

DAVID N. KELLEY

Attorney / Of Counsel | Salt Lake City

Licensure: UT

Biography

David has defended employers, plans, administrators, fiduciaries and other entities in lawsuits focused on benefits, fiduciary duties, and penalty claims. He has successfully argued many ERISA and non-ERISA cases before several United States district courts, the United States Tenth Circuit Court of Appeals, and the Utah Supreme Court. David has co-authored the biannual 10th Circuit chapter in the American Bar Association publication, "ERISA Survey of Federal Courts" for the last eight years running. He regularly advises employers on their ERISA obligations in light of both insured and self-funded plans providing life, health, and disability benefits to their employees and give seminars to other lawyers seeking continuing education on legal issues.

David also represents employers defending all types of employment-related claims. He 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 has volunteered for the Utah Children's Justice Center assisting victims of domestic violence in obtaining protective orders and has also works with the Rocky Mountain Innocence Center petition courts for post-conviction DNA testing.

David earned his law degree at Brigham Young University, graduating Magna Cum Laude and being admitted to The Order of the Coif. He simultaneously obtained his master's in psychology at BYU, again graduating Magna Cum Laude. David is licensed to practice in Utah's state and federal courts and the Tenth U.S. Circuit Court of Appeals.

Practice Areas

EMPLOYMENT & LABOR

EMPLOYMENT LITIGATION

EMPLOYEE POLICIES &
PROCEDURES EMPLOYMENT &

TERMINATION
AGREEMENTS

ERISA & EMPLOYEE BENEFITS

INVESTIGATIONS & TRAININGS

REGULATORY COMPLIANCE
WORKERS COMPENSATION



FABIAN VANCOTT

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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

Professional History

- 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 - 2009
- 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

Publications and Presentations

- Co-author, Tenth Circuit, "ERISA Basics: A Circuit By Circuit Survey," American Bar Association, 2005 - 2018 (updates)
- Co-author, Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey
- 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

Community Service

- Provides pro bono services for Rocky Mountain Innocence Center
- Regularly provides pro bono services for Utah Legal Services
- Volunteer, Utah Children's Justice Center
- Mentored youth seeking experience in the law and laws related fields
- Volunteer, Boy Scouts of America

Peer Recognition

- 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