



**MICHAEL L. O'DONNELL**

**Partner & Chairman**

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**Michael O'Donnell has appeared as lead defense counsel in 40 states for product liability, professional liability, class and mass actions, and complex commercial matters for many of the nation's leading companies. Mike is a Fellow and former Regent of the American College of Trial Lawyers. His colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for six consecutive years.**

**EDUCATION**

University of Denver Sturm  
College of Law, J.D., 1979  
Intern to the Honorable Sherman  
Finesilver, United States District  
Court for the District of Colorado

University of Notre Dame, B.A.,  
1976, English

**GOVERNMENT SERVICE**

Member, Federal Judicial  
Evaluation Committee for U. S.  
Senator Cory Gardner

**ADMISSIONS**

Colorado  
Wyoming

**HIGHLIGHTS**

- Won complete affirmance for an insurer in two published opinions from the Tenth Circuit involving an improperly obtained, eight-figure appraisal award.
- Won a complete defense jury verdict for Michelin in an \$80 million, nine-week trial in Florida.
- Represented Denver International Airport in high-profile claims involving bid rigging and unfair competition relating to a \$50 million terminal concessions contract.
- Recovered \$11.2 million in a paid-out insurance award and attorneys' fees for an insurance company facing inflated claims.
- Represented Denver International Airport against the Regional Transportation District in a dispute over cost sharing agreements involving a new rail line serving the airport.
- Won unanimous defense verdict for Michelin in a \$20 million Arizona tread separation lawsuit.
- Won defense verdict for a large international law firm accused of malpractice.

**INDUSTRIES**

- Medical Devices & Pharmaceuticals
- Automotive
- Professional Services
- Telecommunications
- Energy
- Oil & Gas
- Healthcare
- Legal Services
- Construction & Engineering
- Asbestos
- Financial Services

**PRACTICE AREAS**

- Commercial Litigation
- Product Liability
- Class Actions
- Mass Torts
- Professional Liability
- Toxic Torts
- Personal Injury Defense
- Legal Professional Liability

# MICHAEL L. O'DONNELL

## BIOGRAPHY

Michael O'Donnell is a founder and the chairman of Wheeler Trigg O'Donnell. His national litigation practice focuses on complex civil litigation involving product liability, professional liability, torts, class actions and mass actions, commercial litigation, and bet-the-company matters. Mike has appeared as lead counsel in state and federal courts in 40 states, and he has served as national trial and resolution counsel for numerous highly visible companies, including General Electric, Michelin North America, Advanced Bionics, McKesson, Boston Scientific, Guidant, Skyjack, and Pfizer.

A Fellow of the American College of Trial Lawyers, Mike served as Regent for the 10th Circuit from 2012 to 2016. He also served as chairman of the ACTL's Colorado chapter. He is a Fellow of the International Academy of Trial Lawyers and member of the American Board of Trial Advocates. Mike is a former chairman of The Network of Trial Law Firms, a 7,000-member lawyer organization that offers continuing legal education programs on litigation topics.

*Chambers USA* ranks Mike nationwide for product liability and mass torts defense. *Colorado Super Lawyers* has ranked Mike the number-one lawyer in Colorado for six years in a row (2013-2018) based on independent research and a survey of his peers--a feat no other Colorado lawyer has accomplished--and he has been named to its top 10 list every year since 2009. *Best Lawyers* lists Mike in seven litigation practice areas and named him "Denver Legal Malpractice Lawyer of the Year" for 2017 and 2011, and "Denver Product Liability Litigation Lawyer of the Year" for 2013 and 2012. In 2011, *Law Week Colorado* selected Mike as one of 10 "Lawyers of the Decade" and "Lawyer of the Year" in Colorado. In a survey conducted by Law Week Colorado in 2010, Mike was selected by his peers as the "Best Trial Lawyer" in Colorado.

In 2012, Mike was honored with the University of Denver Law Outstanding Alumni Award which is presented each year to one DU Law graduate who has demonstrated professional achievement and humanitarian service to the community. In 2008, he became only the seventh defense lawyer to receive an award from the Colorado Trial Lawyers Association for the highest standards of competency, ethics, and professionalism.

