

Snell & Wilmer



Mark O. Morris

Partner | Salt Lake City

Tel. 801.257.1904

mmorris@swlaw.com

Main Bio

Mark Morris has a diverse practice, with over 30 years' experience in general commercial litigation, including litigation in the areas of construction law, real estate, securities, legal malpractice, employment, professional liability, trade secrets, general business disputes and defense of class action matters. Mark seeks efficient, amicable and reasonable resolutions to his clients' problems, including informal and formal negotiation and mediation before and after a case is commenced. Failing agreed resolutions satisfactory to his clients, Mark has tried over 65 cases to arbitrators, judges and juries in Utah and other states.

Representative Experience

General Commercial Litigation

- Mark has general experience in complex contract disputes of all kinds, professional liability, and business torts including many covered by federal and state statutory schemes. These have included very complex cases, including a recently resolved case involving a nearly nine-figure damage claim. He has been lead counsel for class action defendants in Utah, Arizona, and Illinois, in cases involving complex federal statutory schemes, including consumer protection cases against lending and financial institutions. Mark has been lead counsel in cases litigated in Alabama, Arizona, California, Colorado, Florida, Idaho, Illinois, Nevada, New York, and Utah. He has briefed and argued appeals to the Utah Court of Appeals, the Utah Supreme Court, the Florida Court of Appeals, and to the U.S. Courts of Appeal for the Ninth and Tenth Circuits.

Construction Law

- His practice includes representation of owners, design professionals, financial institutions, sureties, and contractors on private and public projects in contract drafting and negotiation, bid protests, claims analysis and resolution, surety claims, mechanics lien litigation, construction defect claims, resolution of claims in bankruptcy court, contract and claims litigation, and design professional liability issues. Mark recently resolved a nine-figure damage claim concerning a substantial highway construction project.

Real Estate Litigation

- Mark is experienced in easement and right-of-way litigation, commercial landlord-tenant disputes, purchase/sale agreements, quiet title actions, state and federal just compensation and inverse condemnation actions, public lands and natural resources, foreclosure in and out of bankruptcy proceedings, and contract and commission disputes.

Employment Law

- Mark represents employers in contractual, statutory, and tortious conduct claims arising from employment relationships, including enforcement of non-compete and trade secret covenants, and defense of Title VII, ADA, ADEA, FLSA, FMLA, ERISA, and other federal and state statutory schemes. Mark recently represented an employer in a three and a half week, multi-million dollar federal jury trial in a matter regarding restrictive covenants.

Securities Litigation

- Mark served for many years as a member of Utah's Panel of Neutrals for the New York Stock Exchange Department of Arbitration, one of the predecessors to FINRA. During his career, he has litigated securities cases in both state and federal courts of Utah.

Professional Liability

- Mark has defended lawyers against legal malpractice claims for over 20 years. His clients have included lawyers in Utah and Idaho.

Education

- Brigham Young University, J. Reuben Clark Law School (J.D., cum laude, 1985)
 - Order of the Barristers
- Columbia College, Columbia University (B.A., English, 1982)

Languages

- Finnish

Professional Memberships & Activities

- State Bar of Utah
 - Executive Committee (July 2019-July 2020)
 - Board of Bar Commissioners, 3rd Division (July 2017-July 2020)
 - Construction Section, Chair (2014)
 - Utah State Bar Annual Meeting, Co-Chair (2012)
- American Bar Association
- Salt Lake County Bar Association
- International Association of Defense Counsel (IADC)
 - Utah State Committee Chair (2017-2020)
 - Construction Law and Litigation Section, Vice Chair of Programs and Projects (2011-2015)
- ABA Forum on the Construction Industry
- Center for Public Resources (CPR)
 - Regional Panel of Distinguished Neutrals
- New York Stock Exchange Department of Arbitration
 - Panel of Neutrals
- Defense Research Institute (DRI)
- Brigham Young University Law School Alumni Association, President (1997-1999)

- Brigham Young University Law School, Advisory Board Member (2005-present)

