



Kimberly A. Prior

Partner
Co-Chair, Digital Assets and Blockchain Technology Group

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Kimberly is a leading financial services regulatory attorney, advising financial institutions and other businesses with respect to legal, regulatory, and corporate matters. She has extensive experience advising clients in the distributed ledger, blockchain, and digital assets sector.

Kimberly is co-chair of the firm's Digital Assets and Blockchain Technology Group, and she specializes in regulatory, transactional, corporate, and enforcement matters for domestic and international financial services firms and businesses including banks, broker-dealers, investment advisers, and private equity funds. Kimberly also advises financial institutions, FinTechs, and other businesses regarding regulatory, licensing, corporate, and compliance issues in the FinTech and blockchain technology space.

Kimberly advises governmental and regulatory officials on digital asset technology and regulation, and regularly speaks on regulatory issues affecting the financial industry. Since 2018, Kimberly has taught a popular course on the regulation of blockchain and digital assets at the University of Miami School of Law. Additionally, she is the co-author of *Digital Assets and Blockchain Technology: US Law and Regulation* (Elgar 2020), a first-of-its kind legal textbook that examines the legal and regulatory approaches regarding the most important issues impacting the blockchain space.

Kimberly is a member of the Bank Receivership Task Force, created in March of 2023.

She previously served as an adjunct professor at the University of Miami School of Law teaching an advanced seminar focused on current issues in financial institution mergers and acquisitions. Kimberly is the co-author of a chapter on recent developments in cross-border securities law and is former general counsel to the Financial & International Business Association.

Key Matters

Some of the experience represented below may have been handled at a previous firm.

Kimberly's representative experience includes:

Financial Regulatory & Enforcement Matters

- Represented a broker-dealer affiliate of a multinational financial institution in Financial Industry Regulatory Authority (FINRA) Continuing Membership Application process related to business reorganization.
- Advised an investor group on acquisition of broker-dealer.
- Represented a national bank in the acquisition of a payday lending company.
- Advised an investor group on investments in private investment funds.
- Represented a broker-dealer affiliate of a financial institution in FINRA Continuing Application process related to acquisition.
- Represented a Florida bank in connection with sale to investor group.
- Advised an online lending companies regarding federal and state licensure and regulatory obligations.
- Represented a broker-dealer affiliate of a multinational financial institution in a FINRA investigation and enforcement action pertaining to the FINRA anti-money laundering rules.
- Represented an affiliate of a multinational financial institution in parallel Securities and Exchange Commission (SEC) and FINRA investigations and enforcement proceedings pertaining to the promotion of a financial product.
- Represented an investment adviser in an SEC enforcement action regarding custody of client funds.
- Represented a securities issuer in a Florida Office of Financial Regulation (FOFR) investigation relating to securities offerings.

Blockchain Experience

- Advised a United States cryptocurrency exchange in connection with a government investigation regarding anti-money laundering policies and procedures.
- Advised a European cryptocurrency exchange concerning whether certain digital assets are regarded as securities under United States law.
- Advises private funds holding digital assets or investing in digital asset businesses.
- Advised issuers of digital assets with respect to regulatory obligations and prepared offering documents.
- Advised a cryptocurrency exchange interacting with many state regulators to determine whether licenses are required for purposes of contemplated business activities.
- Advised large institutional financial institutions regarding implementation of blockchain technology.
- Advised an issuer regarding their development and offering of non-fungible tokens (NFTs).
- Advised a real estate development company concerning its acceptance of cryptocurrency.

- Advised a real estate developer regarding its issuance of tokens backed by real estate.
- Represented an investor acquiring a cryptocurrency tax reporting company.

Recent Experience

Torrey Partners's Sale to Stifel Financial Corp.

Arthur J. Gallagher (NYSE: AJG) carveout acquisition of M&T Insurance Agency from M&T Bank Corporation (NYSE: MTB).

Recognitions

- *The Legal 500 Latin America - International Firms*, Banking and Finance; City Focus - Miami, 2024
- *Chambers USA*, Banking & Finance: Regulatory—Florida, 2017–2023
- *Daily Business Review*, On The Rise Honoree, 2019
- *South Florida Legal Guide*, Top Up & Comers, 2018–2021

Activities

- Former General Counsel and Co-Chair of the Legal Regulatory Affairs Committee, Financial & International Business Association (FIBA)
- Former Chair, Legal and Regulatory Affairs Committee, Financial & International Business Association (FIBA)
- Active Member, Orange Bowl Committee
- Member, Committee on Banking Law, American Bar Association

Credentials

EDUCATION

Kimberly received her LL.M. from the University of Miami and her J.D. from Stetson University College of Law. She received her B.S. from Florida State University.

