

Kearns Davis

Partner



PRACTICE AREAS

Compliance & Internal Investigations
Litigation
› Appellate
› Federal Litigation
White Collar Defense and
Investigations

EDUCATION

University of North Carolina School of
Law
J.D., 1995, with honors; Managing
Editor, *North Carolina Law
Review*, 1994-95
Duke University
M.A., 1994
Davidson College
B.A., 1991, with honors in History

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OFFICE

230 North Elm Street
2000 Renaissance Plaza
Greensboro, NC 27401

Kearns Davis leads the firm's white-collar defense and investigations practice and handles a broad range of federal and business litigation. A former federal prosecutor, he has tried jury cases at all levels of federal and North Carolina trial courts, and he represents clients in U.S. trial and appellate courts across the country. Kearns served as president of the N.C. Bar Association in 2016-17.

MY PRACTICE

WHITE-COLLAR DEFENSE

A former federal prosecutor, Kearns founded and leads Brooks Pierce's white-collar defense practice. Among other honors and awards, he is listed in *North Carolina Super Lawyers Top 10* attorneys in all categories (Thomson Reuters, 2016-2021), *The Best Lawyers in America* in White-Collar Criminal Defense (2010-2021), and *Chambers USA: America's Leading Lawyers for Business* in White-Collar Crime and Government Investigations (Band 1) (2012-20). *Best Lawyers* has repeatedly named him "Lawyer of the Year" for Greensboro in White-Collar Criminal Defense (2013, 2016, 2018 & 2020), and his peers elected him in 2020 to permanent

CLERKSHIP

Law Clerk to Chief Judge Sam J. Ervin,
III, United States Court of Appeals,
4th Circuit, 1995-96

BAR & COURT ADMISSIONS

North Carolina
US Supreme Court
US Court of Appeals
2nd Circuit
4th Circuit
9th Circuit
US District Court - New York
Western District
US District Court - North Carolina
Western District
Middle District
Eastern District
US Tax Court

membership in *Business North Carolina's* "[Legal Elite](#) Hall of Fame" for Criminal Defense (2020). [Benchmark Litigation](#) has recognized him as a "Litigation Star" for North Carolina in White-Collar Crime each year since 2015.

GOVERNMENT INVESTIGATIONS

A former federal prosecutor, Kearns founded and leads Brooks Pierce's white-collar defense practice. He regularly represents businesses and professionals in government and criminal investigations related to health care, real estate, environmental issues, bank fraud, Paycheck Protection Program (PPP) fraud, public corruption, tax evasion, insider trading and securities, money laundering, mail fraud, wire fraud, false statements, immigration, federal benefits, computer crimes, embezzlement, false pretenses, identity theft, conspiracy, professional licensing, and other matters.

Among other honors and awards, Kearns is listed in [North Carolina Super Lawyers Top 10](#) attorneys in all categories (Thomson Reuters, 2016-2021), [The Best Lawyers in America](#)® in White-Collar Criminal Defense (2010-2021), and [Chambers USA: America's Leading Lawyers for Business](#) in White-Collar Crime and Government Investigations (Band 1) (2012-20). [Best Lawyers](#) has repeatedly named him "Lawyer of the Year" for Greensboro in White-Collar Criminal Defense (2013, 2016, 2018 & 2020), and his peers elected him in 2020 to permanent membership in *Business North Carolina's* "[Legal Elite](#) Hall of Fame" for Criminal Defense. [Benchmark Litigation](#) has recognized him as a "Litigation Star" for North Carolina in White-Collar Crime each year since 2015.

FEDERAL LITIGATION

Kearns began his legal career as a law clerk to Chief Judge Sam J. Ervin, III of the United States Court of Appeals for the Fourth Circuit, later served as an Assistant United States Attorney for the Middle District of North Carolina, and in private practice has handled cases in federal courts across the United States. He is one of few lawyers whose federal trial experience includes both civil and criminal jury trials, and he has handled dozens of appeals in the U.S. Courts of Appeals for the 2nd, 4th, and 9th Circuits. His extensive federal litigation experience includes "all four tables": criminal prosecution, criminal defense, civil plaintiff, and civil defendant.

Kearns repeatedly has been named among the [North Carolina Super Lawyers](#) (Thomson Reuters) "Top 10" attorneys in all categories (2016-2021), and selected by his peers for inclusion in [The Best Lawyers in America](#)® in Bet-the-Company Litigation and Commercial Litigation (2010-2021). He was recognized by [The Best Lawyers in America](#)® as its 2015 "Lawyer of the Year" for Greensboro in Bet-the-Company Litigation, and is ranked among *Business North Carolina's* Litigation "[Legal Elite](#)" (2021).

