



Kevin McAdam

Partner

555 17th Street, Suite 3200, Denver, CO 80202

P 303.295.8267

kcmcadam@hollandhart.com

Kevin McAdam represents individual and corporate clients in federal and state courts, as well as at mediation and before international arbitration tribunals.

PRACTICES

Appellate
 Commercial Litigation
 Cybersecurity and Data Breach Defense
 Government Investigations and White Collar Defense
 International Arbitration
 Religious Institutions and First Amendment
 Securities Enforcement and Shareholder Litigation

EDUCATION

University of Colorado School of Law, J.D., 2010
 Austin W. Scott Best Oralist Award,
 Rothgerber Moot Court Competition
 ABA National Mock Trial Team

Universidad Alberto Hurtado – Santiago, Chile, Diplomado, 2005
 Emphasis in Poverty and Development Studies
 Rotary International Ambassadorial Scholarship

Boston College, B.A., 2004
summa cum laude
 Phi Beta Kappa
 Scholar of the College
 Marshal, Order of the Cross and Crown

BAR ADMISSIONS

Colorado

COURT ADMISSIONS

U.S. District Court for the District of Colorado
 U.S. District Court for the District of New Mexico

Kevin's practice focuses on complex commercial litigation in the areas of financial services, securities, and commercial real estate, including breach of contract, shareholder derivative, securities class action, breach of fiduciary duty, fraud, and business divorce cases. He has conducted internal and governmental investigations, litigated motions for preliminary injunction, and tried cases to a jury in federal court and to a neutral at arbitration.

Kevin sits on Holland & Hart's recruiting and diversity committees and is the current chair of the firm's summer clerk committee.

Before joining Holland & Hart, Kevin clerked for the Honorable Christine M. Arguello on the U.S. District Court for the District of Colorado and for Judge John R. Webb on the Colorado Court of Appeals. In law school, Kevin interned for then-Judge Neil M. Gorsuch on the Tenth Circuit Court of Appeals and for then-Colorado Solicitor General Daniel D. Domenico.

EXPERIENCE

Commercial Litigation

Kevin assists clients at all stages of litigation, including:

- Responding to or issuing demand letters or subpoenas
- Developing litigation strategies
- Conducting written and deposition discovery
- Working with experts
- Drafting dispositive motions
- Arguing hearings
- Preparing witnesses to testify
- Trying cases
- Assisting with appeals
- Negotiating settlements

Securities Litigation

Kevin represents individual and corporate clients in a variety of securities-

related proceedings, such as:

- Class actions
- Shareholder derivative suits
- SEC enforcement proceedings
- Internal and governmental investigations

Commercial Real Estate Litigation

Kevin has broad experience in commercial real estate disputes, such as:

- Litigating breach of lease actions on behalf of landlords and tenants
- Defending personal guarantors
- Quieting title to and foreclosing on real property

CLIENT RESULTS

Commercial Litigation

Defended investment advisory firm and individual investment advisors in breach of fiduciary duty matter which, after week-long arbitration hearing, ended in complete defense victory and order that plaintiff pay all defense costs and attorney fees.

Litigated \$200 million fraud case on behalf of mining client defendant to successful resolution in which plaintiffs consented to judgment entering against them.

As plaintiff's counsel, obtained TRO in trade secrets/covenant-not-to-compete case, which led to favorable settlement.

As defense counsel, defeated motion for TRO in trade secrets/covenant-not-to-compete case, in which plaintiff then voluntarily dismissed the action and entered into settlement when served with motion for sanctions.

On behalf of controlling owners, successfully defended derivative action in business divorce case, then sued minority owner on behalf of company, obtained preliminary injunction, and entered into favorable settlement.

In adversary proceeding in bankruptcy court, on behalf of Colorado-based investment company that owned a multi-million-dollar loan, on which the debtor had successfully evaded liability for a decade, litigated the case to favorable settlement within one year of being hired as counsel.

Obtained voluntary dismissal of replevin action within one hour of filing motion to dismiss on behalf of national financial services client.

Achieved complete dismissal of breach of contract action for lack of jurisdiction on behalf of individual client in stock sale case.

Successfully represented financial regulatory body in over 600 broker-dealer expungement matters.

Securities Litigation

Successfully defended target of SEC insider trading investigation, resulting in SEC declining to pursue enforcement action.

Obtained complete dismissal on behalf of individual client in LLC derivative action.

Successfully defended individual clients against five dispositive motions and argued jury instructions during final trial preparation conference, after which case settled favorably.

Conducted voluntary internal investigation of securities fraud allegations for national financial services client that succeeded in avoiding charges by the SEC.

On behalf of Fortune 500 company faced with defending parallel state court shareholder derivative action, removed action to federal court, defeated remand motion, and consolidated action with others in federal court, saving client significant expense and establishing new Tenth Circuit law regarding "forum defendant" rule.

In \$10 million shareholder derivative action before American Arbitration Association's International Centre for Dispute Resolution, briefed, argued, and successfully defeated motion to dismiss on behalf of international mining client that subsequently obtained 100% of relief sought at arbitration.

In three-year federal court confirmation matter, successfully defended arbitration award entered in favor of international mining client.

Commercial Real Estate Litigation

On behalf of property management company landlord, achieved 100% of relief sought against tenant and personal guarantor in breach of lease action.

On behalf of national restaurant client and commercial lease tenant, negotiated favorable settlement after serving landlord with action for declaratory judgment and breach of lease.

Successfully defended personal guarantors of lease to distillery space, asserted counterclaims and crossclaims, and negotiated favorable settlement.

In action to quiet title to commercial property, obtained summary judgment for individual plaintiff, then obtained summary judgment again in follow-on foreclosure action.

PUBLICATIONS

"Government Catches Insider Trading Supreme Court Win In Salman," *Holland & Hart News Update*, Co-Author, 12/12/2016

"Newman Cert. A Potential Tipping Point For Insider Trading Liability,"

Holland & Hart News Update, Co-Author, 8/21/2015

"Privacy: A Common Law and Constitutional Crossroads," *The Colorado Lawyer*, Co-Author, June 2011

SPEAKING ENGAGEMENTS

"The Failure to Investigate: A Cautionary Tale," *Holland & Hart Barristers Presentation*, Panelist, September 2017

"Business Development Strategies," *Holland & Hart Summer Clerk Training*, Panelist, July 2016

"Lawyering 101: Using Diversity as an Asset," *Rocky Mountain Black Law Students Association Regional Convention*, Panelist, January 2016

"Safeguarding Your Privacy: Data Security in a Digital World," *Colorado Bar Association Civil Rights Committee*, Panel Moderator, February 2015

RECOGNITION

- Colorado Super Lawyers® Rising Stars, Business Litigation, 2018-2020
- Best Lawyers: Ones To Watch, Alternative Dispute Resolution; Commercial Litigation, 2021-2022

PROFESSIONAL AND CIVIC AFFILIATIONS

- Leadership Denver, Class of 2022
- Mile High Youth Corps, Member, Board of Directors, 2014-present
Secretary, Executive Committee, 2019-present
Chair, Nominating Committee, 2015-2019
- Law School . . . Yes We Can, Mentor, 2015-2017
- Lawyers in the Classroom, Volunteer, 2015-present
- Catholic Lawyers Guild of Colorado
Member, 2013-present
Member, Board of Directors, 2019-present
President, 2018
Treasurer, 2017
Secretary, 2016
- Alliance Defending Freedom, Blackstone Fellow, 2008-present
- Colorado Bar Association Civil Rights Committee, Member, 2011-2016
- American Bar Association, Member
- Colorado Bar Association, Member
- Denver Bar Association, Member