## CASES

- *Auto-Owners v. Summit Park*, Nos. 16-1348 and 16-1352 (10th Cir. 2018) - Won complete affirmance in the Tenth Circuit of landmark rulings governing insurance appraisals. In two published opinions, the Tenth Circuit affirmed trial court rulings vacating an eight-figure appraisal award against the client, disqualifying for bias a national policyholder appraiser, and sanctioning the policyholder and its lawyers for misconduct in connection with the appraisal. Terence Ridley and Evan Stephenson argued the two appeals, respectively.

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- *Dukes v. Michelin* (Nineteenth Jud. Cir. St. Lucie Cnty. FL 2016) - Won a complete defense jury verdict for Michelin following a nine-week trial in Florida in which the plaintiffs requested damages in excess of \$80 million. WTO attorneys demonstrated that Michelin's tire was not defective, was well-designed and well-manufactured, and had been previously damaged during its service life. The jury found Michelin not liable for the accident.
- Represented Denver International Airport in high-profile claims involving bid rigging and unfair competition relating to a \$50 million terminal concessions contract.
- *Auto-Owners v. Summit Park*, 2016 WL 1321507 (D. Colo.) - Won order vacating a \$10.87 million property insurance award and disqualifying a national property appraiser, and subsequently won sanctions against the policyholder and its lawyers, and won 99.7% of attorneys' fees and costs.
- Represented Denver International Airport against the Regional Transportation District in a dispute over cost sharing agreements involving a new rail line serving the airport.
- *Allen v. Michelin* (Ariz. Sup. Ct. Mohave Cnty. 2015) - Won a unanimous defense verdict for Michelin North America following a three-week trial in Arizona state court. The plaintiff demanded \$20 million in actual and punitive damages, claiming our client's tire separated and caused a rollover accident that resulted in severe injuries. Michelin was found not at fault on all claims.
- Won a complete defense jury verdict in federal court for a large international law firm accused of malpractice. The plaintiff hired WTO's client to handle a complex patent infringement matter, then sued the firm for negligence and breach of fiduciary duty.
- Represented a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products.
- Represent a Fortune 10 company as national resolution counsel in hundreds of cases involving a medical imaging contrast agent alleged to induce a rare disease.
- Represent a cochlear implant manufacturer as national coordinating and trial counsel for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.
- Represented a Fortune 500 company as national trial counsel for hundreds of product liability claims and lawsuits involving a Class III medical device used to treat abdominal aortic aneurysms.
- Obtained summary judgment from a Texas district court in a case alleging WTO's client, a life insurance company, committed fraud and violated consumer protection laws.
- Obtained a Rule 12(b) dismissal of a complaint filed in federal court in Missouri against a large international law firm. The plaintiffs ultimately obtained an eight-figure jury verdict against the remaining defendants in the case.
- Secured a ruling from a California appeals court affirming the preemption of claims brought against WTO's client for its abdominal stent medical device.

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- Obtained a Rule 12(b) dismissal of a malpractice case against five lawyers. The opposing party appealed the dismissal and, while the appeal was pending, the case settled with no payments being made by WTO's clients.
- Obtained summary judgment for a law firm client and an award of attorneys' fees in a legal malpractice case in which the plaintiff sought \$7 million in damages. The plaintiff appealed the award of attorneys' fees, and the parties settled the appeal with payments being made to the client.
- *Moore v. Bertuzzi* - Successfully defended the Vancouver Canucks NHL organization in a lawsuit brought by Colorado Avalanche player Steven Moore as a result of severe injuries he sustained during a hockey game. WTO obtained dismissal of the lawsuit on the grounds of lack of personal jurisdiction and forum non conveniens, and also obtained a six-figure award of attorney's fees and costs in favor of the Canucks organization and against Mr. Moore.
- Awarded complete summary judgment in a legal malpractice case one week before a multi-week trial was scheduled to begin. The plaintiff had sought over \$5 million in damages.
- Obtained partial summary judgment in federal court on behalf of a large national law firm that had been sued for malpractice, aiding and abetting, conspiracy, and violations of RICO. The ruling reduced the damage claim from over \$150 million to less than \$2 million and paved the way for a favorable settlement of the case.
- *Vastano et al. v. AT&T Wireless* - Defended AT&T Wireless in a nationwide class action in Colorado state court involving the billing of wireless air time.

