SpencerFane®

Scott C. Sandberg

Partner

Contact

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Overview

Scott Sandberg is a commercial litigator, focusing on the financial services, construction, and franchise industries. Scott represents clients in trials, arbitrations, appeals, and emergency injunction proceedings.

For financial services clients, Scott represents lenders in a broad array of matters including loan recovery, lien priority, and lender liability.

In the construction industry, Scott represents contractors, design professionals, subcontractors, owners, and lenders in matters relating to construction defects, mechanics liens, and professional liability.

In the franchise arena, Scott represents franchisors in matters relating to wrongful termination, intellectual property disputes, and breach of contract.

Education

- University of Utah College of Law, 1997 (J.D.)
- University of Utah, 1994 (B.S., Finance), *with honors*

Bar Admissions

- Colorado
- Utah

Court Admissions

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

- U.S. District Court for the District of Utah
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Claims Court

Community Involvement

- Colorado Bar Association, Construction Law Section Executive Council, Chair, 2023-2026
- University of Utah, S.J. Quinney College of Law, Alumni Board of Trustees, 2020-2026
- Colorado Banker's Association Center for Bank Advocacy, Class of 2018
- State Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors, 2012-2016
- Art Students League Denver, Board of Directors, 2013-2018
- Growing Home, Inc., Board of Directors, 2009-2013

Distinctions

- *Best Lawyers in America*, 2024-2027
- *Colorado Super Lawyers*, Banking Law, Intellectual Property Litigation, Construction Litigation, 2006-2026

Memberships

- American Bar Association
  - Section of Litigation
  - Forum on the Construction Industry
  - Forum on Franchising
- American Council of Engineering Companies of Colorado
  - Expert Witness Certification Committee
- Colorado Bankers Association
- Independent Bankers of Colorado
- Colorado Bar Association
  - Construction Committee
  - Financial Services Subsection
  - Franchise Law Subsection
- Colorado Defense Lawyers Association
- IFA Franchise Business Network
- International Franchise Association

Presentations and Publications

Financial Services

- "Forbearance Agreements: Best Practices," *Independent Report*, September / October 2024
- "Enforcing 'Material Adverse Change' and Related Clauses in Loan Documents," *Independent Report*, Independent Bankers of Colorado, April / May 2021
- "Preserving Lender Legal Rights in Times of Crisis," *Colorado Banker*, May / June 2020

- "Avoiding and Effectively Dealing with Lender Liability Litigation During a Downturn," Colorado Bankers Association, April 2020
- "Lender Forum on PPP Loans Under the CARES Act," Colorado Bankers Association, April 2020
- "Legal Issues in Ag Lending," Independent Bankers of Colorado, Agricultural Lenders School, October 2019
- "Emerging Risk Areas in Bank Litigation," Colorado Bankers Associations Annual Summit, May 2018
- "Ag Lending: Transactional and Litigation Issues," Colorado Bar Association, Financial Institutions Subsection, March 2018
- "Lenders Rights to Assert Claims for Defectively Constructed Collateral," *Colorado Banker*, January / February 2017
- "Have a solid foundation? Considerations for Construction Loans," Colorado Bankers Associations Annual Summit, May 2016

Construction

- "Contractor Liability for Dangerous Site Conditions Before and After Work is Complete," *Colorado Construction and Design,* Winter 2013
- "Understanding Professional Responsibility and The Legal and Insurance Implications Associated with Peer Reviews," American Council of Engineering Companies of Colorado, May 2012
- "The Long Tail of Construction Defect Liability: When Does It End?," *Colorado Construction and Design,* Winter / Spring 2012
- "Full circle on insurance coverage for construction defect claims," *Colorado Real Estate Journal,* July 7, 2010
- "Disclosure, Discovery, and Beyond," American Council of Engineering Companies of Colorado, April 2010
- "Construction Payment Issues In A Tight Economy," April 2009
- "An Engineer's Guide to Arbitration, Mediation, and Dispute Resolution," American Council of Engineering Companies of Colorado, April 2009
- "2007 Changes to AIA Documents," August 2008
- "Recent Trends in Legal Developments Affecting Design Professionals," January 2008
- "Colorado Law Concerning Pay-If-Paid Clauses," Under Construction, Spring 2007

Franchise

- "Trade Dress: What Does It Mean?" *Franchise Law Journal*, Summer 2009
- "Protecting Your Trade Dress," International Franchise Association, Annual Conference, February 2008
- "Controlling Risk in the Franchise Relationship," Franchise Business Network, July 2008
- "What to Do if a Franchise Relationship Falls Apart," *World Talk Radio*, January 2008
- "Arbitrating and Mediating Franchise Disputes," Colorado Bar Association, Franchise Law Subsection, March 2007
- "Managing the Termination Process in the Field," International Franchise Association, Annual Conference, February 2007