

Derek Schwahn

Associate

Atlanta

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OVERVIEW

Derek is an associate in the firm's Privacy + Cyber Practice Group, where he represents clients in consumer financial services law, business disputes, and commercial litigation in both the federal and state courts. He is part of the firm's national practice defending consumer-facing companies of all types in individual claims and class action suits.

Prior to joining the firm, Derek served as a law clerk to the Honorable Dudley H. Bowen, Jr. and Honorable J. Randal Hall in the U.S. District Court for the Southern District of Georgia. During law school, Derek served as judicial intern to the Honorable Richard W. Story in the U.S. District Court for the Northern District of Georgia.

Derek has previously represented clients in the health care, manufacturing, construction, hospitality, and transportation industries in a wide variety of commercial disputes including insurance coverage, partnership disputes, breach of contract, civil RICO, breach of fiduciary duties, and trade secrets litigation.

REPRESENTATIVE MATTERS

- Recovered a seven-figure breach of contract verdict in arbitration on behalf of a health care administration company for a hospital's improper contract termination.
- Recovered a six-figure verdict and defeated nearly \$2 million in adverse claims in a five-day arbitration hearing representing a doctor group against a Medicare Advantage insurance company.
- Advised numerous businesses in the hospitality, real estate, and retail industries related to business interruption insurance coverage for losses caused by the COVID-19 pandemic.
- Successfully represented a regional construction company in a dispute against its insurance carrier and insurance broker related to a multimillion-dollar professional liability claim.

TOP AREAS OF FOCUS

- Consumer Financial Services
- Financial Services Litigation
- Privacy + Cyber

ALL AREAS OF FOCUS

- Consumer Financial Services
- Financial Services Litigation
- Litigation + Trial
- Privacy + Cyber

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Atlanta Bar Association
- Member, Federal Bar Association
- Barrister, Bleckley Inn of Court
- Member, State Bar of Georgia, Young Lawyers Division

PROFESSIONAL EXPERIENCE

- Law clerk, Hon. Dudley H. Bowen, Jr., U.S. District Court for the Southern District of Georgia
- Law clerk, Hon. Randall Hall (Chief Judge), U.S. District Court for the Southern District of Georgia
- Judicial intern, Hon. Richard W. Story, U.S. District Court for the Northern District of Georgia

EDUCATION AND CERTIFICATIONS

EDUCATION

- Georgia State University College of Law, J.D., *summa cum laude*, 2018, Order of the Coif; associate research editor, *Georgia State University Law Review*
- Georgia Southern University, B.A., *magna cum laude*, 2014

BAR ADMISSIONS

- Georgia

COURT ADMISSIONS

- U.S. District Court, Northern District of Georgia
- U.S. District Court, Southern District of Georgia
- U.S. Court of Appeals, Eleventh Circuit
- Court of Appeals of Georgia
- Georgia State Courts

PUBLICATIONS

- Author, "H.B. 434 – Eminent Domain," *34 Georgia State Univ. Law Review* 201 (2017).
- Author, "Held to a Higher Standard: Exploring How ERISA's Best Interest Contract Exemption Protected (and Threatens) Retirement Investors," *34 Georgia State Univ. Law Review* (2017).

MEDIA COMMENTARY

- Quoted, “[3 Ways to Prepare for Ramped-Up FCRA Scrutiny](#),” *insideARM*, October 14, 2022.