## TEACHING POSITIONS

BAR-BRI Course on Professional Responsibility  
National Institute for Trial Advocacy  
University of Denver Sturm College of Law  
Guest Lecturer  
University of Colorado at Denver, MBA Program  
Guest Lecturer  
Numerous CLE Presentations

## REPRESENTATIVE CLIENTS

Advanced Bionics - National Trial Counsel  
City & County of Denver  
CoorsTek  
Crown Equipment - Regional Trial Counsel  
Denver International Airport  
Dish Network  
Fresenius - National Counsel  
General Electric - National Trial Counsel  
Great-West Life & Annuity Insurance  
Guidant - National Trial Counsel

# MICHAEL L. O'DONNELL

High net-worth individuals  
Lawyers and Law Firms  
Level 3 Communications  
Michelin North America, Inc. - National Trial & Resolution Counsel  
Skyjack

## BAR & COURT ADMISSIONS

Colorado  
U.S. Court of Appeals for the Tenth Circuit  
U.S. District Court for the Central District of Illinois  
U.S. District Court for the District of Colorado  
U.S. District Court for the District of Wyoming  
U.S. Supreme Court  
Wyoming

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Fellow, American College of Trial Lawyers  
Regent, 2012-2016  
Regent Liaison for ACTL Task Force on Discovery and Civil Justice, 2013-2015  
Sandra Day O'Connor Award Committee, 2013-2015  
Federal Rules of Civil Procedure Committee, 2013-2015  
Regent's Nominating Committee  
Chair, 2016  
Special Problems in the Administration of Justice Committee, Vice Chairman, 2011-2012  
Adjunct State Committee, 2011-2012  
Colorado State Committee, Chairman, 2008-2010  
Chairman-Elect, 2007-2008, Vice Chairman, 2006-2007  
Code of Conduct Committee, 2007-2008  
Complex Litigation Committee 2004-2005  
Fellow, International Academy of Trial Lawyers  
American Board of Trial Advocates  
Member  
Fellow, Litigation Counsel of America, The Trial Lawyer Honorary Society  
Member, Diversity Law Institute  
Member, Trial Law Institute  
International Association of Defense Counsel  
Member  
*Chambers USA*  
Product Liability - Nationwide, 2015-2017  
Commercial Litigation - Colorado, 2009-2017  
*Law Week Colorado*  
Lawyer of the Year, 2016

# MICHAEL L. O'DONNELL

"People's Choice" Best Overall Litigator, 2017  
"People's Choice" Civil Litigator, 2016  
"Barrister's Best" Best Overall Litigator, 2015  
"People's Choice" Class Action Defense Lawyer, 2014  
"Barrister's Best" Best Class Action/Mass Tort Defense Lawyer, 2012  
Lawyers of the Decade, 2011  
"Barrister's Best" Best Trial Lawyer, 2010

## *The Best Lawyers in America*

Denver Personal Injury Litigation Lawyer of the Year, 2015, 2018  
Denver Legal Malpractice Lawyer of the Year, 2011, 2014, 2017  
Denver Product Liability Litigation Lawyer of the Year, 2012-2013  
Bet-the-Company Litigation, 2005-2018  
Commercial Litigation, 2005-2018  
Legal Malpractice Law, 2005-2018  
Mass Tort Litigation/Class Actions, 2017-2018  
Personal Injury Litigation, 2005-2018  
Product Liability Litigation, 2005-2018  
Professional Malpractice Law, 2017-2018

## *The Legal 500 United States*

Litigation: Product Liability and Mass Tort Defense, 2007, 2009-2011, 2013

## *Benchmark Litigation*

Commercial Litigation - Colorado, 2011-2018  
Product Liability - Colorado, 2013-2018  
Professional Liability - Colorado, 2013-2018

## *Colorado Super Lawyers*

Ranked #1 in Colorado, 2013-2018  
Top 10, 2007, 2009-2018  
Personal Injury Defense: Products, 2009-2018  
Class Action/Mass Torts, 2006-2008

## *5280 Magazine*

Top Lawyer  
Personal Injury Defense, 2015-2018  
Civil Litigation, 2015-2018  
Commercial Litigation, 2017-2018