BUSINESS LITIGATION

Kearns has represented publicly traded corporations, privately held companies, financial institutions, small businesses, healthcare entities, municipalities, individuals, and the United States government in a wide range of matters including fraud, *qui tam*/whistleblower litigation, class-action defense, unfair trade practices, antitrust, shareholder disputes, breach of contract, environmental, real estate, construction, labor and employment, tax, intellectual property, transportation, and consumer protection. He regularly appears in business cases in federal courts, the North Carolina Business Court, and other state courts.

Kearns repeatedly has been named among the [North Carolina Super Lawyers](#) (Thomson Reuters) "Top 10" attorneys in all categories (2016-2021), and selected by his peers for inclusion in [The Best Lawyers in America](#)® in Bet-the-Company Litigation and Commercial Litigation (2010-2021). He was recognized by [The Best Lawyers in America](#)® as its 2015 "Lawyer of the Year" for Greensboro in Bet-the-Company Litigation, and is ranked among *Business North Carolina's* Litigation "[Legal Elite](#)" (2021).

HONORS

Fellow, [American College of Trial Lawyers](#)

Permanent Member, Fourth Circuit Judicial Conference

Repeatedly recognized among "Top 10" attorneys, without regard to practice area or specialty, by [North Carolina Super Lawyers](#) (Thomson Reuters) (2016-2021)

Annually selected by his peers for inclusion in [The Best Lawyers in America](#)® in White-Collar Criminal Defense (Greensboro "Lawyer of the Year" 2013, 2016, 2018, 2020), Bet-the-Company Litigation (Greensboro "Lawyer of the Year" 2015), and Commercial Litigation (2010-2021)

Recognized by [Chambers USA: America's Leading Lawyers for Business](#) for Litigation: White-Collar Crime and Government Investigations (2012-2020)

Elected by North Carolina lawyers to permanent inclusion in [Business North Carolina's "Legal Elite" Hall of Fame for Criminal Law \(2020\)](#). Recognized among "Legal Elite" in Criminal Law since 2008 and Litigation (2021).

Recognized by [Benchmark Litigation](#) as a "Litigation Star" for North Carolina in White Collar Crime/Enforcements/Investigations (2015-2021)

[Distinguished Service Award, Greensboro Bar Association](#) (2020)

"Robinson O. Everett Professionalism Award," North Carolina Bar Association (2010)

North Carolina Pro Bono Honor Society (2018)

COMMUNITY INVOLVEMENT

President, [N.C. Bar Association](#) (2016-17)

President, Federal Bar Association, [Middle District of North Carolina Chapter](#) (2010-11)

Adjunct Law Professor/Lecturer in Trial Advocacy, University of North Carolina School of Law (2008-15, 2018-present)

Adjunct Law Professor, Trial Advocacy, [Elon University School of Law](#) (Spring 2008)

Trial Advocacy Instructor, U.S. Department of Justice, National Advocacy Center (2007)

Faculty, National Institute for Trial Advocacy Southeast Regional (2006 & 2007)

State Committee, [American College of Trial Lawyers](#) (2020-present)

Member, [North Carolina Commission on the Administration of Law & Justice](#) (2015-17)

[North Carolina Equal Access to Justice Commission](#) (2014-15)

Member, [North Carolina Faith and Justice Alliance Steering Committee](#) (2020-present)

Magistrate Judge Merit Selection Panel, U.S. District Court for the Middle District of North Carolina (2011)

Criminal Justice Act Appellate Panel Committee, U.S. Court of Appeals for the Fourth Circuit (2008-2014)

Criminal Justice Act Panel, Middle District of North Carolina (1997-2003, 2007-present)

Chair, [N.C. Bar Association Criminal Justice Section](#) (2007-08)

Chair, [N.C. Bar Association Young Lawyers Division](#) (2004-05)

Board of Directors, Legal Aid of North Carolina (2017-18)

Ex Officio Member, [American Law Institute](#) (2016-17)
Life Fellow, [American Bar Foundation](#)
Board of Directors, [Greensboro Police Foundation](#)
Board of Directors, [Greensboro Sports Council](#) (2013-16)
Development Committee, [Community Foundation of Greater Greensboro](#)
Co-Director, Rotary Youth Leadership Program (2007)
Chair, [University of North Carolina School of Law Alumni Association](#) Community Outreach Committee (2020-present)
Board of Directors, [University of North Carolina School of Law Alumni Association](#) (2000-06)
Board of Directors, [Davidson College Alumni Association](#) (2007-2010)
Board of Directors, National Association of Assistant United States Attorneys (2006-07)
Chair, Greensboro Bar Association Pro Bono Committee (2000-01)
Founding Chair, Greensboro Bar Association Young Lawyers Section Domestic Violence Project (1999-2001)
Secretary, Rest Haven Summer Sunday School, Pamlico River, Beaufort County, NC
Finance Board & Deacon, [Grace Community Church](#) (2004-06)

