



MICHAEL L. O'DONNELL

Firm Chair

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Michael O'Donnell has taken more than 75 trials to verdict and appeared as lead defense counsel in 40 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Mike is a Fellow and national Officer of the American College of Trial Lawyers. He is nationally ranked in Chambers USA, and his colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for eight consecutive years.

"Tremendous trial and negotiation skills" and "a presence that commands respect."

–Client comments to Chambers USA

EDUCATION

University of Denver Sturm College of Law, J.D., 1979

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

GOVERNMENT SERVICE

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

Intern to the Honorable Sherman Finesilver, United States District Court for the District of Colorado

ADMISSIONS

Colorado
Wyoming

HIGHLIGHTS

- Serving as lead national trial counsel to the largest distributor of vaping products in the U.S. in federal multidistrict litigation in California.
- Facilitated a rural electric cooperative's withdrawal from membership in a wholesale cooperative. WTO's client achieved settlement for hundreds of millions of dollars below the wholesaler's demand and can now acquire substantially cheaper and renewable green energy sources for its members.
- Representing multiple public utility companies in contentious commercial litigation against an energy association with hundreds of millions of dollars at stake.
- As lead national trial counsel, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt create an MDL involving a medical device.
- Won a landmark federal case in Illinois defining the obligations of lead and liaison counsel in multidistrict litigation.
- 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 a nine-week trial in Florida with \$80 million to \$1.2 billion at stake.

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
- Personal Injury Defense
- Legal Professional Liability
- Environmental Litigation

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BIOGRAPHY

Michael O'Donnell has taken more than 75 trials to verdict and appeared as lead defense counsel in 40 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Mike is a Fellow and national Officer of the American College of Trial Lawyers. He is nationally ranked in *Chambers USA*, and his colleagues and peers have voted him the #1 lawyer in *Colorado Super Lawyers* for eight consecutive years.

Mike 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. 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 eight years in a row (2013-2020) 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

- Serving as lead national trial counsel to the largest distributor of vaping products in the U.S. in federal multidistrict litigation in California.
- Facilitated a rural electric cooperative's withdrawal from membership in a wholesale cooperative. WTO's client achieved settlement for hundreds of millions of dollars below the wholesaler's demand and can now acquire substantially cheaper and renewable green energy sources for its members.
- Representing multiple public utility companies in contentious commercial litigation against an energy association with hundreds of millions of dollars at stake.

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- *In re Gadolinium-Based Products Liability Litigation*, MDL No. 2868 (J.P.M.L. 2018) - As lead national trial counsel to GE Healthcare, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt create an MDL involving gadolinium-based contrast agents.
- Won a landmark federal case in Illinois defining the obligations of lead and liaison counsel in multidistrict litigation.
- *Auto-Owners v. Summit Park*, 886 F.3d 852 and 886 F.3d 863 (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.
- *Dukes v. Michelin* (Nineteenth Jud. Cir. St. Lucie Cnty. FL 2016) - Won a complete defense jury verdict for Michelin following a nine-week product liability trial in Florida in which the plaintiffs requested damages between \$80 million and \$1.2 billion following a rollover accident involving Michelin tires. WTO also won the appeal.
- Represented Denver International Airport in high-profile claims involving alleged 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 following a three-week trial in Arizona state court in which the plaintiff demanded \$20 million in actual and punitive damages.
- 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.
- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.
- Represent a Fortune 50 company as national resolution counsel in hundreds of cases involving a medical imaging contrast agent alleged to induce a rare disease.
- Serving as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.

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- 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.
- 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.
- 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.
- *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.
- *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



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REPRESENTATIVE CLIENTS

Advanced Bionics - National Trial Counsel
CenturyLink
City & County of Denver
CoorsTek
Crown Equipment - Regional Trial Counsel
Denver International Airport
Dish Network
Empower Retirement Services
Fresenius - National Counsel
General Electric - National Trial Counsel
Guidant - National Trial Counsel
High net-worth individuals
Lawyers and Law Firms
Level 3 Communications
Michelin North America, Inc.
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. District Court for the Eastern District of Michigan
U.S. Supreme Court
Wyoming

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Fellow, American College of Trial Lawyers
Treasurer, 2019-2020
Secretary, 2018-2019
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

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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, 2015-2020
Commercial Litigation - Colorado, 2009-2020
BTI Consulting
Client Service All-Star, 2019
The Best Lawyers in America
Denver Legal Malpractice Law - Defendants Lawyer of the Year, 2011, 2014, 2017, 2020
Denver Personal Injury Litigation Lawyer of the Year, 2015, 2018
Denver Product Liability Litigation Lawyer of the Year, 2012-2013, 2019
Bet-the-Company Litigation, 2005-2020
Commercial Litigation, 2005-2020
Legal Malpractice Law, 2005-2020
Mass Tort Litigation / Class Actions - Defendants, 2017-2020
Personal Injury Litigation - Defendants, 2005-2020
Product Liability Litigation - Defendants, 2005-2020
Professional Malpractice Law - Defendants, 2017-2020
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, 2013-2020
Top 10, 2007, 2009-2012
Personal Injury Defense: Products, 2009-2020
Class Action/Mass Torts, 2006-2008
5280 Magazine
Top Lawyer
Civil Litigation, 2020
Commercial Litigation, 2020
Personal Injury: Defense, 2020
Law Week Colorado

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Lawyer of the Year, 2016
"People's Choice" Best Overall Litigator, 2017
"People's Choice" Civil Litigator, 2016
"Barrister's Best" Best Overall Litigator, 2015, 2019
"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 *5280 Magazine*
Top Lawyer
 Personal Injury Defense, 2015-2019
 Civil Litigation, 2015-2019
 Commercial Litigation, 2017-2019
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,
2019
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
 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

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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
University of Notre Dame Law School Council, 2019
Archdiocese of Denver
Finance Council, 2008-2013
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

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ARTICLES & PRESENTATIONS

Articles

- "Trial by Webcam: Tips From a Firsthand Experience," Law360 (May 28, 2020)
- 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 Sense 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).
- 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).

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- "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).
- "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).

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- "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).

Newsletters

- Value Challenge: Alternative Fee Agreements May Create Financial and Ethical Risk

PERSONAL INTERESTS

Family, golf, reading, travel