



ANTHONY C. BARBE

Partner

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Anthony Barbe focuses his practice on legal malpractice defense and complex commercial disputes, particularly in the insurance industry. Anthony has developed significant trial and litigation experience early in his career.

EDUCATION

University of Denver Sturm
College of Law, J.D., 2010
Order of St. Ives
Denver University Law Review,
Managing Editor

University of Colorado,
B.A., 2004

GOVERNMENT SERVICE

Law Clerk to The Honorable Ann
B. Frick, Denver District Court

Law Clerk in the Civil Litigation
and Employment Law Section of
the Office of the Colorado
Attorney General

OTHER EXPERIENCE

Outten & Golden LLP, contract
attorney

ADMISSIONS

Colorado

HIGHLIGHTS

- Won a defense verdict for USAA in a bad faith jury trial in which the plaintiff claimed USAA must pay for a special run of bricks to fully repair the plaintiff's home.
- Won a defense verdict for a lawyer and law firm against malpractice claims arising out of a business transaction.
- Won defense verdict for USAA in negligent misrepresentation trial.
- Won summary judgment for a large regional law firm in a legal malpractice lawsuit.
- Won dismissal of claims and won attorney's fees and costs for a major national insurer in litigation following the 2012 Waldo Canyon wildfire.
- Won on bad faith claims for USAA in the Waldo Canyon wildfire trial.
- Worked with a trial team on a three-week jury trial, which resulted in a full defense verdict for a leading nationwide insurer. The case involved bad faith allegations related to a homeowners' insurance policy.

INDUSTRIES

- Consumer Products & Services
- Financial Services
- Legal Services
- Professional Services
- Insurance

PRACTICE AREAS

- Professional Liability
- Commercial Litigation
- Product Liability
- Class Actions
- Personal Injury Defense
- Franchise & Distribution
- Legal Professional Liability

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BIOGRAPHY

Anthony Barbe focuses his practice on legal malpractice defense and insurance coverage disputes. He also routinely handles complex commercial litigation at both the trial and appellate levels.

Anthony has established significant case experience. For example, in each of three recent professional liability cases that resolved favorably, Anthony led the development of 3 to 5 expert witnesses, drafted and argued numerous dispositive motions, attacked experts through *Daubert* motions, and took and defended anywhere from 5 to 15 depositions per case.

Similarly, Anthony has developed a national insurance practice. He represents some of the nation's largest insurers in bad faith claims and other coverage-related disputes. Anthony's insurance wins stretch from Alaska to New Hampshire, with favorable results along the way in Colorado, Connecticut, Delaware, Georgia, Montana, North Carolina, South Carolina, Virginia, West Virginia, and Wisconsin.

Prior to joining Wheeler Trigg O'Donnell in 2012, Anthony served as a law clerk to The Honorable Ann B. Frick of the Denver District Court.

CASES

- *Slavin v. Garrison Prop. & Cas. Ins.* (D. Colo. 2018) - Won a defense verdict for USAA/Garrison in a bad faith jury trial in which the plaintiff claimed USAA must pay for a special run of bricks in order to fully repair the plaintiff's home. A 12-member jury unanimously rejected the plaintiff's claims, agreeing that USAA had acted in good faith.
- Won a complete defense verdict for a lawyer and law firm accused of malpractice in the handling of a sale of interests in the plaintiff's company.
- *Edwards v. USAA* (Colo. Boulder Cnty. Dist. Ct. 2017) - Won a defense verdict for USAA against a claim of negligent misrepresentation after a contentious appeal. After prevailing on eight claims on summary judgment, one claim was remanded for trial after an appeal. USAA won on the final claim after a six-day jury trial in Boulder County.
- Won summary judgment for a large regional law firm in a legal malpractice case involving claims that the firm's lawyers failed to properly advise the plaintiff regarding environmental issues in an underlying real estate transaction.
- Won a motion to dismiss and a subsequent award of attorneys' fees and costs for a large nationwide insurer involved in a dispute over coverage amounts for a home lost in the 2012 Waldo Canyon wildfire.
- *Jewkes v. USAA* (D. Colo. 2015) - Successfully defended insurer USAA in an insurance bad faith and breach of contract trial arising out of the devastating Waldo Canyon wildfire of 2012. The plaintiff voluntarily dismissed one claim the morning of trial, lost another claim, and was awarded just five figures on the third claim after having demanded more than \$1 million.

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- Represented a law firm client against allegations of ethical violations and breach of fiduciary duty in a legal malpractice case stemming from the firm's representation of a client in matters that later developed into a fierce family dispute. The case ultimately settled favorably for our client just a few weeks before trial.
- Represented a law firm client in three civil cases arising from an investigation into land use issues. The cases involved dozens of parties and tens of millions of dollars in claimed damages.
- Represented a professor at a large SEC university against allegations of tortious interference with a contract related to a technology licensing agreement. After aggressive briefing and negotiation, WTO obtained a voluntary dismissal for its client with no money paid to the plaintiff.
- Obtained voluntary dismissal with no money paid for a leading nationwide insurer in a bad faith case involving MedPay coverage. The plaintiff withdrew the complaint even before WTO filed its answer.
- Managed litigation for a leading nationwide insurer in bad faith cases related to medical payments coverage in 12 states (Alaska, Colorado, Connecticut, Delaware, Georgia, Montana, New Hampshire, North Carolina, South Carolina, Virginia, West Virginia, Wisconsin) and Washington, D.C.
- Won declaratory judgment and recovered fees and costs in a case for a large nationwide insurer involved in a dispute over life insurance proceeds.
- Developed prelitigation expert reports for an international manufacturer of home appliance components, which in many instances resulted in plaintiffs withdrawing their demands before filing a complaint.
- Worked with a trial team on a three-week jury trial, which resulted in a full defense verdict for a leading nationwide insurer. The case involved bad faith allegations related to a homeowners' insurance policy.

BAR & COURT ADMISSIONS

Colorado

U.S. District Court, D. Colorado

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Colorado Rising Stars

Civil Litigation Defense, 2017-2020

American Bar Association

Claims & Litigation Management Alliance

Colorado Bar Association

Colorado Defense Lawyers Association

Colorado Judicial Institute

Defense Research Institute

Denver Bar Association

Faculty of Federal Advocates

ANTHONY C. BARBE

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Project Angel Heart
Kitchen Assistant Volunteer

ARTICLES & PRESENTATIONS

Presentations

- "Practical Judicial Ethics Dilemmas, the Lawyer's Perspective," presented at the Biennial Judicial Ethics Training for Administrative Law Judges (December 2, 2016).
- "Pretrial Discovery and Depositions," presented at the Colorado Bar Association CLE (November 2, 2016).
- "Franchising Drafting Tips from Franchise Litigators," presented at the Colorado Bar Association, Franchise Law Subsection (September 29, 2016).

Newsletters

- The Threat From Within

PERSONAL INTERESTS

Cooking, mountaineering, skiing, and golfing