ADMISSIONS

- Florida

Related Insights & News

Speaking Engagements

- Speaker, "U.S. Regulatory Fireside," Blockchain Association of the Cayman Islands (May 23, 2023)
- Speaker, "The Future of Digital Assets," FMA Annual Securities Compliance Seminar (May 3, 2023)

- Speaker, Managing Partner Roundtable, “Commentary on Current Financial Issues and Potential Impacts” (April 19, 2023)
- Speaker, “The Topsy Turvy World of Cryptocurrency and Digital Assets Regulation,” FIBA AML Conference, March 2023
- Speaker, “Mitigating the Risks of Virtual Currency,” FIBA Financial Crimes Conference, México, December 2022
- Speaker, “Virtual Assets, Real Value? Restructuring in the Digital Asset and Crypto Space,” Winston & Strawn and Grant Thornton International Restructuring Conference, New York, November 2022
- Speaker, “Navigating Through the Waters of Crypto/NFTs...Legally,” Miami Law Con, April 2022
- Speaker, “Emerging Trends in Intellectual Property: What IP Practitioners Need to Know About Non-Fungible Tokens (NFTs),” New York State Bar Association Intellectual Property Law Section, December 2021
- Speaker, “Digital Assets/Blockchain Regulation,” Kaufman Rossin, Miami, September 2021
- “U.S. Regulatory Framework of Cryptocurrencies,” Itau Bank, Miami, September 2018
- “U.S. Regulatory Framework of Cryptocurrencies,” Citibank, Miami, August 2018
- Speaker, “Bitcoin, Blockchain Technology & Intellectual Property Law,” Dade County Bar Association Intellectual Property Committee Seminar, May 2018
- Co-presenter, “Financial Markets Regulatory Enforcement,” NICE Actimize 2016 Symposium, October 2016
- Presenter, “FinTech and Regulation,” Colombia Banking Association Annual Finance Law Meeting, September 2016

Publications

- Co-author, “El Salvador’s ‘Bitcoin Law’ Forces Governments and Businesses to Contend with Digital Assets,” Global Banking & Finance Review (September 2021)
- Co-author, “Digital Assets and Blockchain Technology: US Law and Regulation” Edward Elgar Publishing (2020)
- Co-author, “The Cross-Border Securities Business: Recent Changes and Continuing Uncertainties,” Inside the Minds: New Developments in Securities Law (2015 ed.)
- Kimberly Prior mentioned in articles on bank deal: “Espirito Santo Bank in deal to be sold to Venezuelan group,” South Florida Business Journal (January 5, 2015) and “3 details on the Venezuelan group buying Espirito Santo,” South Florida Business Journal (May 11, 2015)

BLOG

TradeStation Crypto’s Settlement with the SEC Signals Continued Scrutiny of Interest-Bearing Crypto Lending
FEBRUARY 16, 2024

CLIENT ALERT

What’s the Deal? SEC Expands “Dealer” Definition
FEBRUARY 13, 2024

RECOGNITIONS

Winston Attorneys Honored During the 2024 Florida Legal Awards
FEBRUARY 1, 2024

CLIENT ALERT

2024 Investment Management Regulatory and Compliance Calendar and Guidebook

JANUARY 31, 2024

SEMINAR/CLE

Winston Hosts 2024 Financial Services Symposium in Charlotte

JANUARY 24, 2024

BLOG

Road to Bitcoin Investment Cleared with SEC's Approval of 11 Spot Bitcoin ETFs

JANUARY 11, 2024

CLIENT ALERT

New Florida House Bill Requires Certain Financial Institutions to File Reports with the Florida OFR When They Block or Close a Customer's Account

JANUARY 3, 2024

SPONSORSHIP

Winston Sponsors the 2023 North American Blockchain Summit in Fort Worth

NOVEMBER 16, 2023

RECOGNITIONS

Winston & Strawn Recognized in All Categories of *The Legal 500 Latin America 2024*

OCTOBER 26, 2023

WEBINAR

The SEC's Private Funds Rule Webinar

OCTOBER 18, 2023

NEWS

SEC Risk Alert: Investment Adviser Examinations

SEPTEMBER 14, 2023

BLOG

Appeals Court Reverses the SEC's Rejection of Grayscale's Spot Bitcoin ETF Proposal

AUGUST 30, 2023

Capabilities

