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PRACTICE AREAS

- Healthcare
- Medical Malpractice Defense
- Recreation and Entertainment
- Trials
- Civil Litigation

EDUCATION

- J.D., Brigham Young University, J. Reuben Clark Law School, cum laude, 1994
- B.S., Brigham Young University, Business Management / Finance, 1991

ADMISSIONS

- Utah State Bar
- U.S. District Court, District of Utah

ABOUT

Brian Miller is a shareholder who leads the firm's Health Care & Medical Malpractice Defense Group. For more than 25 years, Brian has defended health care providers against the full range of medical malpractice claims – including many childbirth injury claims, which are considered the most difficult and potentially the most expensive of such claims. Brian makes a close study of emerging defenses to high-damage claims involving catastrophic injuries and life care plans.

Brian helped establish and defend laws that protect the interests of health care providers in Utah, including the landmark Utah Supreme Court decision upholding the statutory cap on general damages awardable against health care providers. Much of his work is referred to him by other lawyers and current and former clients. Brian is interested in medical malpractice prevention as well as defense. He often conducts in-service programs for his clients, as well as grand rounds programs for hospital physicians.

Brian devotes a good portion of his practice to defense of Utah hospitals, hospital systems and the University medical facilities and providers. He assists these clients with a range of medical malpractice matters and issues relating to quality improvement and risk management.

In addition, Brian represents medical doctors and other healthcare providers who are insured by medical malpractice insurance providers. His clients in this area include, for example, the University of Utah, Podiatry Insurance Company of America and Mutual Insurance Company of Arizona – among others. As a variation in his practice, Brian represents Utah's largest amusement park.

Brian was mentored by some of the most highly regarded and respected litigation and trial attorneys in Utah. In turn, he seeks to pass on what he knows to younger partners and associates. He frequently participates as a judge in mock trials and advocacy events for local law schools. He is involved as a Master of the Bench in the American Inns of Court program, and regularly lectures to pre-law and law students on legal careers.

Within the Firm, Brian Chairs the Nomination and Business Organization Committee. He is also a member of the firm's Board of Directors.

Outside of the office, Brian spends time with his family in the mountains of Utah – hiking, camping, and fishing. He also enjoys taking multi-day hikes on back-country trails in many of the National Parks including Yellowstone, Arches, Zion, Bryce Canyon, Capitol Reef and Canyonlands.

HONORS / AWARDS / UNIQUE RECOGNITION

- Named by Best Lawyers® in America as the 2022 Salt Lake City "Lawyer of the Year" in Medical Malpractice Law Defendants
- Listed in Best Lawyers in America® for Medical Malpractice Law Defendants
- Recognized as a Utah Super Lawyer by Super Lawyers Magazine, for 2012 – 2017, 2019 – 2022
- Recognized as Utah Legal Elite by Utah Business Magazine for multiple years
- Rated by Martindale-Hubbell® peer review as AV® Preeminent™ 5.0 out of 5.
- In law school, Brian was a member of the Law Review, Chairman of the Trial Advocacy Board of Directors, and a recipient of the Honored Student Award.

PROFESSIONAL AND CIVIC INVOLVEMENT

- Utah Bar Association
- A. Sherman Christensen American Inns of Court I
- Defense Research Institute, Health Care
- Utah Defense Lawyers Association
- Salt Lake County Bar Association

REPRESENTATIVE MATTERS

- Stewart v. Bova, (Utah 2011) App 129, 256 P.3d 230
- Powell v. Cannon, (Utah 2008) 19, 179 P.3d 799
- Bybee v. Abdula, 189 P.3d 40 (Utah 2008)
- Cannon v. Salt Lake Reg'l Med. Ctr., (Utah 2005) App 352, 121 P.3d 74
- Baker v. Stevens, 114 P.3d 580 (Utah 2005)
- Judd v. Drezga, 103 P.3d 135 (Utah 2004)
- Newman v. Sonnenberg, 81 P.3d 808 (Utah Ct. App. 2003)
- Nunez v. Albo, 53 P.3d 2 (Utah Ct. App. 2002)
- Kittredge v. Shaddy, 20 P.3d 285 (Utah Ct. App. 2001)
- Baczuk v. Salt Lake Regional Medical Center, 8 P.3d 1037 (Utah Ct. App. 2000)
- Harnicher v. University of Utah Medical Center, 962 P.2d 67 (Utah 1998)
- Seale v. Gowans, 923 P.2d 1361 (Utah 1996)

PRESENTATIONS AND PUBLICATIONS

- Author, Statutory Post-Judgment Interest: The Effect of Legislative Changes After Judgment and Suggestions for Construction, 1994 BYU L. Rev. 601 (1994).
- Speaker, Ground Rounds (CME events – participates in these hospital events).
- Brian is a frequent speaker to pre-law student groups on life as a lawyer and is actively involved in the BYU Law School.