

JOHN FARRELL FAY, Esq.

EXPERIENCE:

- 04/09 to present John F. Fay, Legal Counsel, Salt Lake & Park City, UT.
- 10/06 to 04/09 Trial Counsel, *Gregory & Swapp*, Lehi, UT.
- 10/02 to 10/06 Trial Counsel & Litigation Department Manager –
Gregory & Swapp,
- 01/98 – 10/02 John F. Fay, Legal Counsel, Salt Lake & Park City, UT.
- 04/96 - 12/97 Trial Counsel: *Tesch, Thompson & Fay*, Park City, UT.
- 01/90 - 4/96 Trial Counsel: *Siegfried & Jensen*, Salt Lake City.
- 10/89 - 12/90 Writing a legal text and researching the law.
- 06/86 - 9/89 *Law Offices of Leon Schneider*, Beverly Hills, CA.
- 06/79 - 6/86 ***JOHN FARRELL FAY***, Legal Counsel, San Diego, CA.

Extensive experience in personal injury litigation. Well seasoned in all civil law and motion departments, drafting a wide variety of supporting and opposing pleadings and the presentation of both pro and con oral arguments at bar. Comprehensive experience in legal research and brief writing at both the Appellate and Supreme Court levels. Broad background in the taking and defending of depositions and in settlement negotiations.

TRIAL WORK:

Experienced litigator in both judge and jury trials, (12 municipal and 50 superior or district court civil jury trials to verdict) as well as over 350 judicial, AAA, UM and UIM arbitration claims in areas including vehicle collisions, slip/trip & fall incidents, collapsing roofs, defective products, construction defects, insurance bad faith, breach of contract actions, and general business litigation.

APPELLATE WORK-

Experienced appellate advocate in writing approximately appellate briefs and in arguing before California and Utah State appellate courts and the U.S. District Court of Appeals

Recent Significant Trial Appeals:

Hansen v. Heath, 852 P2d. 977 (Utah 1993)
Ericksen v. Salt Lake, 858 P2d. 995 (Utah 1993)
White v. Deseelhorst, 879 P2d. 1371 (Utah 1994)
Summerill v. Shipley, 890 P2d. 1042 (Utah 1995)
Nguyen v. Yokohama, 282 F.3d 1061 [USDCA, 9th Cir., 2002]

Notes:

During the 2002 Winter Olympics Games, represented a foreign athlete in a tri-panel arbitration against the U.S. Bobsled & Toboggan Association and then against the International Olympic Bobsled & Toboggan Federation in attempting to secure an opportunity to compete that the Association had improperly denied him.

In mid-eighties, represented a guitarist member of Guns & Roses in civil action in Los Angeles Superior Court.

EDUCATION:

WESTERN STATE UNIV. SCHOOL OF LAW, San Diego, J. D., 1977
MERRIMACK COLLEGE, No. Andover, Mass., B.S., Finance, 1968

PROFESSIONAL AFFILIATIONS:

Member: Utah and California State Bars
United State District Court for So. & Central California & Utah
United States District Court of Appeals 9th Circuit

Utah State Bar's Alternative Dispute Resolution Committee

Utah Association of Justice [formerly Utah Trial Lawyers Association]

American Association of Justice [formerly Association of Trial Lawyers of America]

Utah Trial Lawyers Association,

Board of Governors: 1992-present
State Delegate: Ass. of Trial Lawyers of America, 1996-99
Sec.-Treasurer: 1999 - 2000
Vice President: 2000 - 2004
President-elect: 2004 - 2005
President: 2005 - 2006

Council of Presidents: Ass. of Trial Lawyers of America, 2005-2007

Judge Pro-tem: Los Angeles Superior and Municipal Courts
[inactive]

Arbitrator: [former] Personal Injury Panel, Los Angeles Superior and Municipal Courts; American Arbitration Association, Los Angeles and Salt Lake City Districts; Utah's Judicial Alternative Dispute Resolution Program [inactive].

Judge – Utah’s Law Related Education – *Mock Trial Program*
1992 to present

ADDENDA:

Awards: Outstanding Service Award, Utah Trial Lawyers Association, 1995

Martindale-Hubbell Rating: BV:
a lawyer with high to very high legal ability, exemplary professional expertise, experience and stature, one who clearly demonstrates the highest professional and ethical standards.

Board Certified Civil Trial Advocate – **National Board of Trial Advocacy**, 2008

Utah Business Magazine – January, 2007 & January, 2009,
Utah Legal Elite – Chosen as one of the State’s Top Lawyers in
“Personal Injury” law. Nominated by members of the Utah State Bar.

Author:

Arbitrating Personal Injury Claims

John Wiley & Son Law Books, Personal Injury Library, 1992

Maximizing Damages in Small Personal Injury Cases, Chapter 20, in
The Insurance Settlement Handbook, James Publishing Group, 1993

An Introduction to Arbitration, Utah Bar Journal, February, 1993

Arbitration's Quicker Resolutions and Evenhanded Benefits. Utah Trial Journal, Winter 1992-1993

Effective Use of Arbitration, Utah Trial Journal, Spring, 1993

Creating A Great Expert Witness, Utah Trial Journal, November, 1995

The Arbitration Solution, (occasional column mid-nineties) Commercial Intermountain Record and Salt Lake Times

In Defense of Punitive Damages, Commercial Intermountain Record and Salt Lake Times, November, 1996

Video Trial Exhibits, Utah Bar Journal, March, 1998

What To Ask The Custodian of Records, and Arbitration: Try It, Utah Trial Journal, June, 1998,

Legitimate Defenses To Insurance Bad Faith Claims, Utah Trial Journal, September, 1998.

