



Kevin McAdam

Associate

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

His practice focuses on complex commercial litigation in the areas of financial services and cybersecurity, including breach of contract, shareholder derivative, securities class action, breach of fiduciary duty, data privacy, and products liability cases. He has conducted internal investigations, litigated motions for preliminary injunction, argued jury instructions, first-chaired dispositive motions hearings, and second-chaired a jury trial to verdict in federal court.

Kevin sits on both Holland & Hart's recruiting and diversity committees.

Prior to joining Holland & Hart, Kevin clerked for the Honorable Christine M. Arguello on the U.S. District Court for the District of Colorado and for the Honorable John R. Webb on the Colorado Court of Appeals.

PRACTICES

Alternative Dispute Resolution
 Commercial Litigation
 Government
 Government Investigations and White Collar Defense
 Religious Institutions and First Amendment
 Securities Enforcement and Shareholder Litigation
 Cybersecurity and Privacy

EDUCATION

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

BAR ADMISSIONS

Colorado

COURT ADMISSIONS

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

EXPERIENCE

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 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

- Negotiating settlements

CLIENT RESULTS

Securities Litigation

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

In securities 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.

Commercial Litigation

In an adversary proceeding in bankruptcy court, on behalf of a 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 a 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.

On behalf of Fortune 500 company mining client, successfully settled breach of contract action for fraction of initial demand.

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

Led team in multi-month document review on behalf of financial services client in covenant-not-to-compete case and convinced court to order subpoenaing party to pay all attorney fees.

PUBLICATIONS

["Government Catches Insider Trading Supreme Court Win In Salman,"](#)
Holland & Hart News Update, 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

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

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

"Safeguarding Your Privacy: Data Security in a Digital World," February 2015

RECOGNITION

- Colorado Super Lawyers® Rising Stars, Business Litigation, 2018-2019

PROFESSIONAL AND CIVIC AFFILIATIONS

- Mile High Youth Corps, Member, Board of Directors, 2014-present, Chair, Nominating Committee, 2015-present
- Law School . . . Si Se Puede, Mentor, 2015-present
- Lawyers in the Classroom, Volunteer, 2015-present
- Catholic Lawyers Guild of Colorado, Member, 2013-present, Secretary, 2016-present
- Alliance Defending Freedom, Blackstone Fellow, 2008-present
- Colorado Bar Association Civil Rights Committee, Member, 2011-present
- American Bar Association, Member
- Colorado Bar Association, Member
- Denver Bar Association, Member