

KANNON K. SHANMUGAM, PARTNER

Kannon Shanmugam is a partner focusing on Supreme Court and appellate litigation. He has been described as a "wunderkind" (*Am Law Litigation Daily*) and "rising star" (*Legal Times*) of the Supreme Court bar. He has argued ten cases before the Supreme Court, more than any other lawyer in the firm's history except Edward Bennett Williams. In 2009, he argued *Merck & Co. v. Reynolds*, which concerned the statute of limitations for private securities-fraud actions, and *Hawaii v. Office of Hawaiian Affairs*, which involved a challenge to an injunction barring the State of Hawaii from selling public lands held in trust for Native Hawaiians. He is currently representing the petitioner in *Textron v. United States*, a closely watched case concerning the scope of the work-product privilege.

Mr. Shanmugam joined the firm in 2008 after serving as an Assistant to the Solicitor General in the Department of Justice. He was the first lawyer to join the firm directly as a partner for 22 years. While representing the United States before the Supreme Court, he developed a particular expertise in securities, antitrust, and complex criminal litigation. He successfully argued *Tellabs v. Makor Rights*, which concerned the standard for pleading state of mind in a federal securities-fraud action; *Weyerhaeuser v. Ross-Simmons*, which involved the standard for a claim of predatory bidding under the federal antitrust laws; and *Oregon v. Guzek*, which concerned the type of mitigating evidence that can be used at sentencing in capital cases.

During his tenure at the Justice Department, Mr. Shanmugam was also responsible for preparing the briefs of the United States in a number of other significant Supreme Court cases, including *Stoneridge Investment Partners v. Scientific-Atlanta*, a case involving the availability of "scheme liability" under the federal securities laws; *United States v. Atlantic Research*, a case concerning the availability of actions for reimbursement of environmental cleanup costs under the Comprehensive Environmental Response, Compensation, and Liability Act; and *Arthur Andersen v. United States*, an appeal by Arthur Andersen from its conviction for obstruction of justice in connection with the collapse of Enron. He received a commendation from the Justice Department's Environmental and Natural Resources Division for his work on environmental litigation.



PHONE: 202-434-5050
 FAX: 202-434-5029
 EMAIL:
 KSHANMUGAM@WC.COM

PRACTICE AREAS

- Antitrust
- Appellate
- Criminal Defense
- General Civil Litigation
- Intellectual Property
- Patent Litigation
- Product Liability, Torts, and Medicine
- Securities and Financial Services Litigation

EDUCATION AND HONORS

- Harvard Law School, J.D., *magna cum laude*, 1998; Executive Editor, *Harvard Law Review*
- University of Oxford, M. Litt., 1995 (Marshall Scholar)
- Harvard University, A.B., *summa cum laude*, 1993

BAR ADMISSIONS

- District of Columbia and Kansas
- United States Supreme Court
- United States Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Eleventh, District of Columbia, and Federal Circuits
- United States District Courts for the District of Columbia and Kansas

Before joining the Justice Department, Mr. Shanmugam was an associate at the law firm of Kirkland & Ellis, where he worked on a variety of Supreme Court and appellate matters. Most notably, he was responsible for preparing the brief on behalf of Senator Mitch McConnell and other challengers to the McCain-Feingold campaign-finance law in *McConnell v. FEC*. He also represented the plaintiffs in *Granholm v. Heald*, a successful challenge to a state law prohibiting the direct shipment of wine to consumers.

Mr. Shanmugam was born in Lawrence, Kansas, the son of Indian immigrants. He grew up there and was co-valedictorian of his class at Lawrence High School. He went to Harvard at age 16, where he majored in classics and graduated *summa cum laude*. After being selected as a Marshall Scholar, he obtained a master's degree in classics from the University of Oxford. He then returned to Harvard Law School and graduated *magna cum laude* in 1998; there, he served as executive editor of the *Harvard Law Review* and argued the case for the winning side in the moot court competition. After law school, he served as a law clerk to Justice Antonin Scalia on the United States Supreme Court and then-Judge J. Michael Luttig on the United States Court of Appeals for the Fourth Circuit.

