

Fabian VanCott



David N. Kelley

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Practice Areas:



Employment & Labor



ERISA & Employee
Benefits



Litigation, Trials &
Appeals

2016

Utah
Legal Elite
TOP LAWYERS IN UTAH

Super Lawyers

2016

2009 - 2016

2012 - 2016

Biography

David has nearly 15 years of experience in a practice focused on employment law and ERISA litigation. He represents employers defending all types of employment-related claims, as well as claims for denial of benefits under employer-sponsored plans governed by ERISA. He also represents insurers, claims administrators, and employers in ERISA cases. In employment law, David defends employers at all stages of litigation, and assists employers in drafting employee policies and agreements, diversity training, workplace investigations and consulting with clients on hiring, disciplining and terminating employees. In the community, David is a volunteer for the Utah Children's Justice Center and regularly provides pro bono services assisting victims of domestic violence in obtaining protective orders. David earned his law degree at Brigham Young University, graduating magna cum laude with membership in the Order of the Coif. He simultaneously obtained his master's in psychology at BYU, again graduating magna cum laude. He also holds a bachelor's degree from BYU. David is licensed to practice in Utah's state and federal courts and the 10th U.S. Circuit Court of Appeals. David currently serves as the Managing Shareholder at Fabian VanCott.

Professional

Admitted to Utah State Bar, U.S. District Court, District of Utah, U.S. Court of Appeals, Tenth Circuit

Chair, Labor and Employment Section of the Utah State Bar, 2008-Present

Professional (cont.)

Member, Labor and Employment Section of the Utah State Bar, 2001-Present

Member, Litigation Section of the Utah State Bar, 2001-Present

Member, American Bar Association, 2001-Present

Recognized as "Legal Elite" in the field of Labor and Employment Law, Utah Business Magazine

Recognized as "Rising Star" in the field of Employee Benefits/ERISA, Mountain States Super Lawyers

Representative Projects

ERISA

David has represented some of the major life, health, and disability insurers in the country against claims brought by plan participants and beneficiaries for ERISA benefits. He has also represented claims administrators and employers against claims brought under ERISA or otherwise related to ERISA.

EMPLOYMENT LAW

Client Consultation - David has represented employers in all areas of employment relationships including the drafting of employment applications, policies, handbooks and agreements, and has provided diversity training, and conducted workplace investigations. David has also advised clients on issues such as covenants not to compete, trade secrets, payment of wages, garnishment order, and other issues related to hiring, disciplining, and terminating employees.

Litigation - David has also represented employers at all stages of litigation in discrimination claims including charges brought before the EEOC or state administrative agencies. He has experience resolving employment cases through summary judgment, mediation, arbitration, and jury trials. In his employment practice he has represented major hotel chains, healthcare facilities, airlines, restaurants, construction companies, manufacturers, and other large employers.

Education

J.D., Magna Cum Laude, J. Reuben Clark College of Law, Brigham Young University, 2001

Order of the Coif, Brigham Young University, 2001

M.S., (Psychology), Magna Cum Laude, Brigham Young University, 2001

B.S., (Psychology), Magna Cum Laude, Brigham Young University, 1996

Psi Chi National Honor Society in Psychology

Publications & Presenta-

Speaker, "Misrepresentation in Insurance Applications," American Bar Association, September 2008

Speaker, "ERISA 101," Utah Labor and Employment Law Seminar, October 4, 2006

Speaker, "Fundamentals of The Americans With Disabilities Act Litigation," Utah Labor and Employment Law Seminar, May 3, 2006

Co-Author (10th Circuit), "ERISA Basics: A Circuit By Circuit Survey," American Bar Association, 2005

Community Service

Regularly provides pro bono services for Utah Legal Services representing petitioners seeking protective orders for domestic violence

Volunteer, Utah Children's Justice Center

Mentored youth seeking experience in the law and laws related fields

Volunteer, Boy Scouts of America

Active in local church and community projects