



## KEVIN J. KUHN

### Partner

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**Kevin Kuhn has represented clients in more than 135 trials to verdict, including 80 jury and 55 bench trials. He has extensive experience defending high-stakes medical malpractice and professional liability claims, in addition to catastrophic personal injury and complex commercial litigation. Kevin is a Fellow of both the American College of Trial Lawyers and the International Academy of Trial Lawyers.**

### EDUCATION

University of Oklahoma College of Law, J.D., 1977

University of Oklahoma, B.A., 1974, Major in Political Science/Law Enforcement; Minor in Journalism

### GOVERNMENT SERVICE

United States Air Force Judge Advocate General's Corps  
Prosecutor, 1977-1981  
Reserves, 1981-2006  
Retired as Colonel

### OTHER EXPERIENCE

Montgomery Little Soran Murray & Kuhn, PC, 1981-2007

### ADMISSIONS

Colorado  
Montana  
New Mexico  
Oklahoma

### HIGHLIGHTS

- Won a defense verdict for a physician in a four-week trial with \$70 million at stake in a case involving bacterial meningitis in a minor.
- Won a defense verdict for a spine surgeon in a multimillion-dollar medical malpractice and negligence lawsuit.
- Won affirmation before the Colorado Court of Appeals of a defense verdict for a labor and delivery nurse.
- Won a critical decision for the healthcare community before the Colorado Supreme Court.
- Won a defense verdict in a \$12 million trial involving alleged misdiagnosis leading to paralysis.
- Affirmed trial verdict in an appeal before the Colorado Court of Appeals for a bariatric surgeon.
- WTO wins unanimous defense verdict in obstetrical malpractice trial

### INDUSTRIES

- Healthcare
- Medical Devices & Pharmaceuticals
- Energy
- Real Estate
- Professional Services
- Insurance
- Trucking

### PRACTICE AREAS

- Healthcare Professional Liability
- Professional Liability
- Employment
- Commercial Litigation
- Personal Injury Defense
- Investigations & Compliance
- Product Liability

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## BIOGRAPHY

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Kevin has defended medical malpractice cases involving physicians, dentists, oral surgeons, hospitals, nurses, and other healthcare providers; defended professional negligence cases involving attorneys, accountants, and real estate agents and brokers; and represented injured parties. In one case, Kevin successfully defended a real estate agent and broker in a real estate negligence jury trial brought by a physician purchaser.

He has defended long-term care facilities and mental health professional negligence actions and litigated cases in areas of insurance coverage, premises liability, product liability, oil and gas, commercial law, domestic relations, agricultural products, and employment law. He represents healthcare and other professionals in administrative licensing and credentialing matters and hearings. In addition to his civil practice, Kevin has prosecuted and defended criminal cases. He has extensive deposition experience and expertise in all kinds of civil and commercial cases. He is a frequent and sought-after continuing legal education speaker and frequently speaks to healthcare professionals.

## CASES

- Won a defense verdict after a four-week trial for a physician facing \$70 million in damages claims arising from allegations that WTO's client and others failed to timely diagnose and treat bacterial meningitis in a minor. Seven co-defendants settled, leaving WTO's physician client and another physician defendant alone at trial.
- Won a defense jury verdict for a spinal surgeon in a multimillion-dollar medical malpractice lawsuit in Colorado. The patient experienced a complication during surgery that resulted in partial paralysis. WTO lawyers demonstrated that our client was not at fault. Following the two-week trial, jurors delivered a complete defense verdict.
- *Warden v. Exempla* (Colo. App. 2014) - Won affirmation from the Colorado Court of Appeals in a defense verdict for WTO's labor and delivery nurse client. Plaintiffs had claimed \$17 million in this obstetrical malpractice claim.
- Won an appeal argued before the Colorado Supreme Court challenging a trial court's order to submit Quality Management Privileged (QMP) materials relating to an incident at issue in a medical malpractice trial. The appellate decision is significant, as the QMP designation allows hospitals and healthcare providers to assess and innovate following critical incidents without concern that their discussions will be discovered.
- Won a complete defense verdict in federal court in Colorado for an emergency physician in a three-week medical malpractice trial in which the plaintiff alleged misdiagnosis leading to paralysis and asserted damage claims of \$12 million.

