



SpencerFane®

Scott Powers

Partner

Contact

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Overview

Scott Powers represents clients in a wide variety of legal matters including contract negotiations, contract disputes, defect claims, surety bond claims, mechanics lien claims, insurance coverage litigation, general liability claims, catastrophic injury claims, workers' compensation claims, and class action lawsuits. His practice involves a broad range of commercial litigation matters with an emphasis on construction, surety, and insurance-related issues.

Scott's focus on construction-related services spans from transactional consultation and assistance during the initial planning / contracting stage through post-completion dispute resolution and litigation. He is licensed in Utah, Idaho, and Nevada and has worked with contractors and sureties in forming contracts and resolving disputes across the Intermountain West.

Prior to and during Scott's graduate and undergraduate studies, he worked in the construction industry, gaining insider knowledge that he now applies to his current construction litigation practice. His experience working for multiple contractors, including union and non-union electrical contractors, commercial landscaping companies, and systems integration companies allows him to understand the unique needs of industry clients.

Scott is a sought-after speaker and author on construction and insurance-related issues and is a regular conference presenter.

Education

- University of Utah College of Law, 2005 (J.D.)
- Brigham Young University, 2002 (B.S.)

Bar Admissions

- Idaho
- Nevada

- Utah

Court Admissions

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

Distinctions

- Utah Defense Lawyers Association, Horizon Award, 2013
- Martindale-Hubbell, AV Preeminent
- *Mountain States Super Lawyers*, Construction Litigation
- *Utah Business Magazine*, Utah Legal Elite, Construction
- *Best Lawyers in America*

Memberships

- Utah Bar Association, Young Lawyers' Division, Treasurer, 2011-2014
- Nevada Bar Association
- Salt Lake County Bar Association
- American Bar Association
- Defense Research Institute
- Utah Defense Lawyers Association
- Utah Surety Association
- American Inns of Courts Foundation, David K. Watkiss-Sutherland II

Presentations and Publications

- "A Cornucopia of Consequences – on Consequential Damages," Western States Surety Conference, Seattle, May 2022
- "Case Law and Legislative Session Review," CE/CLE webinar, May 2021
- "Preventing and Addressing Construction Defects and Failures," *Halfmoon Education, Inc.*, January 2021
- "Construction Laws and Customs: Utah," *Thomson Reuters*, June 2020
- "Surety Claims and Underwriting Recommendations," Utah Surety Association, September 2019
- "What Does the Future Hold for Sureties and Contractors?" The Pearlman Conference, Seattle, September 2019
- "To Tender or not to Tender – That is the Question," Western States Surety Conference, Seattle, April 2019
- "The Fugitive – Evolving Tools for Pursuing Elusive Indemnitors," Western States Surety Conference, Seattle, April 2018
- "Indemnity Tools and Traps for Sureties," Western States Surety Conference, Seattle, April 2017
- "Recent Developments and Strategies in Construction Litigation," Utah Defense Lawyers Association Annual Conference, Salt Lake City, April 2017
- [The Trial Lawyer Podcast](#), Co-Host
- "Lessons from Icarus: Cautionary Tales & Practice Tips to Avoid Melted Wings," American Society of Civil Engineers, September 2016
- "Union Benefit Trust Funds – Ambush Predators in the Payment Bond Claim Swamp," Western States Surety Conference, Seattle, 2016
- "Winning the Battle, Losing the War: Summary Judgment as a Tool in Defect Claims," Intermountain Construction Defect & Dispute Conference, 2016
- ["Risk of Bad Faith Claims in Surety Law and Practice,"](#) Western States Surety Conference, 2015
- "Fifty State Construction Lien and Bond Law: Third Edition," Utah Chapters, 2013-present

- "Surety Underwriter's Handbook," Utah and Wyoming Chapters, Tort and Trial Insurance Section of ABA, 2012-present
- "Quick Reference Guide to Western States Surety Law," Colorado, Utah and Wyoming Chapters, Western States Surety Conference, 2013-present
- "Data Loss and the Surety: The Law, The Risks and Preventative Measures," Western States Surety Conference, 2014