



## Derek Kearl

Partner

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**Derek effectively represents clients, guiding them through the complexities of civil litigation cases before state and federal courts and in securities enforcement actions before the Securities and Exchange Commission.**

In addition to his practice representing auditors, Derek also has significant experience in virtually all aspects of litigation before state and federal courts throughout the country.

Prior to joining Holland & Hart, Derek was an associate at Howrey LLP, where he represented one of the Big Four accounting firms in professional negligence actions, securities class actions, and securities enforcement actions and investigations. He also played a key role on a trial team that successfully represented an audit partner of a large accounting firm before an administrative law judge, resulting in the dismissal of all charges.

### PRACTICES

Securities Enforcement and Shareholder Litigation  
IP Litigation  
Commercial Litigation  
Government Investigations and White Collar Defense

### EDUCATION

J. Reuben Clark Law School, Brigham Young University, J.D., 2005  
Managing Editor of Articles, Managing Board, *BYU Journal of Public Law*  
Brigham Young University, B.S., 2001  
Economics and Russian

### BAR ADMISSIONS

Utah

### PUBLICATIONS

"The Supreme Court Adopts Narrow Definition of Autodialers Under the TCPA," Co-Author, 04/06/2021

"FCC Rules Peer-to-Peer Text Messaging Platform Does Not Violate the TCPA," *Holland & Hart News Update*, 07/30/2020

"Curb Your Enthusiasm: The Rise of Enforcement Actions and Securities Litigation Involving Digital Currencies and Blockchain," *Holland & Hart News Update*, Co-Author, 10/03/2018

"SEC Issues First Ever Enforcement Action For Failure to Disclose a Data Breach, Obtaining \$35 Million Penalty," *Holland & Hart News Update*, 05/18/2018

"SEC Provides Long-Awaited Guidance on Cybersecurity Disclosures," *Holland & Hart News Update*, Co-Author, 03/05/2018

### SPEAKING ENGAGEMENTS

"Ethics and Civility," *Panelist, Holland & Hart's 2019 Utah Employment Law Seminar*, October 2019

"Health Law Webinar - Cybersecurity in Healthcare – What HHS Wants You to Know (and Do!)," 04/04/2019

"Health Law Webinar - TCPA Compliance in the Healthcare Industry:

Understanding and Mitigating Risks," 03/21/2019

"Hi-Tech Hub Breakfast Series: Cyber Privacy Law," 03/20/2019

"Cybersecurity Breakfast Series: Demystifying Distributed Ledger Technology (the Blockchain)," 04/11/2018

## RECOGNITION

- *The Best Lawyers in America*®, Commercial Litigation, 2020-2022
- Mountain States Super Lawyers®, Business Litigation, 2018, 2019
- Mountain States Super Lawyers® Rising Stars, Securities Litigation, 2008, 2015-2016; Business Litigation, 2017
- *Benchmark Litigation*, Future Star, 2018-2022
- *Utah Business Magazine*, Utah Legal Elite, Civil Litigation, 2015, 2016, 2020-2021

## PROFESSIONAL AND CIVIC AFFILIATIONS

- Utah State Bar, Member  
Litigation Section  
Young Lawyers Division Community Service Committee 2006-2007
- Salt Lake Chamber of Commerce Leadership Utah, Class of 2011-2012