



Jonathan O. Hafen

Shareholder

Long regarded as one of Utah's top lawyers, Jonathan Hafen has been widely praised by clients and peers for his skilled and efficient approach to both litigation and pre-litigation disputes. As a trial lawyer, Mr. Hafen handles a wide variety of litigation, including in the areas of securities and investment law, receiverships, employment law, disputes over ownership and control of businesses, shareholder oppression, breach of contract, property disputes, road and access disputes, entertainment law, intellectual property, distributor disputes within multi-level marketing companies, medical devices, pharmaceutical products, insurance coverage, class actions, construction law, and legal malpractice defense. He has tried numerous cases to a successful outcome for his clients, including achieving some of Utah's largest awards for plaintiffs in tortious interference and eminent domain matters. Along with others at Parr Brown, Mr. Hafen has recovered over \$100 million for his clients in various matters over the years. Mr. Hafen also helps to lead Parr Brown's Receivership Group, members of which collectively have recovered over \$1 billion for victims of some of the nation's largest ponzi schemes. He currently serves as National President of the Federal Bar Association.

He also has successfully defended many companies and individuals facing lawsuits, including dismissals or favorable settlements in breach of contract cases; large-company shareholder claims against officers and directors; disputes among owners of closely held companies, including breach of fiduciary duty, corporate opportunity and shareholder oppression cases; class actions; legal malpractice actions; employment discrimination cases; ADA compliance litigation, accounting malpractice actions; partnership disputes; cases involving allegations of theft of trade secrets, violations of non-solicitation and non-competition agreements; and a wide variety of other disputes that made their way to the courthouse.

In addition to his work as a trial lawyer, Mr. Hafen serves as legal counsel to a number of start-ups, midsize businesses and multinational companies, utilizing the significant resources available at Parr Brown to address the broad spectrum of legal challenges routinely confronting business leaders. Mr. Hafen has represented major national corporations, including Zions Bank, Walgreens, Lloyds of London, Breeze Airways, and Merrill Lynch, as well as some of Utah's leading companies, including Merit Medical and Franklin Covey.

CONTACT INFORMATION

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VCard



Connect

LANGUAGE

► German

PRACTICE AREAS

Commercial Litigation Services

Employment Litigation

Entertainment Law

Intellectual Property Litigation

Securities Litigation

Utah Class Action Attorneys

Receivership

EDUCATION

► 1991, J.D., Brigham Young University, magna cum laude, Order of the Coif,

- ▶ Executive Editor, Brigham Young University Law Review
- ▶ 1988, B.A., summa cum laude, Brigham Young University
- ▶ 1986, A.A. with highest honors, Ricks College

BAR ADMISSIONS

- ▶ Ninth Circuit Court of Appeals
- ▶ 2011, Wyoming
- ▶ 1992, Utah
- ▶ 1992, Illinois

PROFESSIONAL ACTIVITIES

- ▶ National President, Federal Bar Association
- ▶ Member, Federal Bar Association's National Task Force on Diversity and Inclusion
- ▶ Utah Center for Legal Inclusion
- ▶ Member, Board of Governors, Salt Lake Chamber of Commerce; Chair, International Committee
- ▶ Member, Board of Directors, Tenth Circuit, Federal Bar Association
- ▶ Chair, Supreme Court Advisory Committee on the Utah Rules of Civil Procedure
- ▶ Former Chair and Current Executive Committee Member, Litigation Section, Utah State Bar
- ▶ Member, Utah State Bar Labor & Employment
- ▶ Executive Committee, Utah State Bar Litigation
- ▶ Member, BYU Law School Alumni Advisory Board
- ▶ BYU Alumni Association
- ▶ Chair, Tuacahn Center for the Arts
- ▶ Chair, Utah State Bar Continuing Legal Advisory Committee
- ▶ Faculty Member, Litigation Section Trial Academy, March 2018

CLERKSHIPS

- ▶ 1991, Clerk to the Honorable Monroe G. McKay, Chief Judge of the U.S. Tenth Circuit Court of Appeals.