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- Obtained victory before the Colorado Court of Appeals for a bariatric surgeon. WTO lawyers tried and won the original case, which involved alleged complications following gastric bypass surgery. The Court of Appeals rejected the plaintiff's assertions that the lower court erred in precluding certain expert testimony and affirmed the 2011 trial court verdict.
- Won a unanimous defense verdict for a labor and delivery nurse in a \$17 million, three-and-a-half-week obstetrical malpractice trial in Colorado state court.
- Defended a trucking company against negligence claims arising from a nine-vehicle accident on a snowy Nebraska interstate highway.
- Won a jury defense verdict for a Colorado bariatric surgeon in Denver District Court.
- *Ford v. Eicher* (Colo. Sup. Ct. 2011) - Secured a landmark victory from the Colorado Supreme Court for the American College of Obstetricians and Gynecologists in a case involving the reliability of the intrauterine forces theory of labor as applied in shoulder dystocia matters.
- Won a unanimous jury defense verdict for a cardiothoracic surgeon in a two-week medical malpractice trial involving injuries associated with an atrial fibrillation surgery.
- Won a jury defense verdict for an orthopedic spine surgeon in a medical malpractice case with millions of dollars in damage claims at stake, including eight years of accruing pretrial interest.
- Co-managed with one other law firm the response to requests from 418 dealers for arbitration relating to the bankruptcy of Chrysler Group LLC and following Chrysler's termination of those dealerships. WTO litigated 187 of these Section 747 arbitrations, and, as directed by Congress, resolved all of the litigation within seven months--with a 96% success rate.
- Won a Colorado Court of Appeals opinion upholding WTO's jury defense verdict in a medical malpractice trial involving shoulder dystocia.
- Won a jury defense verdict in Denver District Court for a prominent Denver heart surgeon.
- *Villalpando v. Denver Health*, 181 P.3d 357 (Colo. App. 2007) - Won affirmation from the Colorado Court of Appeals for four doctors in a medical tort case involving wrongful death claims relating to medical treatment provided to the plaintiff's husband before his death.
- Following opening arguments, negotiated favorable settlement of a \$50 million medical malpractice lawsuit in Iowa.
- Won a defense verdict in Oregon as co-counsel in a \$9 million trial involving negligence claims in a birth trauma case involving shoulder dystocia.

## TEACHING POSITIONS

Air Force Judge Advocate General School

Trial advocacy and professional responsibility courses, 1999-2004

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United States Air Force Academy Department of Law  
Instructor, Reservist, 1996-1999

## REPRESENTATIVE CLIENTS

CNA - National Trial Counsel  
Constellation/MMIC - National Trial Counsel  
COPIC Insurance  
LifePoint Health, Inc.  
LifePoint Hospitals  
Medical Protective - National Trial Counsel  
OneBeacon  
Premier Insurance - National Trial Counsel  
St. Paul Travelers  
Swiss Re - National Trial Counsel  
Universal Health Services - National Trial Counsel  
University of Colorado Health Sciences

## BAR & COURT ADMISSIONS

Colorado  
Montana  
New Mexico  
Oklahoma  
U.S. Court of Appeals for the Armed Forces  
U.S. Court of Appeals, 10th Circuit  
U.S. District Court, D. Colorado  
U.S. District Court, N.D. Florida  
U.S. District Court, W.D. Oklahoma

## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

International Academy of Trial Lawyers  
Fellow  
American College of Trial Lawyers  
Fellow  
American College of Trial Lawyers *Journal*  
Editorial Board  
  
American Board of Trial Advocates  
Member  
  
*The Best Lawyers in America*  
Denver Professional Malpractice Law Lawyer of the Year, 2016, 2019  
Denver Medical Malpractice Defense Lawyer of the Year, 2013, 2019  
Commercial Litigation, 2018-2020  
Medical Malpractice Law - Defendants, 2007-2020  
Personal Injury Litigation - Defendants, 2018-2020

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Professional Malpractice Law - Defendants, 2015-2020  
*Colorado Super Lawyers*  
Personal Injury Defense: Medical Malpractice, 2006-2020  
Top 100, 2012-2020  
Top 10, 2008  
Top 50, 2007-2011  
*Law Week Colorado*  
"Barrister's Choice" Best Medical Malpractice Defense Lawyer, 2019  
"People's Choice" Best Medical Malpractice Defense Lawyer, 2011-2012, 2014-2017  
*Benchmark Litigation*  
Medical Malpractice - Colorado, 2013-2016  
Local Litigation Star, 2017-2018  
*5280 Magazine*  
Top Lawyer  
Medical Malpractice: Defense, 2015-2020  
*Martindale-Hubbell AV® Peer Review Rated*  
Faculty of Federal Advocates  
President, 2008  
Colorado Defense Lawyer's "Trial Idol" Closing Argument Contest  
Winner, 2006  
Claims & Litigation Management Alliance, Invited Member  
Colorado Defense Lawyers Association  
Colorado Bar Foundation  
Fellow  
Arapahoe County Bar Foundation  
Fellow  
Colorado Supreme Court Jury System Standing Committee  
Member  
Colorado Supreme Court Nominating Commission, 1995-2001  
Arapahoe County Bar Association  
Board of Directors, 1996-1998  
Aurora Bar Association  
Vice President, 1994-1995  
President, 1995-1996  
Denver Bar Association  
Colorado Bar Association  
Oklahoma Bar Association  
American Bar Association  
Litigation Section  
Catholic Lawyers Guild  
Vice President, 1999-2000  
President, 2000-2001  
Federation of Insurance & Corporate Counsel, 1989-1995

