



## 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.**

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 also conducts workplace investigations into employee complaints and potential harassment.

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 employment and labor related issues.

Bryan served as the firm's Employment and Labor Practice Group Leader from 2016 to 2019, and as a member of the firm's five-partner Management Committee from 2011 to 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

"Utah's New Law on Employer Vaccination Policies: What Employers Need to Know," *Holland & Hart News Update*, 11/17/2021

"How to Legally Focus on Diversity, Equity and Inclusion in the Workplace," *Employers' Lawyers Blog*, 06/23/2021

"Considerations for Employers During the "Re-Opening" Phase," *Holland &*

### PRACTICES

Employment and Labor  
Disabilities and Leaves  
Wage and Hour  
Employment Litigation  
Discrimination and Harassment  
Trade Secrets and Non-Competes

### INDUSTRIES

Outdoor Recreation

### 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

Utah  
California

### 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

Workplace Training

*Hart News Update, 04/30/2020*

*"COVID-19: Mass Layoffs/WARN Act Application," Holland & Hart Coronavirus Resource Site, 03/20/2020*

*"COVID-19: Work From Home," Holland & Hart Coronavirus Resource Site, 03/15/2020*

*"COVID-19: Retaining Employer Discretion to Modify Workplace Policies," Holland & Hart Coronavirus Resource Site, 03/15/2020*

## **SPEAKING ENGAGEMENTS**

*"DEI in Light of the SCOTUS Decision on College Admissions," August 2, 2023*

*"2023 Employment Law Seminar," Holland & Hart Utah Employment Law Event, February 21, 2023*

*"Diversity Initiatives and Benevolent Employment Discrimination: Mitigating Claims for Well-Intentioned Companies," Strafford CLE Video Webinar, Panelist, 12/20/2022*

*"Implementing Legally Compliant Diversity, Equity & Inclusion Initiatives," Salt Lake Chamber: Utah's Business Diversity Summit, Co-presenter, 10/28/2022*

*"Employment Law Webinar Series - Part 2: The Frightening State of California Employment Law," Holland & Hart Employment Law Webinar Series, 10/27/2020*

*"Hot Topics in Employment Law," Association of Corporate Counsel, Mountain West Chapter, CLE Webinar, September 2020*

*"Navigating COVID-19: How to Save your Business - Workforce Decisions and the CARES Act," Panelist, David Eccles School of Business, 04/07/2020*

*"Wage and Hour Traps," Moderator, Holland & Hart's 2019 Utah Employment Law Seminar, October 2019*

*"Guarding Against Retaliation Claims," Holland & Hart's 2019 Utah Employment Law Seminar, October 2019*

*"Workplace Violence/Emergencies," Panelist, Holland & Hart's 2019 Utah Employment Law Seminar, October 2019*

## **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; Labor Law –

Management – Salt Lake City, 2022, 2024

- *The Best Lawyers in America*®, Labor and Employment Law 2008-2011; Employment Law – Management, Labor Law – Management, Litigation – Labor & Employment, 2011-2024
- 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, 2004-2022
- *Chambers USA*, Labor & Employment, 2005-2023
- Mountain States Super Lawyers®, Employee Litigation: Defense, 2010-2023
- Mountain States Super Lawyers® Rising Stars, Employee Litigation: Defense, 2008-2009
- *Benchmark Labor & Employment*, Labor and Employment Star West, 2019-2024

#### 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