Following a nomination, research and blue-ribbon review process, Mr. Hafen was named one of the "Top 10" Lawyers in the Mountain States (Utah, Nevada, Idaho, Montana, and Wyoming) by *Super Lawyers* Magazine. Mr. Hafen has been awarded an AV rating – the highest awarded by Martindale-Hubbell, and he has been repeatedly included in *The Best Lawyers in America®*, *Chambers USA – America's Leading Business Lawyers*, *Benchmark Litigation*, and by *Utah Business* magazine as one of *Utah's Legal Elite*. Mr. Hafen has been repeatedly named "Lawyer of the Year" in Utah by Best Lawyers® in the following practice areas: Employment Law – Management; Labor Law – Union; Litigation-Labor and Employment; and Employment Law-Individuals. He also continues to be recognized as one of the "Top 100" lawyers in the Intermountain area by *Mountain States Super Lawyers*. He also comes highly recommended for "bet the company" litigation by *Best Lawyers*.

Prior to joining Parr Brown, he graduated *magna cum laude* from BYU Law School in 1991, clerked for Monroe McKay, Chief Judge of the U.S. Tenth Circuit Court of Appeals, and worked at one of the nation's most prestigious law firms, Sidley & Austin (Chicago) from 1992-95.

Mr. Hafen's clients have enjoyed significant successes both at trial and in negotiated settlements. Trial and litigation victories include a \$15 million award in a road condemnation case, a jury award of over \$2.2 million for defamation and tortious interference, a favorable jury ruling for an employer facing an age-discrimination suit, a significant arbitration panel award in a case brought by a Utah company against a Fortune 50 company, a favorable arbitration award dismissing a breach of contract claim (upheld on appeal), an arbitration award dismissing a senior employee's \$330 million claim for breach of contract and fraud against a former employer, summary judgment in favor of client facing a significant lease dispute (upheld on appeal), summary judgment in favor of clients in theft of trade secrets lawsuit, a judgment in excess of \$600,000 in a breach of contract action (upheld on appeal), and a ruling that a disputed road leading to a 10,000 acre ranch in the Uinta Mountains was public, which also was upheld on appeal. Settlements include a \$15 million recovery in a securities fraud class action against multiple domestic and foreign defendants, a \$2 million mediated settlement in an accounting malpractice action, a \$2 million mediated settlement in a product liability case, a \$500,000 recovery for breach of a non-competition/non-solicitation contract, a high six-figure recovery for the plaintiff in a trademark case and numerous other significant victories for his clients.

Business Litigation. Over the years, Mr. Hafen has litigated numerous cases involving disputes over the ownership and control of businesses, including family-owned businesses. Favorable outcomes include both judgments on behalf of his clients following trials and arbitrations as well as many satisfactory settlements.

Receiverships. In recent years, a significant part of Mr. Hafen's practice has focused on receiverships. He has been appointed by Federal Courts to serve as a receiver on multiple occasions, including the Rust Rare Coin Ponzi litigation, in which victims lost over \$100 million. He also has served as lead counsel for the receiver in the RaPower receivership, in which the receiver has recovered over \$10 million in fraudulently transferred assets. With this experience, along with years of experience dealing with

companies facing claims of mismanagement and fraud, Mr. Hafen is qualified to serve as a private or Court-appointed receiver in cases where a company has been compromised by actual or alleged misconduct of its owners or executives. As a Receiver or as counsel to a receiver, Mr. Hafen has recovered more than \$50 million for victims.

Investigations. Mr. Hafen has experience with independent investigations in both employment and corporate governance settings. He is available to conduct or oversee independent investigations of allegations of misconduct raised by shareholders of companies or members of limited liability companies as well as by employees against members of management for discrimination or other alleged improper behavior.

With his extensive background in securities and regulatory enforcement matters involving the SEC and FTC, Mr. Hafen is available to assist companies with compliance audits and to undertake internal investigations regarding compliance efforts.