## University of Denver Sturm College of Law

Outstanding Alumni Award, 2012

## Euromoney's Expert Guides - Litigation and Product Liability

## *Martindale-Hubbell* AV® Peer Review Rated

*The International Who's Who of Product Liability Defense Lawyers*, 2011, 2014-2017

*The International Who's Who of Life Sciences Lawyers*, 2014, 2017

## Institute for the Advancement of the American Legal System (IAALS)

ACTL Task Force on Discovery and Civil Justice, member  
2015 Rebuilding Justice Award

## Colorado Trial Lawyers Association

# MICHAEL L. O'DONNELL

Award for Competency, Ethics, and Professionalism, 2008  
*The American Lawyer*  
Top Commercial Litigation Lawyers, 2006  
*Corporate LiveWire*  
2014 Lawyer of the Year - Litigation & Dispute Resolution (Denver)  
Best of the Bar, *Denver Business Journal*  
Colorado Bar Foundation  
Fellow  
The Network of Trial Law Firms  
Chairman, 2005-2006  
Denver Bar Association  
Vice President, Board of Trustees  
Colorado Bar Association  
Member, Board of Governors  
American Bar Association  
Chairman, Issues Affecting the Legal Profession  
Young Lawyers Section Liaison to Standing Committee on  
Professional Discipline  
American Bar Foundation  
Fellow  
Judge William E. Doyle American Inn of Court, Master  
Denver Law Club  
Faculty of Federal Advocates  
Board of Directors, 2004-2005  
Defense Research Institute  
Member, Professional Liability Committee  
Colorado Defense Lawyers Association  
USDC Colorado Committee on Conduct, 2012  
Who's Who in Law, *Denver Business Journal*  
University of Denver Sturm College of Law  
Co-Chair of Reunion Committee, 2004  
Colorado Judicial Institute  
Board of Directors, 2004-present  
Judicial Awards Committee, 2006-present  
IAALS Law Firm Council  
Founding member  
National Center for State Courts  
Lawyers Committee Member

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Wheeler Trigg O'Donnell Foundation  
Founder and President, 2005-present  
Archdiocese of Denver  
Finance Council, 2008-2013

# MICHAEL L. O'DONNELL

Catholic Charities Archdiocese of Denver  
Board Member, 2010-present  
Denver Police Foundation  
Board of Directors, 2004-present  
Walking for Kids  
Founding Member, Board of Directors, 2009-present  
Trial.com Foundation, Inc.  
President, 2005-2006  
The Catholic Foundation  
Board of Directors, Advancement Committee, 2004-2005  
American Heart Association of Colorado and Wyoming  
Chairman of the Board  
American Heart Association of Colorado  
Denver Metro Division, Chairman of the Board  
Denver Tennis Club  
Board of Directors  
The Village Club  
President  
Hundred Club of Denver  
Member

## ARTICLES & PRESENTATIONS

### Articles

- Co-authored "New Strategies for Defending Professional Liability and Malpractice Cases." *Best Practices for Addressing Professional Liability Claims* (2015).
- "Managing Product Liability in the Americas," quoted in *Financier Worldwide* (September 2009).

### Book Chapters

- "Witness Preparation Primer: Inviting a Witness to Provide Truthful and Favorable Testimony," *Mastering the Art of Preparing Witnesses* (2017).
- "Deconstructing the Key Liability Expert: Strategy and Secrets for Successful Cross-Examination," *From the Trenches: Strategies and Tips From 21 of the Nation's Top Trial Lawyers* (2015).

### Presentations

- "What the Hail? Exposing Biased Insurance Appraisers," presented at the 28th Annual ACIC General Counsel Seminar Survey (July 28, 2017).
- "Dealing with Collusion and Fraud in Property Loss Litigation," *Litigation Management in a New York Minute - 2016 Edition*, presented by The Network of Trial Law Firms, New York, NY (August 5, 2016).
- "Dollars and \$ense Negotiating the Pay Raise - Practical Advice from the Decision-Makers" presented at the Association of Corporate Counsel Colorado Chapter CLE and reception (May 12, 2016).



