



JOHN E. S. ROBSON

FABIAN & CLENDENIN

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AREAS OF PRACTICE:

- Employment
- Complex Litigation
- Energy & Utilities
- Real Property
- Business & Corporate

PRACTICE SUMMARY

For over two decades, John Robson has represented Utah school districts in all aspects of their operations including employee hiring, discipline and termination, board policies, real property acquisition and school construction, procurement, student discipline and First Amendment issues. John has also represented numerous private and public clients in all aspects of employment law. He advises employers on all aspects of employee relations including FMLA, ADA, FLSA, ADEA, Equal Employment Opportunity and employee discipline and termination.

In addition, John specializes in complex commercial litigation. He has represented local and national clients in state and federal court, and numerous arbitration proceedings on a broad range of litigation matters.

John is also licensed to practice in Nevada.

PROFESSIONAL

- Managing Shareholder (1997-Present), Shareholder (1984-Present), Fabian & Clendenin
- Rated AV by Martindale Hubbell
- Member, Education Law Association
- Member, National School Board Association Council of School Attorneys
- Member, American Bar Association; Section of Litigation; Law and Alternative; Dispute Resolution Committee; Forum on the Construction Industry
- Education Law Section Chair (1990-1991, 2000-2004, & 2008-09); Employment Law Section; Litigation Section
- Adjunct Professor teaching Education Law, University of Utah Department of Educational Leadership, 2003
- Admitted to Nevada State Bar, 1993
- Judicial Clerkship, Hon. Monroe G. McKay, Tenth Circuit Court of Appeals, 1983-1984
- Admitted to Utah State Bar, 1983

EDUCATION

- J.D., University of Utah College of Law, 1983; Order of the Coif; Utah Law Review, 1981-1983; Marriner S. Eccles Graduate Fellow, 1982-1983; American Inns of Court II, 1980-1982; University Athletic Board, 1980-1982
- B.A., University of Utah, 1980; Magna Cum Laude; Phi Kappa Phi; Beta Gamma Sigma

PUBLICATIONS & PRESENTATIONS

- Speaker, "School District Contracting," Utah Association of School Business Administrators
- Speaker, "Employee Handbooks and Wrongful Termination"
- Speaker, "First Amendment Update," Utah Education Law Institute
- Speaker, "Title IX: Gender Discrimination in Athletics," Utah School Law Seminar
- Speaker, "School District FLSA Problems"
- Speaker, "The First Amendment and the Use of School Facilities, From Boy Scouts to Good News," Education Law Institute
- Speaker, "ADR and How to Use It," Utah Employment and Labor Law
- Speaker, "Employee Leave: Understanding the Interaction between ADA, FMLA, and Workers' Compensation Laws," Corporate Counsel Seminar
- Speaker, "What Every Board Member and Administrator Should Know about School Construction Contracts," Utah Education Law Institute

COMMUNITY SERVICE

- Judge Pro Tem, Third District Small Claims Court
- Chamber of Commerce: Leadership Utah Program, 1992; Ambassador; Business/Education Partnership Committee
- Delegate to County and State Political Conventions
- Volunteer, Olympics Referendum Election

REPRESENTATIVE PROJECTS

- EDUCATION AND SCHOOL LAW - John has represented Charter Schools and public entities involved in applied technology education. John provides advice to these education clients regarding all aspects of their

operations. Considerable time is devoted to personnel matters, including hiring, disciplining and terminating employees. In conjunction with these activities, John has represented the school districts in numerous teacher termination actions, both at an administrative and district court level.

John has also spent considerable time representing school districts in court on First Amendment issues. He defended one district in a civil rights action involving prayer at high school graduation ceremonies. Another lawsuit involved the selection and performance of songs with religious content by a school's choir. Two lawsuits related to school district compliance with the Federal Equal Access Act. Other First Amendment issues John has addressed include student and employee free speech, dress codes, school uniforms and access to school facilities.

John's work on behalf of school districts also includes real property and construction matters related to the purchasing, construction and maintenance of school property he has resolved through mediation, arbitration and litigation through disputes between his education clients and various contractors and architects. He regularly assists school districts with the acquisition and sale of property and various other real property needs.

John has also successfully defended school district clients in both trial and appellate courts on issues related to school district attendance boundaries and the closure of schools due to declining enrollment.

- **EMPLOYMENT LAW - Preventative Employment Law:** The best circumstance for clients is to avoid employee disputes. Accordingly, the emphasis of John's employment practice is to help clients have appropriate manuals, policies and procedures in place to address employment issues and to consult with clients to address problems as they arise. John has lectured on numerous employment issues including Employee Handbooks, Use of Mediation and Arbitration in Employment Disputes, Title VII, FMLA, FLSA, ADA and related topics.

Employee Terminations: John has represented employers in disputes involving the termination of employees under various circumstances. These matters have involved alleged wrongful termination, breach of contract and related issues. The disputes have been resolved in numerous forums including mediation, arbitration, administrative hearings, state court and federal court.

Employment Discrimination: John has also defended numerous clients against claims of employment discrimination including harassment. For example, he has successfully resolved in the employers favor claim of race, gender and age discrimination. He has also obtained favorable rulings for his clients before the Utah

Anti-Discrimination Division and the Federal EEOC.

- **LITIGATION AND DISPUTE RESOLUTION -**
Construction Litigation: John has represented numerous clients in mechanic's lien and payment disputes. He also has significant experience in construction disputes involving improper design, improper selection and use of materials, faulty construction, breach of warranty and related matters.

Real Estate Litigation: John has represented many clients in all types of real estate related litigation. These cases have included lease disputes, lien priority, boundary disputes, quiet title actions; and commission disputes.

Misrepresentation and Professional Malpractice: John has also worked on a number of cases involving misrepresentation, professional malpractice and other torts. Those cases include a dispute regarding fraud perpetrated by a mortgage company and its loan officers against a private mortgage insurance company and several cases involving professional negligence by attorneys and actuaries.

Energy and Utility Litigation: John has represented utilities in litigation and arbitration proceedings involving long term supply contracts, price renegotiation provisions, royalties, power plant construction and operation, and various related matters. In one proceeding involving a long term contract, John and other Fabian attorneys obtained over a million dollars in monetary relief for a client under a long term coal contract.