Representative Presentations & Publications

- "[Under Construction - October 2019: "Coming and Going" Does Not Include the Parking Lot,](#)" Author, Appearing in JD Supra (October 2019)
- "[In Utah, It's Obvious What's Open and Obvious,](#)" Author, Appearing in JD Supra (July 2019)
- "[Wall Street Journal Notes Growing Clouds Over Restrictive Covenants,](#)" Author, Snell & Wilmer Labor and Employment Law Blog (May 2019)
- "['Brain Damage' in Contract Negotiations Saves Real Damage to Bottom Line,](#)" Author, Utah Construction & Design (July 2018)
- "[My Strangest Day In Court: When I Did Nothing And Won,](#)" Author, Law360 (June 2017)
- "What Utah Employers Need to Know About H.B. 251: Post-Employment Restrictions Act," Co-Author, ABA Employment and Labor Relations Committee (March 2016)
- "[The Status of Lien Waivers in Utah Remains Cloudy,](#)" Author, Snell & Wilmer Legal Alert (January 2015)
- "Enforcement of Foreign Arbitration Awards in the United Arab Emirates," Co-Author, Defense Counsel Journal, Vol. 81, No. 3, pp. 279-287 (July 2014)
- "Unintended Third-Party Beneficiaries Created Through Flow Down Clauses in Subcontracts," Co-Author, Snell & Wilmer Under Construction (December 2013)
- "Utah Court of Appeals to Lenders Relying Upon Their Own Boilerplate Lien Release Language in Form Draw Requests: Use the Legislature's Form and Elements," Co-Author, Snell & Wilmer Legal Alert (October 2012)
- "Health Care Reform: An Overview of Important Changes to Employee Health Care Benefits," Co-Presenter, Meeting of American Counsel of Engineering Companies, Park City, Utah (September 2010)
- "The New Normal: Thirteen Realities and Issues that Lenders are Considering, and Borrowers Should Now Consider in Connection With Construction Financing," Co-Presenter, ABA Forum Owners & Lenders Division (Division 12) (August 2010)
- "Legislative Corraling of Construction Defect Litigation, Home Builder's Right to Cure Statutes," IADC Mid-Year Meeting (February 2008)
- "Utah Courts Will Likely Enforce Pay-If-Paid/Pay-When-Paid Clauses," Utah Under Construction Newsletter (March 2007)
- "A Case for National E-Mail Regulation: State UCE Statutes Have Infirmities," Co-Author, Defense Counsel Journal (July 2003)
- "The Erosion of the Parol Evidence Rule: More Holes in the Dike," Defense Counsel Journal (April 2000)

Professional Recognition & Awards

- The Best Lawyers in America[®], Commercial Litigation, Construction Litigation, Employment Law - Individuals, Labor & Employment Litigation, Real Estate Litigation (2009-2020)
 - Salt Lake City Lawyer of the Year, Real Estate Litigation (2013)
- Chambers USA, America's Leading Lawyers for Business[®], Litigation: General Commercial (2017-

2019)

- Benchmark Litigation, Local Litigation Star – Utah, General Commercial, Labor and Employment, Securities (2016-2018)
- Mountain States Super Lawyers[®], Business Litigation (2007, 2012-2019)
 - Top 100 (2019)
- Lawdragon Top 3000 Leading Lawyers in America (2010-2011)
- Super Lawyers, Business Litigation - Corporate Counsel Edition (2008)
- Utah's Legal Elite: Employment and Business Litigation (2013 & prior years), Civil Litigation (2013-2019), Utah Business Magazine

Community Involvement

- University of Utah Hospital Foundation, Board Member (2011-2017)
- Utah Children, Board Member (1987-1995)

Other Professional Experience

- Ray, Quinney & Nebeker, Salt Lake City, UT (1985-1991)

Bar Admissions

- Utah
- Idaho

Court Admissions

- Supreme Court of Idaho
- United States District Court, District of Idaho
- Supreme Court of Utah
- United States District Court, District of Utah
- United States Supreme Court
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Tenth Circuit
- United States Court of Appeals, Eleventh Circuit