

# Stephen J. Hammer

## Associate Attorney

[shammer@gibsondunn.com](mailto:shammer@gibsondunn.com)

T: +1 214.698.3208

Dallas

Stephen Hammer is an associate in the Dallas office of Gibson, Dunn & Crutcher. He is a member of the firm's Appellate and Constitutional Law and Administrative Law and Regulatory Practice groups.

Mr. Hammer specializes in litigating high-stakes appeals and critical motions in federal and state courts across a wide range of subject-matter areas, including the False Claims Act, the Bankruptcy Code, and Section 230 of the Communications Decency Act. He also has significant administrative law experience, representing clients in matters involving enforcement actions or rulemakings by the CFPB, CFTC, FCC, FTC, FINRA, and SEC. Mr. Hammer has presented argument before the U.S. Court of Appeals for the Ninth Circuit and the Fifth Texas Court of Appeals. He maintains an active pro bono practice, with a focus on religious liberty issues and crime victims' rights, and serves as a vice president of the Dallas Lawyers Chapter of the Federalist Society. He is a contributing lawyer-editor for the twelfth edition of *Black's Law Dictionary*.

### Recent Representative Matters:

- Won unanimous Supreme Court decision holding that an insurer with financial responsibility for bankruptcy claims is a party in interest with a right to be heard in reorganization proceedings; team named Law360 Legal Lions of the Week. *Truck Ins. Exch. v. Kaiser Gypsum Co.*, 602 U.S. 268 (2024).
- Persuaded the Fifth Circuit to vacate in full the SEC's Private Fund Advisers Rule, which would have fundamentally changed the way private funds and their advisers are regulated and cost \$5.4 billion and millions of hours of employee time; team named Law360 Legal Lions of the Week and runner-up for AmLaw Litigation Daily's Litigator of the Week. *Nat'l Ass'n of Private Fund Managers v. SEC*, 103 F.4th 1097 (5th Cir. 2024).
- Persuaded the First Texas Court of Appeals to grant five mandamus petitions directing trial court to dismiss billions of dollars in tort claims against power generation companies in multidistrict litigation arising out of the 2021 Texas winter storm. *In re Luminant Generation Co.*, No. 01-23-00097-CV (Tex. App.—Houston [1st Dist.]).
- Persuaded the Fifth Circuit to reverse order holding the head of a major state agency in contempt and imposing \$100,000 in daily fines and to reassign the case in long-running institutional-reform litigation; team received shout-out from AmLaw Litigation Daily's Litigator of the Week. *M.D. ex rel. Stukenberg v. Abbott*, No. 24-40248 (5th Cir.).
- Successfully defended AT&T from emergency challenge to multibillion-dollar 5G wireless deployment brought by airline industry on eve of rollout. *In re Expanding Flexible Use in the 3.7 to 4.2 GHz Band*, No. 18-122 (FCC).
- Persuaded Virginia trial court to grant summary judgment to Trinity Industries on



### Capabilities

Appellate and Constitutional Law  
Administrative Law and Regulatory Practice

### Credentials

#### Education

Harvard University - 2018 Juris Doctor  
University of Oxford - 2011 Master of Philosophy  
Princeton University - 2009 Bachelor of Arts

#### Admissions

Texas Bar  
District of Columbia Bar

#### Clerkships

US Supreme Court, Hon. John G. Roberts Jr., 2020 - 2021  
US Court of Appeals, DC Circuit, Hon. Gregory G. Katsas, 2019 - 2020  
US Court of Appeals, 6th Circuit, Hon. Jeffrey S. Sutton, 2018 - 2019

\$1.2 billion in claims under the Virginia Fraud Against Taxpayers Act, *Virginia ex rel. Harman v. Trinity Indus., Inc.*, No. CL13-698 (Vir. Cir. Ct.); won unanimous affirmance of dismissal of action against Trinity Industries under the Tennessee False Claims Act from the Tennessee Court of Appeals, *Tennessee ex rel. Harman v. Trinity Indus., Inc.*, No. M2022-00167-COA-R3-CV (Tenn. Ct. App.).

- Won unanimous affirmance of summary judgment for State Farm from the Ninth Circuit in closely watched insurance case involving water intrusion damage to condominiums in Pacific Northwest. *Gold Creek Condo.-Phase I Ass'n of Apartment Owners v. State Farm Fire & Cas. Co.*, No. 22-35606 (9th Cir.).
- Preserved appellate reversal of half-billion-dollar jury verdict in trade-secrets case by persuading the Texas Supreme Court to deny review after calling for full merits briefing. *HouseCanary Analytics, Inc. v. Title Source, Inc.*, No. 20-0683 (Tex.).
- Persuaded the Fifth Circuit to render judgment upholding the constitutionality of Texas Justice of the Peace's practice of allowing volunteer chaplains from a variety of faiths to perform invocations before court proceedings. *Freedom from Religion Found., Inc. v. Mack*, 49 F.4th 941 (5th Cir. 2022).
- Served as counsel of record and presented argument on behalf of criminal defendant in appeal involving application of the plain hearing doctrine under the Wiretap Act. *United States v. Carey*, 18-50393 (9th Cir.).

Before joining the firm, Mr. Hammer served as a law clerk to Chief Justice John G. Roberts, Jr. of the Supreme Court of the United States, Judge Gregory G. Katsas of the U.S. Court of Appeals for the D.C. Circuit, and Judge Jeffrey S. Sutton of the U.S. Court of Appeals for the Sixth Circuit.

Mr. Hammer graduated *magna cum laude* from Harvard Law School, where he served as a managing editor of the *Harvard Journal of Law and Public Policy*. Before law school, Mr. Hammer served as an infantry officer in the 82nd Airborne Division of the United States Army. His military decorations include the Bronze Star. Mr. Hammer received an M.Phil. in theology from the University of Oxford, where he studied on a Rhodes scholarship. He received an A.B. *summa cum laude* in classics from Princeton University and graduated as Latin salutatorian.

Mr. Hammer is a member of the Texas and District of Columbia bars. He is admitted to practice before the Supreme Court of the United States, the U.S. Courts of Appeals for the Third, Fifth, Sixth, Seventh, Ninth, D.C., and Federal Circuits, and the U.S. District Courts for the Northern and Western Districts of Texas.

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