important Implications for Trademark Owners

April 14, 2015

Are You Being Served?: Appellate Courts Consider Whether the Federal Rules of Criminal Procedure Authorize Service on Foreign Defendants Through Domestic Subsidiaries, But Larger Question Looms

March 03, 2015

Peeling the Onion: Appellate Lawyers' Take on Disparate Cases

March 04, 2014

Minimum Contacts Inquiry Cannot Be Minimal: U.S. Supreme Court Rejects Broad Reading of the Effects Test for Personal Jurisdiction

January 21, 2014

Recent Supreme Court Decision Limits the General Jurisdiction of U.S. Courts Over Foreign and Out-Of-State Corporations

May 28, 2013

An Appellate Lawyer's Role in a Trial

May 28, 2013

Multi-Tier Litigation Strategies

July 11, 2011

The U.S. Supreme Court Narrows the Jurisdictional Reach of U.S. Courts in Products-Liability Litigation

April 08, 2010

High court sets new standard for legal advice in criminal cases

January 27, 2010

Patent Owner Protected by Safe Harbor Provision

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April 06, 2009

Supreme Court Holds CBA Requiring ADEA Arbitration is Enforceable

February 02, 2009

High Court to Revisit Federal Preemption

October 06, 2008

All Over the High Court: Major Corporate Law Firms Dominate the Court's New Cases.

October 02, 2008

Significant Business Cases Slated for Decision in the Supreme Court Term

Rankings & Awards

June 16, 2011

The American Immigration Lawyers Association

January 11, 2011

Lawyers USA

November 19, 2010

The National Association of Attorneys

June 15, 2010

The Department of Public Advocacy