Employment Litigation. Mr. Hafen has extensive experience with employment litigation, including claims of theft of trade secrets, breach of fiduciary duty, breach of non-competition and non-solicitation covenants, discrimination, harassment, usurping corporate opportunities, and breach of employment contracts. Typically, he defends companies and executives from such claims. Occasionally, Mr. Hafen also will pursue claims on behalf of employees.

Legal Malpractice Defense. Mr. Hafen has also defended a number of prestigious Utah law firms and lawyers facing claims for legal malpractice, as well as accountants and accounting firms facing similar claims. Mr. Hafen's clients have enjoyed significant success in such matters. References are available upon request.

Multi-Level Marketing Litigation. Mr. Hafen has represented many multi-level marketing companies in disputes with distributors and other MLM companies. He also has represented distributors in disputes against MLMs, including a mediated settlement in favor of a distributor of nearly \$1 million.

Skilled Mediator. In addition to acting as an advocate, Mr. Hafen is available as a mediator. In that capacity, he favors an active approach, which includes assisting parties in recognizing the potential weaknesses of their claims and defenses. Mr. Hafen employs strategic negotiation skills involving more than merely carrying offers from one party to another.

Mr. Hafen is heavily involved in work for charitable organizations, and currently serves as Chairman of the Board of Tuacahn Center for the Arts, which hosts over 300,000 visitors each year and contributes more than \$125 million in positive economic impact to Southern Utah's economy. He also supports numerous legal and civic organizations, having held leadership positions with the Federal Bar Association (currently the national President-Elect), the Salt Lake Chamber (Co-chair of Public Policy), the Utah State Bar Litigation Section (Past Chair), Women's Leadership Institute (Board Member), Utah Center for Legal Inclusion (Board Member), BYU Alumni Association (Past President), Utah Tennis &

Pickleball Association (Board Member), BYU Law School Alumni Association (Past President), and the J. Reuben Clark Law Society. He served for a number of years as the Chair of the Utah Supreme Court Advisory Committee on the Rules of Civil Procedure and is the long-time chair of the Utah State Bar's CLE Advisory Committee.

Mr. Hafen has published and lectured widely on a variety of topics, including trial skills, receiverships, investment fraud, antitrust law, professionalism and civility, legal ethics, employment law, securities law compliance, and litigation strategy. He has authored or co-authored articles appearing in *The Harvard International Law Journal*, *St. John's Law Review*, *The Boston University Public Interest Law Journal*, *BYU Law Review*, *George Mason Law Review*, and the *Notre Dame Journal of Law, Ethics, and Public Policy*.



IN THE NEWS:

- **How the LDS Church and USU got tied up in an alleged Ponzi scheme, and now owe millions,**
The Salt Lake Tribune, July 25, 2021
- **True Blue, Through and Through,** *BYU Magazine*, Summer 2018

Publications and Speaking Engagements:

- 🎤 Coalition Building
U.S. Railway Association, October 2023
- 🎤 The Gwyneth Paltrow Trial: Stories and Lessons Learned
Utah State Bar Litigation Section, September 2023
- 🎤 Community Engagement to Diversify the Legal Community: Examples from Utah
Federal Bar Association National Convention, Memphis TN, September 2023
- 🎤 Lessons from Veteran Practitioners for All Stages of a Legal Career
Utah State Bar Summer Convention, July 2023
- 🎤 Improving Our Practice and Sustaining Our Industry
Utah State Bar, June 2023
- 🎤 My Best Outhouse Counsel: Top Lessons from a Litigator
Corporate Counsel Spring Seminar, May 2023
- 🎤 Can You Handle the Truth? Best Practices When Interviewing Witnesses
Utah State Bar, Litigation Skills Series, May 2022
- 🎤 Truth or Dare: Identifying and Dealing with Deceptive Testimony
Utah State Bar Litigation Section, January 2022
- 🎤 Fall Forum Trial Academy
Fall 2021
- 🎤 Making the Most of a 30(b)(6) Deposition
Utah State Bar Litigation Skills Series, June 2021
- 🎤 Yes, You Can Do A Virtual Jury Trial!
Utah State Bar, January 2021
- 🎤 Best Practices in Pursuing and Defending Summary Judgment Motions
Utah State Bar, October 2020
- 🎤 Commencement Speaker, "Connected for Good,"