Last year, Mr. Shanmugam was selected as one of *Washingtonian* magazine's "Top Supreme Court Lawyers." He also has been listed as one of "Washington's 40 Under 40" (*National Law Journal*) and "40 Top Lawyers Under 40" (*Washingtonian*). In a 2007 profile on "Up and Coming Lawyers" who are "on the fast track to making a significant impact on the profession," *Lawyers USA* described him as "a Supreme Court whiz kid." In 2006, *The Topeka Capital-Journal* named him as one of its "Distinguished Kansans of the Year," citing his work "on the front lines of justice." In 2005, *Washingtonian* listed him as one of its "20 People to Watch." He was also featured by the Associated Press in a story on "The Supreme Court of Tomorrow."

Mr. Shanmugam has spoken extensively on the Supreme Court and legal issues. He currently serves on the boards of trustees of the Supreme Court Historical Society, the American Inns of Court, and the Association of Marshall Scholars. He has served as secretary of the Edward Coke Appellate Inn of Court, and as a member of the executive committee of the American Bar Association's Council of Appellate Lawyers. He is a member of the firm's pro bono committee and is active in the Washington community. He currently serves on the vestry of St. Francis Episcopal Church in Great Falls, Virginia, and has worked as a

volunteer teacher at Anacostia High School in Southeast Washington.

Cases argued by Kannon Shanmugam in the Supreme Court:

Merck & Co. v. Reynolds, No. 08-905 (argued Nov. 30, 2009)

What a plaintiff must know in order to trigger the running of the statute of limitations for federal securities-fraud claims.

Hawaii v. Office of Hawaiian Affairs, 129 S. Ct. 1436 (2009)

Whether a state court validly enjoined the State of Hawaii from selling public lands held in trust for Native Hawaiians.

Riley v. Kennedy, 128 S. Ct. 1970 (2008)

Whether a change precipitated by a state-court decision must be precleared under the Voting Rights Act.

United States v. Rodriguez, 533 U.S. 377 (2008)

Whether, in determining whether a prior offense qualifies as a predicate offense under the Armed Career Criminal Act, a court should take into account the fact that the defendant was subject to a higher sentence as a repeat offender.

Ali v. Federal Bureau of Prisons, 552 U.S. 214 (2008)

Whether the Federal Tort Claims Act permits a federal prisoner to sue for damages for lost personal property.

Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308 (2007)

What a plaintiff must plead in a federal securities-fraud action in order to satisfy the Private Securities Litigation Reform Act's requirement of a "strong inference" of the necessary state of mind.

Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co., 549 U.S. 312 (2007)

What a plaintiff must prove in order to establish a claim of predatory bidding under the federal antitrust laws.

Hill v. McDonough, 547 U.S. 573 (2006)

Whether a constitutional challenge to a method of execution must be brought in a petition for habeas corpus.

Oregon v. Guzek, 546 U.S. 517 (2006)

Whether a defendant who has been convicted of capital murder has a constitutional right to present alibi evidence at sentencing.

Muehler v. Mena, 544 U.S. 93 (2005)

Whether officers conducting a search of a house may detain an occupant of the house in handcuffs and question her about her immigration status.

Representative cases argued by Kannon Shanmugam in the lower courts:

Dreiling v. America Online, 578 F.3d 995 (9th Cir. 2009)

Whether a company may be liable for short-swing trading of the shares of another company under Section 16(b) of the Securities Exchange Act, on the theory that it is deemed to be the beneficial owner of the shares of the company's chief executive officer, absent evidence that they engaged in coordinated purchases or sales.

GOVERNMENT SERVICE

- Assistant to the Solicitor General, United States Department of Justice, 2004-2008
- Law Clerk, Justice Antonin Scalia, United States Supreme Court, 1999-2000
- Law Clerk, Judge J. Michael Luttig, United States Court of Appeals for the Fourth Circuit, 1998-1999