



## RYAN B. FRAZIER

*rfrazier@kmclaw.com* | 801.328.3600

### SHAREHOLDER

Ryan Frazier is a member of the firm's Employment and Labor and Litigation sections. His practice focuses on civil and commercial lawsuits, with a specific emphasis on representing employers in employment disputes. He has extensive experience representing clients in discrimination, harassment, noncompetition, and leave disputes. He has tried cases before judges, juries, arbitrators, and administrative panels, ranging from one-day bench trials to a seven-week jury trial. Regardless of whether he is litigating in state or federal courts or engaging in alternatives to the court system, such as mediation or arbitration, he takes an efficient, results-oriented approach to solving problems.

Drawing upon his education, training, and experience, he regularly advises employers about sensitive employment matters, including termination issues, discrimination and harassment allegations, sexual harassment investigations, leave issues, wage and hour issues, and accommodations for persons with disabilities. He routinely drafts and reviews employment contracts, noncompetition and confidentiality restrictive covenants, employee handbooks, separation agreements, and policies relating to employment.

He previously served as chair of the firm's Litigation section and has served as chair of the Executive Committee of the Litigation section of the Utah State Bar. Before joining Kirton McConkie in 2005, he was a judicial clerk for Associate Chief Justice Leonard H. Russon, Utah Supreme Court (2001-2002) and worked as an associate at a Salt Lake City law firm specializing in litigation.

Mr. Frazier has been recognized as one of Utah's Legal Elite and one of the Mountain States Super Lawyers for business litigation.

### EXPERIENCE

- Successfully defended the region's biggest integrated healthcare organization against antitrust claims for \$89 million in damages, vindicating the organization's rights to select its providers. The decision was affirmed on appeal.
- Procured judgment dismissing all claims brought against a developer in which the plaintiff was seeking a \$2.7 million deficiency judgment following a non-judicial foreclosure and obtained an award of over \$200,000 in attorney fees for the developer incurred in defending against the claims.
- Obtained court-issued temporary restraining orders and preliminary injunction orders prohibiting and enjoining former employees from competing with clients in cases involving non-compete and non-solicitation agreements.
- Obtained judgment for a credit union against former employee claiming age and disabilities discrimination lawsuit.
- Successfully defended multiple employers against charges of discrimination filed with the EEOC and state agencies.
- Successfully led a trial team proving a lease-option to purchase actually constituted an equitable mortgage. Attorney fees were awarded and the client was able to reclaim the home.

### PRACTICE AREAS

AFFIRMATIVE ACTION PLANS  
 ALTERNATIVE DISPUTE RESOLUTION  
 COMPLEX COMMERCIAL LITIGATION  
 CONSTRUCTION, SURETY, AND DESIGN PROFESSIONALS  
 DISCRIMINATION AND HARASSMENT  
 EMPLOYEE HANDBOOKS AND POLICIES  
 EMPLOYMENT AUDITS  
 EMPLOYMENT CONTRACTS AND AGREEMENTS  
 LABOR AND EMPLOYMENT  
 LANDLORD/TENANT DISPUTES  
 LITIGATION  
 REAL ESTATE  
 TERMINATIONS, LAYOFFS, AND PLANT CLOSURES  
 WORKERS' COMPENSATION

### INDUSTRIES

HEALTHCARE

### LANGUAGES

SPANISH

# RYAN B. FRAZIER

## EXPERIENCE CONTINUED

- Has favorably resolved Americans with Disabilities Act (ADA) and Age Discrimination in Employment (ADEA) claims brought against employers as well as issues arising from non-compete agreements.
- 

## EDUCATION

University of Utah, JD, 2000

Utah Law Review

William H. Leary Scholar

University of Utah, BA, Political Science, 1996

---

## CLERKSHIPS

Judicial law clerk to Justice Leonard H. Russon, Utah Supreme Court

---

## ADMISSIONS & AFFILIATIONS

*Bar Admissions:* Utah, 2001

Idaho, 2000

*Other Admissions:* United States District Court for the District of Idaho, 2000

United States District Court for the District of Utah, 2001

United States Court of Appeals for the Ninth Circuit, 2000

*Affiliations:* Chair, Litigation section, Utah State Bar, 2012 - 2013

Chair-elect, Litigation section, Utah State Bar, 2011- 2012

Treasurer, Litigation section, Utah State Bar, 2009 - 2011

Secretary, Litigation section, Utah State Bar, 2007- 2009

American Bar Association

Salt Lake County Bar Association

---

## HONORS & AWARDS

Utah Legal Elite: Business Litigation (2011, 2006)

Mountain States Super Lawyers: Rising Star in Business Litigation (2011- 2013, 2008)

Mountain States Super Lawyers: Business Litigation (2014 - 2016)

---

## PUBLICATIONS & PRESENTATIONS

### *Speaking Engagements*

- Expansion of LGBT Rights Under Title VII: What Companies Can Do to Foster Inclusiveness and Minimize the Risk of Costly Lawsuits, Las Vegas, Nevada, 11.16.2017

