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PRACTICE AREAS

- Commercial Litigation
- Criminal Appeals
- Criminal Defense & Investigations
- Criminal Investigations
- First Amendment
- Fraud
- Government Defense
- Real Estate Professional Defense
- Serious Felonies
- Victim Advocacy
- White Collar Defense

EDUCATION

- J.D., University of Utah, S.J. Quinney College of Law, 1985
- B.A., Weber State College, 1982

ADMISSIONS

- Utah State Bar
- U.S. District Court, District of Utah
- Tenth Circuit Court of Appeals
- U.S. Supreme Court

ABOUT

Richard Van Wagoner is the Chair of the firm's Board of Directors. He also leads the firm's Criminal Defense Practice Group. His practice focuses on criminal defense — primarily white-collar and some street crime — commercial litigation, and First Amendment law.

Much of Rick's practice involves representing clients who are either under criminal investigation or who have been charged with crimes. He regularly defends individuals charged in both state and federal court for many offenses including theft and fraud charges, rape and sexual assault, tax and securities fraud, drug offenses, and other serious and complex felonies. He has been involved in numerous significant cases of alleged white-collar crime and approaches his cases with a deep commitment and attempt to understand both the mistaken mindset prosecutors and investigators attribute to his clients and the criminal mind.

A substantial part of Rick's criminal defense practice focuses on working with prosecutorial and investigative agencies to prevent charges from being filed in the first place. When charges are filed, he provides his client with a vigorous defense.

Rick's civil practice often involves cases with potential criminal cross-over — a mix that can complicate both strategies. Often, these cases also involve professional licensing issues. He is often asked to speak before his peers in the legal industry on the complex interplay between criminal and civil matters.

The third leg of Rick's practice is First Amendment law. He has represented institutional clients in cases involving First Amendment Speech, Religion, and Association Clauses. He has also represented individuals whose speech rights and rights of association have been impaired or infringed due to their unpopularity which is the essence of the constitutional protections. Rick is a member and former board member of the American Civil Liberties Union of Utah.

Rick defends government entities in cases involving alleged violations of individuals' First Amendment or other constitutional rights. He also represents select plaintiffs. Among his well-known cases are the Ogden City Ten Commandments case, the Ogden City signage case, the Murray City prayer case, the Wendy Weaver (lesbian high school coach) case, and cases allowing gay clubs in the Salt Lake City School District.

Rick is deeply interested in the issues surrounding meaningful reform of the criminal justice system.

Outside of the office, Rick is an avid bicyclist, enjoys cooking,

reading, and spending time with his family. He is also an accomplished writer and publishes a weekly article on Medium.

HONORS / AWARDS / UNIQUE RECOGNITION

- Named by Best Lawyers® in America as 2022 Salt Lake City “Lawyer of the Year” in Criminal Defense: White-Collar
- Named the Best Lawyers® 2016 Litigation – First Amendment “Lawyer of the Year” in Salt Lake City
- Recognized as Utah Legal Elite for Criminal Law by Utah Business Magazine
- Listed in Best Lawyers in America® for Criminal Defense: White-Collar Litigation – First Amendment
- Recognized as a Utah Super Lawyer by Super Lawyers Magazine for Criminal Defense – 2005 to 2022
- Rated by Martindale-Hubbell® Peer review as AV® Preeminent™ 5.0 out of 5

PROFESSIONAL AND CIVIC INVOLVEMENT

- Utah Bar Association – Constitutional Law Section
- American Bar Association
- Salt Lake County Bar Association
- National Association of Criminal Defense Lawyers
- Utah Association of Criminal Defense Lawyers

REPRESENTATIVE MATTERS

Defending Utah’s former Attorney General. Represented a former Utah Attorney General arrested and charged with ten felonies—including receiving or soliciting bribes, accepting gifts, tampering with witnesses and evidence, and participating in a pattern of unlawful conduct. Rick was a member of the SCM team that defended the Attorney General against these allegations. In this highly publicized case, the firm succeeded in separating their client’s case from that of his successor. In addition, the firm successfully fought subpoenas demanding the client testify in a related communications fraud trial.

Supreme Court reverses convictions of real estate developers. Following a criminal jury trial, Rick’s clients were convicted of three counts of failure to file a proper tax return and one count of engaging in a pattern of unlawful activity (but acquitted of all counts of tax evasion). An appeal to the Utah Supreme Court resulted in the Court reversing the counts and a remand to the trial court with instructions to enter a judgment of acquittal.

Federal judge says mayor did not defame. Represented former mayor of West Valley City, Utah, who wrote articles under a pseudonym. In one particular published article, the mayor stated that a contract employee of a fiber optics network had been accused of extortion in court documents in an employee dispute. This contract employee filed a defamation lawsuit against the mayor, West Valley City, and Deseret Digital Media. The suit was dismissed by a federal judge, and the employee appealed. The Tenth Circuit Court of Appeals affirmed.

Federal Acquittals in Fur Breeder’s Cooperative Bombing. Rick represented one of three defendants who went to trial in the fire-bombing of the Fur Breeder’s Cooperative, which also included the pipe-bombing of four vehicles. The jury delivered not guilty verdicts on all 26 counts against the three defendants, two of whom were facing life in federal prison without the possibility of release.

At any given time, Rick represents clients who are being investigated for, or have been charged with, claims of fraud that might relate to tax, bank, mortgage, real estate, health care, communications, securities, and others. Rick also defends clients in “street crime” related cases. These include clients in homicides, cases involving allegations of sexual impropriety—including possession of child pornography—and cases involving drug possession and substance abuse.

PRESENTATIONS AND PUBLICATIONS

- Author, The FISA Court Hits Close to Home: The Court Rebukes the FBI in Rare Public Refresher on Fairness and Basic Constitutional Rights, SCM blog, February 2020
- Speaker, The government’s war in Iraq and Afghanistan, FBA Criminal Law Seminar, May 2017
- Rick is a frequent speaker on topics relating to criminal law issues and criminal law for civil lawyers.