How To Approach The New Client and Case, Utah Trial Journal, May, 1999.

Doctors Who Dishonor Medicine, Commercial Intermountain Record and Salt Lake Times, December 10, 2004

The Tort Quiz – Popular Rumors v. Secret Truths, Commercial Intermountain Record and Salt Lake Times, January 14, 2005.

Recovering Attorney’s Fees – An Update, Utah Trial Journal, Winter, 2005.

The President’s Message – Utah Trial Journal, Fall, 2005

The President’s Message – “*Some Practice Pointers*”, Utah Trial Journal, Winter, 2005-2006

The President’s Message – “*A Message to Utah’s Legislature*”, Utah Trial Journal, Spring 2006

The President’s Message – “*Telephonic Depositions*”, Utah Trial Journal, Summer, 2006

Winning Arguments Supporting the “Made Whole” Doctrine, Utah Bar Journal, July-August, 2008

Overtrying the Case – American Association of Justice’s – Trial magazine’s, “Good Counsel,” February, 2009

Keys for Effective Witness Testimony, Utah Trial Journal, Fall 2009

Professional Speaking:

Taking a Fresh Look at Small Injury Cases, UTLA Seminar, May, 1993;

Arbitration: What, When, and How?, UTLA Seminar, August, 1993;

Settlement, Arbitration and Mediation, ATLA Seminar, National College of Advocacy, March, 1994;

Alternative Dispute Resolution in Utah, National Business Institute, November, 1994;

What Is It Worth? Case Evaluations for the Plaintiffs' Bar, UTLA Seminar, December, 1994;

Arbitration: Pitfalls For The Unwary, and *The Fair Settlement Practices Act, Recognizing The Bad Faith Case*, UTLA Annual Seminar, September, 1996;

Insurance Law For Agents, Lorman Educational Services, January, 1997;

Pitfalls of Personal Injury Claims, Park City Bar Assn., August, 1997;

Using Exhibits To Win Your Case In Utah, National Business Institute, September, 1997;

Bad Faith Litigation In Utah, National Business Institute, May, 1998;

The Basics of Civil Trial Practice and Procedure in Utah, National Business Institute, October, 1998;

Bad Faith Litigation In Utah, National Business Institute, May, 1999;

Keys to Effective Expert Witness Examination in Utah, National Business Institute, November, 1999;

Bad Faith Litigation In Utah, National Business Institute, July, 2000.

Using Jury Questionnaires, [Co-presented with the Honorable Fred Howard] Utah Trial Lawyers Association's Annual Seminar, September, 2001.

Damages in Utah Civil Trial Practice, National Business Institute, November, 2001.

Damages in Utah Civil Trial Practice, National Business Institute, November, 2002.

Crime & Punishment: The Law and Practice of Punitive Damages in Utah, National Business Institute, December, 2003.

Advanced Trial Advocacy in Utah, National Business Institute, July, 2004.

Damages in Utah Civil Trial Practice, National Business Institute, November, 2004.

The Tort Quiz – Popular Rumors v. Secret Truths, Utah Trial Lawyers’ Association Legislative Luncheon, January 12, 2005.

How Your Practice Has Changes, The 2005 Legislative Session Report, Utah Trial Lawyers Association, April 13, 2005.

How To Nail Every Deposition, Utah Trial Lawyers Association, May, 2005.

Arbitration – All Your Questions Answered, [Co-presented with the Frank Carney, Bryan Larson & Steve Sullivan] Utah Trial Lawyers Association’s Annual Seminar, September, 2005.

Legislative Hijinks: Laws and Such That Can Affect Your Living, Utah Trial Lawyers Association, **Hardball Tactics IV, December, 2005**

Recent Civil Case Law Update, UTLA Annual Seminar, September, 2006;

“Tampering With Evidence” Amendments. 2007 – Legislative Session Report – **UTLA Seminar**, March 2007 –

A Short Legal Writing Course for Lawyers – Utah State Bar – Topics: Misspelled Words, Active & Passive Voice & Proof-Reading – April, 2007;

Subrogation Rights vs. Made Whole Doctrine, UTLA Annual Seminar, September, 2007;

Avoiding Litigation’s Pitfalls – Utah Association of Justice Annual Seminar, September, 2008;

Plaintiffs’ Personal Injury: Practice Tips & Application, National Business Institute, November, 2007

Plaintiffs’ Personal Injury: Practice Tips & Application, National Business Institute, November, 2008

Advanced Expert Witness Deposition Tactics, National Business Institute,
December, 2008

What Can I Expect For My Upcoming Trial - Utah Association of
Justice, December, 2008

A Short Legal Writing Course for Lawyers – Utah State Bar –
Co-Chair, May, 2009

What Can I Expect For My Upcoming Trial - Utah Association of
Justice, October, 2009

Hardball Tactics VIII– Ethical and Practical Responses, Utah
Association for Justice & Utah State Bar, Co-Chair - “*Challenging
Excessive Interrogatories*,” “*Excessive and Unreasonable Defense
Subpoenas – Ethical & Practical Concerns*,” “*Deposition Scheduling
Problems – Three Tips to Get the Case Moving*,” November, 2009

Evidence and Expert Testimony Best Practices: Supporting Your Case –
National Business Institute, December 2009

OTHER –

No Seat Belt Defense Require Expert Medical Testimony
Monograph - 1986

The Admissibility of Expert Testimony in Utah - **Intermountain
Commercial Record** - Published interview, March 2007

**12/09