



DAVID N. KELLEY

FABIAN & CLENDENIN

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AREAS OF PRACTICE:

- Employment
- Complex Litigation

PRACTICE SUMMARY

David Kelley is a shareholder in Fabian and has practiced Employment Law, ERISA Litigation, and general commercial litigation since 2001; focusing on representing employers defending all types of discrimination claims and claims for denial of benefits under employer sponsored plans governed by ERISA.

David graduated magna cum laude from Brigham Young University College of Law, and was selected as a member of the Order of the Coif. He simultaneously earned his Masters Degree from the Brigham Young University Psychology Department focusing in the areas of persuasion, social influence, and sexual harassment.

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
- 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

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 & PRESENTATIONS

- 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

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.

- **EMPLOYMENT LAW**

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.