



## Kevin M. Smith

**PARTNER**

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Kevin is Chair of Wiggin and Dana's Litigation Department and a seasoned trial lawyer with a national practice. He represents Fortune 500 companies and privately held businesses in complex civil litigation, with a focus on business disputes, product liability, and aviation. Kevin has successfully resolved high-stakes matters in federal and state courts across a range of industries, including aviation, financial services, healthcare, and technology. His cases often involve technically complex products and systems, such as jet engines, pharmaceuticals, medical devices, and software, and span claims including breach of contract, tortious interference, unfair trade practices, patent infringement, wrongful death, product liability, and constitutional and civil rights.

Kevin is identified as a leading lawyer by *Chambers USA* for Nationwide Aviation Litigation. He is recognized by *Benchmark Litigation* as a "Litigation Star," rated Tier 1 by *Legal 500 US City Elite* for Connecticut Commercial Disputes, and ranked by *Lexology Index* for aviation litigation and by *Super Lawyers* for aviation litigation, product liability defense, and business litigation.

Kevin is a member of the highly selective Product Liability Advisory Council and chairs the firm's Product Liability and Aviation practices. In these areas, he has counseled and defended product designers, manufacturers, sellers, owners, operators, and insurers across a wide range of industries, including aviation, pharmaceuticals and medical devices, sporting goods, consumer products, food, and industrial equipment.

He also represents clients in commercial, contract, and intellectual property disputes involving investment banking, mergers and acquisitions, patent infringement, trade secrets, unfair and deceptive trade practices (CUTPA), RICO, antitrust, and other business tort claims.

Additionally, Kevin has advised and defended physicians, hospitals, and other healthcare entities in acquisition-related and commercial disputes, as well as in numerous medical malpractice and healthcare-related actions involving medical services, products, and devices with significant damage claims.

In addition to his active practice, Kevin devotes substantial time to firm leadership and the bar. He serves as Chair of the Litigation Department and is an immediate past member of the firm's Executive and Compensation Committees.

He is a Founding Member of the Federal Bar Association's Connecticut chapter and was appointed by the Judges of the U.S. District Court for the District of Connecticut to serve on its Federal Grievance Committee. He also serves as the Connecticut State Chair of the International Association of Defense Counsel, is a James W. Cooper Fellow of the Connecticut Bar Foundation, and is the immediate past Treasurer and Finance Chair of the Board of Directors of Connecticut Statewide Legal Services. He is a proud recipient of the firm's Pro Bono Achievement Award.

Before joining the firm, Kevin served as a law clerk to the Honorable Thomas F. Hogan of the U.S. District Court for the District of Columbia and to the Honorable Barrington D. Parker of the U.S. Court of Appeals for the Second Circuit. He graduated with honors from Georgetown Law, where he served as Editor-in-Chief of *The Georgetown Law Journal* and was elected to the Order of the Coif. He earned his bachelor's degree with honors from Yale University.

## **Education**

- Georgetown University Law Center (J.D.)
- Yale University (B.A.)

## **Bar Admissions**

- Connecticut
- New York
- District of Columbia

## **Court Admissions**

- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Ninth Circuit
- US District Court (District of Connecticut)
- US District Court (Southern District of New York)

## **Memberships and Affiliations**

- Federal Grievance Committee, U.S. District Court (Connecticut)
- Federal Bar Association
- Federal Bar Council
- American Bar Association – Litigation Section, Tort Trial & Insurance Practice Section, Business Litigation, Aviation and Space Law, and Product Liability Committees
- Product Liability Advisory Council
- International Association of Defense Counsel
- Defense Research Institute
- Connecticut Bar Association
- New Haven County Bar Association
- Yale Football Alumni Association

## Publications

December 16, 2020

**When Can Hospitals Be Subjected to Strict Product Liability? The Connecticut Supreme Court Is Mulling It Over**

December 20, 2019

**Wiggin and Dana Attorneys Co-Author Trade Secrets Article for Law 360 titled “Recent Cases Offer Clues to Successful Trade Secret Claims”**

*Law 360*

December 13, 2019

**Trade Secrets: What You Need to Know**

*The National Law Review*

August 1, 2019

**Second Circuit Deepens Split with Third Circuit Over Aviation Safety Field Preemption, Awaiting Possible Supreme Court Resolution**

*The National Law Review*

March 25, 2019

**Connecticut Supreme Court Fundamentally Changed Product Liability Law in *Soto v. Bushmaster Firearms International, et al.***

October 11, 2017

**Disassembling Assembler Liability: Are OEMs Strictly Liable for PMA Parts in Aviation Cases?**

*Journal of Air Law and Commerce*

June 28, 2016

**Cases Applying the Amended Federal Rules**

April 4, 2016

**Second Circuit Says Not All Businesses Are Subject to Conn. Court Jurisdiction**

*Connecticut Law Tribune*

June 15, 2015

**To Fly or Not to Fly? The Current Landscape for Civilian Unmanned Aircraft**

TerraLex Connections

May 11, 2015

**Mitigating the Risks of Medical Technology Security**

*Connecticut Law Tribune*

March 20, 2015

**To Fly or Not to Fly? The Current Landscape for Civilian Unmanned Aircraft**

IADC Committee Newsletter, Transportation, March 2015

June 26, 2014

**Wading Through the Stream of Commerce: When Can Foreign Manufacturers Expect to be Subject to Specific Jurisdiction in United States Courts?**

Terralex Connections

December 10, 2013

**Punitive Damage Limits in Product Liability Actions**

ABA Products Liability Committee Newsletter, Fall 2013

October 1, 2013

**Wading Through the Stream of Commerce: When Can Foreign Manufacturers Expect to be Subject to Specific Jurisdiction in United States Courts?**

*Defense Counsel Journal*, October 2013

December 10, 2012

**Punitive Damage Limits in Product Liability Action**

*Connecticut Law Tribune*

August 22, 2011

**Rules Designed To Be Forward-Looking, Flexible**

*Connecticut Law Tribune*, Vol. 37, No. 34

July 1, 2011

**Navigating Electronic Discovery in Connecticut's State and Federal Courts**

*Connecticut Lawyer*, Volume 27, Number 1

November 9, 2009

**Placing an Added Burden on the Plaintiff**

*Connecticut Law Tribune*, Vol. 35, No. 45

November 9, 2007

**Key Differences Between Appeals in the Second Circuit and Connecticut's Appellate Courts**