PUBLICATIONS & MEDIA

Co-presenter (with D.J. O'Brien), "[Following the Money: The False Claims Act and the Federal Pandemic Response](#)," North Carolina Bar Association July Expert Series Continuing Legal Education, July 2020
Presenter, "[All-Star Trial Advocacy](#)," Mecklenburg County Bar, Charlotte, NC, February 2020
"An Introduction to Closing Arguments," UNC Law School Festival of Legal Learning, February 2020
Panelist, "Origins of Professionalism," College of American Trial Lawyers, Asheville, NC, April 2019
Panelist, "Avoiding Ethical Pitfalls While Investigating a Corporate Crisis," Association of Corporate Counsel, Greensboro, NC, October 2018
Guest Speaker, Supreme Court of Haiti, Port-au-Prince, Haiti, May 2018
"[Federal Criminal Case Law Update](#)," North Carolina Bar Association & Foundation, 2006-20
Panelist, "Government Investigations & Prosecution for the Civil Practitioner," Dartmouth Lawyers Association, February 2016
"Criminal Intellectual Property: Responding to Investigations and Defending Against Indictments," UNC Law School Festival of Legal Learning, February 2015
"Anatomy of a Federal Case: Defending the Corporation," North Carolina Bar Association Criminal Justice Section, February 2014
"Federal Criminal Health Care Fraud: Responding to Investigations, Defending Against Indictments, and Handling Related Civil Claims," UNC Law School Festival of Legal Learning, February 2013
"Internal Corporate Investigations and Disclosure to Law Enforcement," North Carolina Bankers Association Security Summit, 2012
White-Collar Crime Panel, [2011 Criminal Justice Section Annual Meeting](#), North Carolina Bar Association Foundation

"When Insiders Pose a Hidden Danger: Conducting Internal Corporate Investigations," N.C. Bankers Association Security Summit, September 2011

"2010 White-Collar Crime Update - Fourth Circuit and Supreme Court," North Carolina Bar Association Foundation, April 2010

"Environmental Criminal Investigations & Enforcement," UNC Law School Festival of Legal Learning, February 2010

"Corporate Investigations: Government, Criminal, and Internal," UNC School of Law Festival of Legal Learning, February 2009

"Appellate Process" U.S. Department of Justice, National Advocacy Center, 2005

"Environmental Citizen Suits," North Carolina Bar Association Real Estate Section, 2000

"Sigurjonsson v. Iceland: The European Court of Human Rights Expands the Negative Right of Association," 27 Case W. Res. J. Int'l L. (1995), reprinted in 5 Irish Student L. Rev. (1995)

Note, "Crawford v. Air Line Pilots Association: The Fourth Circuit Determines What Expenses a Union May Charge to Nonunion Workers," 72 N.C. L. REV. 1732 (1994)

Brooks Pierce Partners Secure Win in False Claims Act Case, April 12, 2021

Brooks Pierce Attorneys Serve on Criminal Justice Act Panel , July 29, 2020

Brooks Pierce Partner Receives Distinguished Service Award from Greensboro Bar Association, April 17, 2020

Seven Brooks Pierce Attorneys to Present at the 2020 Festival of Legal Learning, February 4, 2020

Eighteen Brooks Pierce Attorneys Recognized for Pro Bono Work, December 16, 2019

Kearns Davis Addresses Haitian Supreme Court, July 10, 2018

Brooks Pierce Partner Admitted as a Fellow to the American College of Trial Lawyers, September 21, 2017

Brooks Pierce Attorneys, Practice Areas Earn Top Rankings from Chambers USA, May 26, 2017

Kearns Davis Discusses Raising the Juvenile Age with Attorney at Law Magazine, March 27, 2017

Kearns Davis Talks About NCBA 4All Service Day on WFMY, March 13, 2017

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SPEAKING ENGAGEMENTS

Brooks Pierce Partner Presents Annual Federal Criminal Case Law Update, September 23, 2020

Brooks Pierce Partners Participate in North Carolina Bar Association Expert Series CLE, July 16, 2020

Kearns Davis Presents at Mecklenburg County Bar's All-Star Trial Advocacy Continuing Legal Education Event, April 9, 2020

Kearns Davis Presents on the Rule of Law at Greensboro Bar Association Event, February 11, 2020