**PUBLICATIONS & PRESENTATIONS CONTINUED**

- The Uber Effect: How to Conduct Wage and Hour Audits to Determine Proper Classification of Contractors and Employees, Las Vegas, Nevada, 11.15.2017
- Advanced Employment Law: What You Need to Know” (Independent Contractors: Detecting Employer Missteps” and “ADA – From Accommodations to Discrimination,” Salt Lake City, Utah, 06.14.2017
- FMLA Leave Essentials” and “ADA – From Accommodations to Discrimination”, Salt Lake City, Utah, 06.13.2017
- Based On Sex: Understanding the Anatomy of Gender Nonconformity, Sexual Orientation, and Sex Bias Claims Under Title VII, Las Vegas, Nevada, 11.11.2016
- Expansion of LGBT Rights Under Title VII: What Companies Can Do to Foster Inclusiveness and Minimize the Risk of Costly Lawsuits, Las Vegas, Nevada, 11.11.2016
- Employment Litigation From Start to Finish, Salt Lake City, UT, 06.11.2014
- Deciphering FMLA, ADA and Worker’s Compensation Issues, Salt Lake City, UT, 06.12.2013
- Believe It or Not Business Lawsuits: Frivolous or Legitimate?, Salt Lake City, UT, 06.22.2012

*Publications*

- Families First Coronavirus Response Act: Client Bulletin for Employers, 03.19.2020
- Creating an antiharassment workplace culture in the #MeToo era  
Utah Employment Letter, 07.2018
- Utah employers should take note of this year’s newly enacted laws  
Utah Employment Law Letter, 06.2018
- Broadcast the news: no noncompetes for TV and radio talent in Utah  
Utah Employment Law Letter, 05.2018
- High court rejects narrow interpretation of FLSA exemption  
Utah Employment Law Letter, 05.2018
- It’s good to be king: public officials and qualified immunity  
Utah Employment Law Letter, 03.2018
- When Cupid’s arrows wound the company, is it time for a dating policy?  
Utah Employment Law Letter, 02.2018
- Employment visa requirement doesn’t violate RFRA  
Utah Employment Law Letter, 01.2018
- Between Scylla and Charybdis: the reasonable accommodation dilemma  
Utah Employment Law Letter, 12.2017
- Private employers in Utah generally may establish workplace gun policies  
Utah Employment Law Letter, 11.2017
- Stone walls (and policies) do a prison make: UDC bound by its rules  
Utah Employment Law Letter, 09.2017
- How Utah evaluates a worker’s entitlement to PTD benefits  
Utah Employment Law Letter, 08.2017
- Crossing professional boundaries: Demotion leads to sex bias claims, 07.2017
- Avoiding an explosive situation: fireworks in the workplace  
Utah Employment Law Letter, 07.2017
- Stage is set for SCOTUS to rule on Title VII and sexual orientation  
Utah Employment Law Letter, 05.2017
- Utah Legislature’s amendments to two wage statutes now in effect  
Utah Employment Law Letter, 05.2017
- Shifting sands: the changing landscape of transgender discrimination  
Utah Employment Law Letter, 03.2017

**PUBLICATIONS & PRESENTATIONS CONTINUED**

- Utah employee had no constitutional right to continued employment  
Utah Employment Law Letter, 02.2017
- U.S. Supreme Court to consider transgender restroom lawsuit  
Utah Employment Law Letter, 01.15.2017
- Unclear crystal ball: What might 2017 hold for employers?  
Utah Employment Law Letter, 01.2017
- Court blocks DOL's new overtime rule from taking effect  
Utah Employment Law Letter, 12.2016
- Merger does not invalidate noncompete, nonsolicitation covenants  
Utah Employment Law Letter, 11.2016
- Penske and the warehouse manager: Logistics of FMLA interference  
Utah Employment Law Letter, 10.2016
- DOL's final rule increases minimum salary for overtime exemptions  
Utah Employment Law Letter, 06.2016
- Sharing is caring: Are Uber, Lyft drivers independent contractors?  
Utah Employment Law Letter, 05.2016
- New Utah law limits use of noncompetition agreements  
Utah Employment Law Letter, 04.2016
- Employee terminated despite manual's assurances against retaliation  
Utah Employment Law Letter, 03.2016
- Don't bet on it: Allowing a fantasy sports league may be gambling with legal trouble, Westlaw Journal, 02.2016
- Employers: Check the law before checking an applicant's background  
Utah Employment Law Letter, 12.2015
- Revisit employment policies in light of Supreme Court's same-sex marriage ruling, 07.2015
- Do you believe in religious accommodations?  
Utah Employment Law Letter, 03.2015
- Utah passes historic legislation against sexual orientation and gender identity discrimination  
Utah Employment Law Letter, 03.12.2015
- Employers may be liable for transgender discrimination, 01.2015
- Right on Target: Employer not liable for investigating wallet theft  
Utah Employment Law Letter, 10.2014
- Sex Discrimination--No debate. Decision to hire male professor not gender discrimination  
Utah Employment Law Letter, 07.2014
- Trade Secrets: Made for TV--Former director owes royalty for stealing source code  
Utah Employment Law Letter, 05.2014
- Evidence: Subjectivity by itself is not proof of unlawful race discrimination  
Utah Employment Law Letter, 03.2014
- Documents, documents, documents: What to keep, what to shred, HR Hero, 02.19.2014
- Workplace Issues: Legalization of same-sex marriage in Utah will affect employers  
Utah Employment Law Letter, 02.2014
- Religious Discrimination: Can't be covered up--Applicant must request religious accommodation, 01.2014
- Sexual Harassment--Supersize victory: Shift leader isn't supervisor under Title VII  
Utah Employment Law Letter, 12.2013
- Employee Misconduct: How a police officer hanged himself with a bracelet  
Utah Employment Law Letter, 10.2013

**PUBLICATIONS & PRESENTATIONS CONTINUED**

- Get To Know Business Litigation Professional Ryan Frazier  
Media One Law Day supplement in the Salt Lake Tribune, 04.28.2013
- Blue Penciling: Hope for Unreasonable or Overbroad Non-Competes?  
The Corporate Counselor, 12.2012
- Past Due: Strategies for Commercial Landlords in a Down Economy  
Utah Business, 07.2011