



## Bryan Benard

Partner

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**Bryan regularly represents both private and public clients in wrongful termination, harassment, and discrimination claims in both federal and state courts, as well as in administrative proceedings before federal and state agencies.**

### PRACTICES

Labor and Employment  
 Employment Litigation and Class Actions  
 Commercial Litigation  
 Compliance Services  
 Accommodations, Disabilities, Leaves  
 Wage and Hour

### EDUCATION

Weber State University, B.A., 1994  
*cum laude*

University of Utah College of Law, J.D.,  
 1997  
 Member, Utah Law Review  
 Finalist, Traynor Moot Court Competition

### BAR ADMISSIONS

California  
 Utah

### COURT ADMISSIONS

U.S. Court of Appeals for the Tenth  
 Circuit  
 U.S. District Court for the District of Utah  
 U.S. District Court for the Central District  
 of California  
 U.S. District Court for the Eastern District  
 of California  
 U.S. District Court for the Southern  
 District of California  
 U.S. Supreme Court

His employment litigation experience includes jury trial success and significant wage and hour class action success in both Utah and California. He provides sound counsel to clients regarding employee relations, employee contracts, and employee handbooks, with extensive background with non-compete and non-solicitation provisions. He also has national level experience in advising employers related to the Americans with Disabilities Act and reasonable accommodations, the Family and Medical Leave Act, the Uniformed Services Employment and Re-employment Rights Act, and the Fair Labor Standards Act.

Bryan has experience with several different industries including temporary staffing agencies, start-up and tech companies, health and medical fields, package delivery industry, oil, gas and mining operations, and mortgage/lending institutions. Bryan frequently conducts highly interactive public and in-house seminars, workshops, and training on various labor and employment related issues.

Currently, Bryan serves as the firm's Labor and Employment Practice Group leader, leading the largest management-side group in the Mountain West. Bryan completed a three-year term as a member of the firm's five-person Management Committee in 2014.

Bryan is in his second term as an elected City Councilman for South Ogden City. Prior to joining the Salt Lake City office of Holland & Hart in May 2001, Bryan practiced law in Southern California. Bryan is fluent in Spanish. He is also a volunteer speaker on transracial adoptions and related adoption issues for both private and governmental entities.

### PUBLICATIONS

"FAQs About Implementing Arbitration Agreements and Class Action Waivers," *Holland & Hart News Update*, 07/19/2018

"California Supreme Court Changes Test for Independent Contractor Status," *Employers' Lawyers Blog*, July 3, 2018

"Invitation to Join Coalition on Overtime Rule," *Holland & Hart News Update*, 07/28/2017

"What Employers Can Learn From Utah's Noncompete Survey," *Law360*, March 14, 2017

"Utah Payment of Wages Act Amendments Passed," *Holland & Hart News Update*, 3/07/2017

"Utah's Non-compete Research Study Results Released; No New Non-compete Legislation in 2017," *Holland & Hart News Update*, 2/25/2017

"Utah Non-Compete Bill Fails to Pass the House," *Holland & Hart News Update*, Co-Author, February 17, 2017

"Tips For Avoiding Retaliation Claims Under EEOC's New Guidance," *Employers' Lawyers Blog*, September 6, 2016

"Utah Non-Compete Bill Passes In Scaled-Back Form," *Employers' Lawyers Blog*, March 10, 2016

"Utah Bill Seeks To Ban Post-Employment Non-Compete Restrictions," *Employers' Lawyers Blog*, February 3, 2016

"Utah Supreme Court: Misappropriation of Trade Secrets Presumes Irreparable Harm," *Employers' Lawyers Blog*, September 3, 2015

## **SPEAKING ENGAGEMENTS**

"Diversity Meeting," *Panelist, Salt Lake SHRM*, July 10, 2018

"Understanding and Preventing Sexual Harassment and Discrimination in the #MeToo World," *Weber County Bar Association*, January 26, 2018

"Key Employment and Immigration Law Developments Every Utah Employer Needs to Know," *Holland & Hart 2017 Utah Employment Law Breakfast Briefing Series*, 11/09/2017

"Changes to Utah's Non-Compete Laws and the Unprecedented Utah-based Non-Compete Research Study," *Utah State Bar Summer Convention*, July 27, 2017

"FLSA Essentials and State and Local Wage and Hour Laws," *Utah Employment Law Seminar, NBI Institute*, June 14, 2017

"Effective and Enforceable Severance & Release Agreements," *MSEC*, January 25, 2017

"Five Things Every Utah Attorney Should Know About Employment Law," *Co-Presenter, Utah State Bar Summer Convention*, July 8, 2016

## **RECOGNITION**

- Labor and Employment Attorney of the Year, Utah State Bar Labor & Employment Section, 2017
- *President's Award for Excellence*, The Salt Lake Chamber, 2016
- *The Best Lawyers in America*® Lawyer of the Year, Employment

Law – Management – Salt Lake City, 2015

- *The Best Lawyers in America*© Labor and Employment Law 2008-2011; Employment Law – Management, Labor Law – Management, Litigation – Labor & Employment, 2011-2019
- Martindale-Hubbell®, Top Rated Lawyer, Labor & Employment, 2013
- Martindale-Hubbell®, AV Preeminent® Rating
- Listed in *Corporate Counsel Magazine's* Annual Guide to Labor & Employment Law
- *Utah Business Magazine*, Utah Legal Elite, Labor and Employment, 2004-2018
- *Chambers USA: America's Leading Lawyers for Business*, Labor & Employment, 2005-2018
- Mountain States Super Lawyers®, Employee Litigation: Defense, 2010-2018
- Mountain States Super Lawyers® Rising Star, Employee Litigation: Defense, 2008, 2009

#### **PROFESSIONAL AND CIVIC AFFILIATIONS**

- American Bar Association, Member
- California State Bar Association, Member
- Utah State Bar Association, Member
- Salt Lake County Bar Association, Member
- Utah Supreme Court, Justice I. Daniel Stewart, Intern