Brigham Young University, April 2019

-  Federal Bar Association Leadership Training
Washington, D.C., March 2012-present
-  Federal Bar Association National Council Presentations
multiple states, Washington, D.C., and Puerto Rico, 2011-present
-  Effective Written Discovery
Utah State Bar Litigation Section, September 2020
-  Speaking on Business - Staying Safe to Stay Open
Salt Lake Chamber, August 2020
-  Innovation in Law Practice Symposium: Silver Linings to Carry Away from the Pandemic
Utah State Bar Litigation Section, August 2020
-  Professionalism in Litigation and Arbitration – Best Practices
Utah State Bar Litigation Section, June 2020
-  Direct and Cross Examinations in Depositions and at Trial
Fall Forum Trial Academy, November 2019
-  Preparing Yourself and Your Clients to Succeed in Mediation
Fall Forum Trial Academy, November 2018
-  Avoiding Legal Malpractice Claims: Tips and Trends
Litigation Section Midwinter Conference, March 2018
-  Deposition Boot Camp
Fall Forum Trial Academy, November 2017
-  How to Win Friends and Influence Judges
Utah State Bar Annual Meeting, August, 2017
-  You Don't Have to be a Jerk to be a Great Trial Lawyer
Utah State Bar Annual Meeting, August 2017
-  Public Discourse and It's Influences on Jury Trials
Southern Utah Federal Law Symposium, May 2017
-  The Art of Persuasion
Fall Forum Trial Academy, November 2016
-  A Receiver Has Been Appointed, Now What?
Utah State Bar Securities Section, August 2015
-  Best Practices for International Marketing
Utah Global Forum, August 2015
-  Faculty Member, Utah Litigation Section Trial Academy
May 2015
-  Looking Good in Your Briefs, Advanced Legal Writing for the Federal Practitioner
Federal Bar Association, San Antonio, Texas, April 2015
-  So You Want to Be a Great Trial Lawyer?
BYU Law School, April 2015
-  Conducting Discovery with Trial in Mind
Fall Forum Trial Academy, November 2014
-  Understanding the Economic Loss Doctrine
Snowmass, Colorado, July 2014
-  How Leading Lawyers Think: Case Evaluation and Strategy
Fall Forum, November 15, 2013
-  To Avoid Getting Hit By The Litigation Bus: Stop, Look, and Listen, July 8, 2013

- 📅 Five Underused Rules of Evidence, Southern Utah Federal Law Symposium, May 10, 2013
- 📅 Indemnification Clauses: California, New York, and Beyond, Corporate Counsel Section, Utah State Bar, May 8, 2013
- 📅 Federal and State Roles in Enforcing Securities Laws, Southern Utah Federal Law Symposium, May 4, 2012
- 📅 Best Practices Under Utah's Revised Rules of Civil Procedure, Weber County Bar Association, February 24, 2012
- 📅 Avoiding Traps for the Unwary: Utah's New Discovery Rules Davis County Bar Association, December 7, 2011
- 📅 Because It's There: Public Roads Created by Use, The Utah Land Use Conference, October 12, 2011
- 📅 Effective Advocacy: A Recipe for Success BYU Education Week, August 18, 2011
- 📅 The Effective Advocate Southern Utah Federal Law Symposium, May 13, 2011
- 📅 Upcoming Changes to the Utah Rules of Civil Procedure Weber County Bar Association, February 25, 2011
- 📅 Trial Academy: Deposition Boot Camp
- 📅 Legal Ethics for Trial Lawyers
- 📅 Opening Statements and Closing Arguments, "Starting Smart and Finishing Strong" Utah State Bar Annual Meeting, July 2010

Litigation Videos:

- ▶ Avoid Getting Hit By The Litigation Bus
- ▶ Avoiding Arbitration Provisions
- ▶ Playing the contract what-if game





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