

Michael C. Barnhill

Partner

Overview

Mike focuses on defending companies accused of violating federal and state consumer protection laws, including Fair Debt Collection Practices Act (FDCPA) and Telephone Consumer Protection Act (TCPA) suits.

He defends companies in class action suits outside of Utah and is also retained as monitoring counsel on behalf of clients who want assurances that coverage counsel is looking out for the clients' best interests. He also has experience in all stages of litigation and has contributed to the successful resolution of a broad range of civil disputes. He has represented corporate and individual clients in commercial and business litigation involving contractual breaches, torts (including fraud and negligence), misappropriation of trade secrets, securities violations, and discrimination.

Outside the firm, Mike is a director with the Space Education Center, a local nonprofit providing experiential learning opportunities to students in Science, Technology, Engineering, and Math (STEM) programs and social science classes.

Experience

Recent cases include:

- In *BACT Limited Partnership v. Binks*, 2013 UT App 197, 307 P.3d 693, obtained a judgment against several individuals and companies that conspired to fraudulently transfer properties from a judgment debtor to avoid our client's judgment. Obtained a default judgment because of the defendants' discovery abuses, which the Court of Appeals affirmed.
- Successfully represented a staffing agency as lead trial counsel in a bench trial in state court over a contract dispute, obtaining a full judgment and an award for attorney fees in the client's favor
- Successfully represented a local manufacturer as lead trial counsel in a three-year contract dispute and multi-day trial. Soundly defeated the debtor's UCC Article 2 defenses and obtained a full judgment and an award for attorney fees and costs in the client's favor.



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Practices

Commercial Litigation
Litigation

- Direct litigation over contract disputes for a nationwide staffing agency, obtaining settlements and judgments valued at more than \$1 million
- Representing a loan servicing company in suits alleging violations of FDCPA, TCPA, and state statutes
- Obtained summary judgment in federal court for an employer on its former employee's sexual harassment and discrimination claims
- Settled a securities fraud case for an amount acceptable to clients

Honors & Recognitions

- Rising Star, Mountain States Super Lawyers, 2018

Professional Activities

- Member, American Bar Association

Education

- Brigham Young University, Juris Doctor (J.D.), 2009; Lead Articles Editor, *International Law and Management Review*
- Brigham Young University, Bachelor of Arts (B.A.), with honors, 2005

Admissions

- Utah
- Supreme Court Utah
- United States District Court, District of Utah
- United States District Court, District of Colorado

Languages

- German

Community Involvement

- Volunteer, SpaceEdventures Foundation

Related News

PUBLICATION

May 10, 2019

CFPB Proposes a New Debt Collection Rule to Modernize the FDCPA

PUBLICATION

December 13, 2018

FCC Approves Ruling and Order Creating Reassigned Telephone Numbers Database

PUBLICATION

September 28, 2018

Ninth Circuit Ruling Broadly Expands ATDS Definition

PUBLICATION

September 7, 2018

California Supreme Court Says High Interest Rates May Render Consumer Loans Unlawful

NEWS

June 20, 2018

Michael Best Names Five Attorneys to Partnership

PUBLICATION

March 20, 2018

Recent Court Decisions Add To Growing Body of Law Bringing Balance to The FDCPA

PUBLICATION

March 19, 2018

D.C. Circuit Strikes FCC's Definition of "Autodialer" and Its "One-Call" Safe Harbor Used in Enforcing the TCPA

PUBLICATION

November 6, 2017

CFPB's Arbitration/Class Action Rule Overturned by Congress

PUBLICATION

August 1, 2017

CFPB's New Arbitration Rule, A Boon to Plaintiff's Attorneys at Consumers' Expense, May Unite Congress in Its Efforts to Overturn the Rule