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- Association of Corporate Counsel: Negotiating the Pay Raise, May 12, 2016.
- "Settling Strategies for MDLs: Getting Started, Setting Values, and Overcoming Obstacles," presented at the Mass Torts Judicial Forum in New York City (April 15, 2016).
- "The Defense Perspective: How Loss Prevention and Firm Management Practices Can Impact Malpractice Claims," presented at an Ethics CLE at Wheeler Trigg O'Donnell (November 19, 2014).
- "Managing a Large Casualty Claim," presented at the Advisen Casualty Insights Conference in New York City (March 27, 2014).
- "Avoiding Missteps in Handling Litigation and Other Disputes," presented to the Association of Corporate Counsel Colorado Chapter (December 5, 2012).
- "The Trial of a Legal Malpractice Case," presented at the Aon Law Firm Symposium (October 12, 2012).
- "Unique Issues in Mass Torts," presented at University of Denver Sturm College of Law (November 7, 2011).
- "Negotiation," presented to MBA students at McGill University (October 12, 2011).
- "The Nuts and Bolts of Successor Liability," presented to CNA (February 10, 2011).
- "Ethics CLE: Avoiding Malpractice," University of Denver Alumni Weekend (October 14, 2010).
- "Settlement Negotiation Strategies," Continuing Legal Education Seminar (May 2010).
- "Strategic Management," University of Colorado at Denver MBA Program (February 2010).
- "Deposition Strategy 101," Colorado Defense Lawyers Association CLE Seminar (December 4, 2009).
- "Leadership and Strategic Management," presented to University of Colorado MBA Students (December 1, 2009).
- "Leadership," University of Colorado at Denver MBA Program (December 1, 2009).
- "Preventing Legal Malpractice, Potential Pitfalls and How to Avoid Them," Colorado Bar Association Continuing Legal Education Seminar (2009-2013).
- "Alternative Dispute Resolution," presented to CNA (March 2008).
- "Appellate Update on Colorado Law," presented to All Colorado State Court Trial and Appellate Judges (September 2007).
- "What In-House Counsel Want and How to Give It to Them," presented at The Network of Trial Law Firms (April 20, 2007).
- "Selecting Outside Trial Counsel," presented to Association of Corporate Counsel Colorado Chapter (March 21, 2007).

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- "Selection of Outside Counsel," presented at The Network of Trial Law Firms (April 29, 2006).
- "Pharmaceutical Torts Cases in Colorado," presented at Colorado Bar Association and Denver Bar Association CLE Ethical Consideration for Practitioners (November 3, 2005).
- "Punitive Damages," presented at The Network of Trial Law Firms (October 23, 2004).
- "Punitive Damages," presented at 27th Annual Conference of Colorado Defense Lawyers Association (August 20, 2004).
- "Campbell v. State Farm," presented at The Network of Trial Law Firms' Meeting (Apr. 2003).
- "Colorado Civil Justice League Legislative Panel," presented in conjunction with the American Tort Reform Association Annual Legislative Conference for State Coalition Leaders and Citizens Against Lawsuit Abuse (November 14, 2002).
- "Non-Liability to Non-Participants: A Manufacturer's Duty Should End at the Playing Field, and Not Extend to Criminal Acts," Mealey's Prod. Liab. & Risk (August 29, 2002).
- "Behold the Future: Emerging Areas Including Mold, Cellular Phones, MTBE, Chromium 6, and More," presented at The Future of Mass Tort Litigation in America (March 23, 2002).
- "Ethics and Professionalism in Client Relations," presented at University of Denver Law School (November 12, 2001).
- "Challenging the Admissibility of Medical Causation Opinion Derived From 'Differential Diagnosis - Application of *Daubert* and Amended FRE 702'," presented at The Network of Trial Law Firms (October 26, 2001).
- "Winning by Disqualifying Plaintiff's Experts," presented at The Network of Trial Law Firms (October 25, 2001).
- "Preventing Legal Malpractice," presented at Colorado Bar Association CLE Seminar and Torts Update (October 9, 1998).
- "Colorado Legal Malpractice," presented to the Colorado Bar Association Tort Law Update (1998).
- "Winning the Battle of the Experts," presented at Professional Education Systems Inc. (December 16, 1996).
- "Discovery," presented at Colorado Defense Lawyers Association (August 27, 1994).
- "Depositions: Strategies, Tactics and Mechanics," presented at Professional Education Systems Inc. (November 11, 1992).

## PERSONAL INTERESTS

Family, golf, reading, travel