



Jonathan O. Hafen

Shareholder

Jonathan Hafen has been widely praised by clients and peers for his skilled and efficient approach to litigation. As a trial lawyer, Mr. Hafen handles a wide variety of litigation, including cases in the areas of securities and investment law, employment law, breach of contract, property disputes, road and access cases, intellectual property, medical devices, pharmaceutical products, disputes over ownership and control of businesses, class actions, construction law, and legal malpractice defense. Mr. Hafen also serves as legal counsel to a number of small, midsize 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 been awarded an AV rating – the highest awarded by Martindale-Hubbell. He has been repeatedly recognized as a top commercial litigator by *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 was named “*Lawyer of the Year*” in Employment Law for Individuals (2015); Labor Law – Union (2018), and (2020); and Litigation-Labor and Employment (2021) by *Best Lawyers*. He also continues to be recognized as one of the “Top 100” lawyers in the Intermountain area by *Mountain States Super Lawyers*. 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* for 2012 and “Top 100” for 2013, 2015 and 2016.

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 victories include a \$15 million award in a road condemnation case, a jury award of over \$2.2 million for defamation and tortious interference, an arbitration award dismissing a senior employee’s \$330 million claim for breach of contract and fraud against a former employer, a judgment in excess of \$600,000 in a breach of contract action, which was 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

CONTACT INFORMATION

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LANGUAGE

German

PRACTICE AREAS

Commercial Litigation Services

Employment Litigation

Entertainment Law

Intellectual Property Litigation

Securities Litigation

Class Actions

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

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.

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. In addition to these results for companies and individuals pursuing claims, Mr. Hafen has successfully defended many companies and individuals facing claims such as theft of trade secrets, securities fraud, breach of contract, employment discrimination, usurping corporate opportunities, compliance with the Americans with Disabilities Act, and shareholder oppression.

Mr. Hafen has represented major national corporations, including Zions Bank, Walgreens, Lloyds of London, and Merrill Lynch, as well as some of Utah's leading companies, including Merit Medical and Franklin Covey.

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.

In recent years, a significant part of Mr. Hafen's practice has been representing individuals and companies facing regulatory actions brought by the Federal Trade Commission and the Securities and Exchange Commission. A notable victory was obtaining a first-of-its-kind ruling against the FTC dissolving a TRO and dismissing a receiver suggested by the FTC. Mr. Hafen also has successfully negotiated numerous settlements with the FTC and SEC.

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.

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 involving more than merely carrying offers from one party to another. Mr. Hafen is also available to serve as an arbitrator for parties seeking to retain a private judge.

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. He is available to conduct independent investigations of allegations of misconduct raised by shareholders of companies or members of limited liability companies.

Mr. Hafen is heavily involved in work for charitable organizations, and currently serves as Chairman of the Board of Tuacahn Center for the Arts and for Tuacahn High School for the Performing Arts.. He supports numerous professional organizations, having held leadership positions with the Federal Bar Association, the Utah State Bar Litigation Section,

BYU Alumni Association, BYU Law School Alumni Association, and the J. Reuben Clark Law Society. He has served for a number of years as the Chair of the Utah Supreme Court Advisory Committee on the Rules of Civil Procedure.

Mr. Hafen has published and lectured widely on a variety of topics, including 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:

[True Blue, Through and Through](#), *BYU Magazine*, Summer 2018

Publications and Speaking Engagements:

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 Its 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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Labor Law - Union
Salt Lake City, Utah



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