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University of Oklahoma College of Law Association  
Independence of the Judiciary Committee, 18th Judicial District, Colorado

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

University of Colorado Office of Admissions  
Admissions Committee, 2005-2013  
Florence Crittenton Services  
Board of Directors, 2012  
Aurora Community Health Center  
Board of Directors, 1991-1992  
Colorado Beer Club, 1991-present  
Congressman Tancredo's Military Academies Merit Selection, 2000  
Habitat for Humanity Volunteer, 2005; 1996  
Havana Heights Neighborhood Association  
President, 1997-1999  
Church of the Risen Christ, Denver, Colorado  
Parishioner  
Rocky Mountain Multiple Sclerosis Center  
Planned Giving Committee, 1986-1990  
Sigma Chi Fraternity  
Life-Member  
*Read Across America Day*  
Volunteer Reader, 1998

## ARTICLES & PRESENTATIONS

### Presentations

- "Discovery Duel - Plaintiff Versus Defendant Debate & Update" presented to the Colorado Defense Lawyers Association CLE (December 5, 2018)
- "Practical Judicial Ethics Dilemmas, the Lawyer's Perspective," presented at the Biennial Judicial Ethics Training for Administrative Law Judges (December 2, 2016).
- "Closing Arguments," presented at the Colorado Defense Lawyers Association Summer Conference (July 27, 2014).
- "The Fundamentals of Expert Witness Examinations" presented at the Colorado Defense Lawyers Association's Trial Academy (April 23-24, 2014).
- "Winning Trial Tactics of 2013 - Choosing Your Audience: How to Decode, Decipher and Enlighten Complete Strangers During Jury Selection," American College of Trial Lawyers and Colorado Bar Association's, Denver, Colorado (November 8, 2013).
- "CDLA/CTLA Joint CLE – Discovery Issues: How Both Sides of the Bar Can Be More Cooperative in Discovery," Ralph L. Carr Colorado Judicial Center, Denver, Colorado (October 24, 2013).

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- The Catholic Lawyers Guild of Colorado Seminar 2013: Ethics and Beyond- Food for the Journey – *"(Lead Us Not Into) Temptations: The Rules of Professional Conduct,"* October 18, 2013, Sacred Heart Jesuit Retreat House, Sedalia, Colorado.
- "The Trial Lawyer's Perspective on Judicial Conduct and Misconduct," presented at the Judicial Ethics Training for Administrative Law Adjudicators (January 2013).
- "Voir Dire - Mastering Persuasion, Eliciting Information and Educating Jurors," presented at, *Winning at Trial: Tactics and Skills for 2011*, sponsored by the American College of Trial Lawyers (November 11, 2011).
- "Shoulder Dystocia: Defending the Healthcare Provider," presented at *Medical Legal Issues in Obstetrics Practice* (November 20, 2009).
- "Our Courts," presented to *Windcrest Independent Living* (June 19, 2009).
- "Making It Right: Compensation, Safety, and Accountability for Children Born in Colorado with Neurological Impairments," Panelist, *Common Good Colorado* (April 22, 2009).
- "Voir Dire," presented at *Colorado Defense Lawyers Conference* (April 16, 2009).
- "Voir Dire," presented at *Colorado Defense Lawyers Conference* (August 3, 2007).
- "Ethics for Military Judges," presented to *Interservice Military Judges' Seminar* (March 2006/March 2007).
- "Deposition Conduct Behavior: What's Acceptable, What's Not," Moderator, *Faculty of Federal Advocates* (January 12, 2007).
- "Tort Reform Issues," presented at *Institute for the Advancement of the American Legal System* (November 6, 2006).
- "Ethics in Managing Claims," presented at *Colorado Claims Association* (October 20, 2006).
- "Civil Law Update," presented to *Colorado Judicial Conference* (September 18, 2006).
- "Lawyers: Advertising, Consumer Protection Act, and Deposition Behaviors," presented at *Louisiana Defense Lawyers Seminar* (February 28, 2006).
- "Discovery: A Practical Approach to Current Issues," presented at *Colorado Judicial Conference* (September 19, 2005).
- "Enforcing and Negotiating Settlements," presented at *Colorado Bar Association's Personal Injury Litigation Program* (May 19, 2005).

## PERSONAL INTERESTS

Family, exercise, reading, history, aviation