

LAW WEEK COLORADO

TOP LITIGATORS

2016

These six litigators have proven their abilities to tell a story in the courtroom and succeed in trial



THERESA WARDON

BY SARAH BENNETT
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When it comes to facing new opportunities and challenges both inside and outside the courtroom, Theresa Wardon is known for diving in head first.

The Wheeler Trigg O'Donnell attorney has had a landmark year with courtroom victories in several large product liabilities cases capped with her elevation to partner in January. These winning verdicts include an appellate decision that has reshaped Colorado jury instruction and a unanimous ruling for the first products liability case tried by new client, Michelin, in several years.

In *Walker v. Ford Motor Co.*, Wardon successfully argued for a reversal of a 2013 verdict against Ford. The original 2013 verdict resulted in a \$4 million award to the plaintiff with prejudgment interest and held Ford liable for alleged injuries caused by a car seat design defect.

Wardon took the lead briefing role

and urged the court to reconsider the trial court's issuance of pattern jury instructions to determine liability in the 2013 case. Ultimately, the Colorado Court of Appeals found in favor of Ford and remanded the case for a new trial in which jury instruction could be based on the risk-benefit test alone, indicating a shift in Colorado product liability proceedings.

Another significant victory for Wardon came when Wheeler Trigg O'Donnell's litigation team was able to successfully argue against a plaintiff seeking \$20 million in damages from Michelin. The ruling was handed down after a three-week trial in which she lead an exhaustive two-and-a-half hour cross examination of the plaintiff — the longest of her career.

Wardon demonstrated the ability to communicate extremely technical knowledge to a jury with elegance and accessibility in both of her 2015 victories, according to her colleague Edward Stewart.

"Perhaps Theresa's greatest courtroom gift is her ability to connect with a

jury. She comes across as compassionate, empathetic and sincere, which is essential when cross-examining hostile witnesses in multimillion-dollar lawsuits arising from catastrophic accidents" Stewart said.

Wardon was drawn to the specialty of products liability litigation due to the challenge of the subject matter as well as the opportunity to connect with her audience.

"Part of telling that story is not just about the law and the evidence, it's figuring out how to work with your own personality to communicate to your audience — whether a jury or a judge — in the most effective way" she said.

Wardon praised the team at WTO for helping her grow as a litigator and a well-rounded legal professional. Mentorship is an ingrained practice at the firm and close relationships with first-chair litigators Stewart and Malcolm Wheeler have helped her learn to play to her strengths and develop a courtroom identity.

"I've been privileged to work at a firm where there are so many people invested in my growth as a lawyer and where I have so many first-chair trial lawyers to learn from," Wardon said.

Wardon was described in her nomination as having "a knack for putting others at ease" and "caring deeply about causes involving social justice and equality."

She balances a full schedule both in and outside the courtroom by being actively involved in charity and pro bono work. She dedicates significant time to pursuing pro

bono cases on immigrants' rights as well as involvement with minority bar associations such as Denver's GLBT Bar Association.

While working with Wheeler Trigg O'Donnell's outreach program, she also became interested in the mission of Denver women's shelter, The Gathering Place, where she now sits on the board of directors.

She said she was "passionate about the mission of the organization, which is to provide a safe place for underserved populations — women, children and transgender individuals — where they are treated with dignity and respect."

In the future, Wardon aims to become a first-chair trial lawyer. She also hopes to continue to contribute to the growth of the firm by aiding in recruitment and mentorship of young lawyers.

This Top Litigator's willing and adventurous philosophy shone through as a law clerk while on a ski trip organized by 10th Circuit Court of Appeals Judge Neil Gorsuch. She joined a group of experienced skiers, though she was new to the sport. Upon finding that the original route the group planned to ski was closed, Wardon joined her peers on a double-black diamond run instead of taking the much simpler catwalk.

She explained the experience with a laugh: "It was scarier to consider slinking down the cat track. I tumbled all the way down the bowl, but I made it." •

— Sarah Bennett, SBennett@circuitmedia.com

LITIGATOR SPOTLIGHT

Theresa Wardon
Wheeler Trigg O'Donnell

LAW FIRM SIZE

Midsized - 98 attorneys

PRACTICE AREA

High-stakes product liability and class action litigation, trials and appeals

PRIMARY ACCOMPLISHMENTS IN 2015

- Developed the appellate strategy, briefed and argued the winning position in *Walker v. Ford* appeals case, overturning a \$4 million 2013 jury verdict against Ford
- Cross-examined the plaintiff in a winning defense effort for Michelin with \$20 million at stake