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Richard A. (Rick) Vazquez

Of Counsel

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Overview

Richard Vazquez represents clients in matters related to insurance and employment law with an emphasis on representing insurance carriers in coverage, subrogation, recovery, and bad faith litigation.

Rick frequently advises insurers in the areas of written opinions on coverage, analysis of liability claims, and pre- and post-suit counsel on claims handling and litigation tactics in nearly all lines of insurance. He also frequently represents carriers' interests in coverage disputes / reservations of rights in liability litigation.

When Rick's insurer clients are sued for breach of contract and / or bad faith, he collaborates at the outset with claim, team, and section management to identify a goal that furthers the carrier's business and portfolio-specific objectives. He then formulates a defense or resolution plan to efficiently reach that goal. Rick's approach has resulted in published dismissals of hotly contested contractual and extra-contractual claims, and pre-litigation resolution of troublesome claims which threatened to create unfavorable case law for the insurance industry.

Rick has also successfully represented policyholders seeking coverage, procuring six-figure settlements in life, disability, and commercial liability policy claims. As part of his specialized policyholder practice, Rick has also successfully intervened on behalf of multiple corporate and individual policyholders in declaratory judgment actions, disputes over reservations of rights letters and refusals to bargain or settle during litigation.

Rick has also served as a designated expert witness in the application of Utah insurance law.

Rick's employment practice involves representing employers in state and federal district court, as well as before the Utah Labor Commission and EEOC, in Title VII, ADA, ADEA, employment contract, whistleblower, and related claims. He has successfully obtained multiple district court and administrative dismissals of these claims and has negotiated favorable settlements of numerous troublesome claims. Rick also advises employers on best practices regarding personnel decisions, as well as in the drafting of policies, procedures, and handbooks.

Education

- New York University, 2001 (J.D.)
- University of Utah, 1998 (B.A.)

Bar Admissions

- Utah

Court Admissions

- U.S. District Court for the District of Utah

Community Involvement

- Utah State Bar Leadership Academy, Board Member and Faculty, 2016–2022
- Ronald McDonald House of the Intermountain Area, Board of Trustees and Pro Bono Legal Counsel, 2005–2011

Distinctions

- *Best Lawyers in America*, Insurance Law; Litigation – Insurance
- *Utah Business Magazine*, Utah Legal Elite, Insurance Law
- *Mountain States Super Lawyers*
- Martindale-Hubbell, AV Preeminent

Memberships

- Utah Bar Association
- Utah Defense Lawyers Association
- Utah Minority Bar Association
- Salt Lake County Bar Association
- American Bar Association
- Defense Research Institute
- Utah Supreme Court Model Jury Instruction, Insurance Litigation Subcommittee, 2016–present
- David K. Watkiss-Sutherland II Inn of Court, 2016–present

Presentations and Publications

- “The Tripartite Relationship Among Insured, Insurer & Defense Counsel, Medical Professional Liability Defense Counsel Education Day, UMIA Insurance, Inc., March 2023
- “Emerging Issues in Bad-Faith Setups of Insurers, Their Claim Handlers, and Their Defense Counsel,” Tort and Insurance Seminar, October 2018
- “Utah Bad Faith and Claims Handling Issues,” State Farm Fire & Casualty Company Regional Headquarters, Tempe, Arizona, October 2018
- “Advanced Bad Faith Tactics of Policyholder and Claimant Counsel,” Tort and Insurance Seminar, November 2017
- “The Legal Landscape of Insurance Coverage for Data Breach-Related Lawsuits,” Adobe, Utah, 2014

- "Professional Liability Insurance Compendium," Defense Research Institute, Utah Chapter
- "Reservation of Rights Compendium," Defense Research Institute, Utah Chapter
- "Duty to Defend Compendium," Defense Research Institute, Utah Chapter
- "Litigating Bad Faith Insurance Claims," National Business Institute, 2013
- "Carrier Compliance with UM/UIM Automobile Insurance Notice Requirements to Policyholders, and its Effect on Policy Limits," Tort & Insurance Seminar, 2012
- "Insurer's Duties to Defend and Indemnify Under Utah Law," Tort and Insurance Seminar, 2010
- "Insurance Law from A to Z," National Business Institute, 2008
- "The Practice of Polygamy: Legitimate Free Exercise of Religion or Legitimate Public Menace? Revisiting Reynolds in Light of Modern Constitutional Jurisprudence," *N.Y.U. Journal of Legislation & Public Policy*, 2001

Related Experience

- Secured summary judgment and U.S. Court of Appeals for the Tenth Circuit affirmance on behalf of a carrier in a dispute over the geographic application of a state-specific pollution endorsement.
- Secured summary judgment dismissals with prejudice on behalf of insurer of breach of contract, breach of duty to defend, breach of duty to indemnify, and bad faith claims arising out of multiple construction projects in Minnesota.
- Secured dismissal of bad faith claim filed by policyholder while insurer was defending policyholder in underlying action. Also secured finding that insurer was not required to pay for Cumis-type independent counsel for the policyholder under Utah law, despite defending under a reservation of rights.
- Secured dismissal with prejudice of complaint seeking de novo UIM arbitration award review for failure to file and serve complaint within 20 days of award as required by Utah's UIM statute, and denial of claimant's motion to remand to state district court on jurisdictional grounds.
- Secured summary judgment in favor of an insurer on breach of contract and bad faith claims, for damages arising out of removal and repair of insured's own faulty work in pouring concrete footings.
- Affirmed summary judgment on bad faith claims in favor of defendant liability insurer, finding that as a matter of first impression, insurer's duty of good faith did not extend to affirmatively informing insured that it had initially filed its first-party property claim under an incorrect third-party liability policy.
- Affirmed dismissal of coverage and bad faith claims, as well as awards of sanctions against plaintiff, finding that the plaintiff's action did not constitute a "direct action" against an insurer for purposes of diversity jurisdiction.
- Affirmed summary judgment in favor of defendant bike race organizers in wrongful death case, finding that federal procedural law rather than Utah procedural law governed summary judgment standard in gross negligence case proceeding in federal district court, and affirmed exclusion of expert affidavit at summary judgment stage as unreliable. Then- U.S. Court of Appeals for the Tenth Circuit Judge Neil Gorsuch filed concurring opinion.