

THE AM LAW LITIGATION DAILY

Litigation Leaders: Mike Williams of Wheeler Trigg O'Donnell on the Firm's 'Almost Cult-Like Enthusiasm for Trials'

By Ross Todd

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Welcome to another edition of our Litigation Leaders series, featuring the litigation practice leaders at some of the biggest and most innovative law firms in the country—and the world.

Meet **Michael Williams**, the managing partner at **Wheeler Trigg O'Donnell**, a midsize litigation-only firm based in Denver. Williams started his career as a commercial and product liability litigator, specialized in class actions for about seven years and has evolved to be a generalist. On top of his practice and daily management duties, he also sits on the firm's management committee.

Lit Daily: Tell us a little about yourself—perhaps even a thing or two your partners would be surprised to learn about you.

I have a full-time litigation practice and also serve as managing partner of our firm. In 2001, I followed my wife (then girlfriend) to Colorado, where she served as an Army JAG officer. She broke up with me the week after I moved here. I waited six months to tell my parents that the relationship “was definitely over.” We got back

together three weeks later.

We fell in love with Colorado and the firm, and decided Denver would be the best place to raise our family. We have three daughters, ages 16, 14 and 11. Between my day jobs and family, I drink a lot

of coffee. I am known as much for my love of coffee as for anything else.

I started my career as a commercial and product liability litigator, became a class-action specialist for about seven years and then evolved into a generalist. Now I split my time between commercial litigation, with an emphasis on corporate recovery actions and class-action defense. I had the extraordinarily good fortune to learn trial practice from seven of the country's most spectacular lawyers: all five of WTO's founding partners (**Mal Wheeler, Jack Trigg, Mike O'Donnell,**



Mike Williams of Wheeler Trigg O'Donnell.

Courtesy photo

Paul Hultin and **Mark Kennedy**), plus **Phil Beck** and the late, great **Steve Morrison**. There is no substitute for studying under a master.

All three of my daughters are competitive swimmers. I love statistics, competition and continuous improvement, so becoming a swim parent has been much more fun than I anticipated. This summer my girls did an intervention because they needed “space” (from me) to grow on their own as swimmers!

Give me the elevator speech version of your practice. What do you do and who do you do it for?

I particularly enjoy complicated matters at the intersection of developing laws, business innovations and public policy. Those are the matters that are critical to our clients and help shape industries. We often get to work across the table from, or co-counsel with, the nation’s best litigation firms, with most of our cases outside of Colorado, from coast to coast.

How big is Wheeler Trigg O’Donnell? You’re all litigators, right? And the vast majority of you are based in Denver?

We are around 120 lawyers—all litigators—and especially well known for our trial work. Our office is in Denver, but we work all across the country. Last year, we had lawyers in trials or arbitrations on 180 discrete days, from Oregon to Florida. A few of our recent matters include an antitrust MDL spanning 40 states, and a series of class and collective actions in California, Massachusetts, Pennsylvania, Virginia and elsewhere. I think we have solidified our reputation as the best litigation firm in Colorado, and among the best litigation boutiques in the country.

We are committed to, and known for, work-

ing well with co-counsel across the country to achieve our clients’ goals. We often try cases with lawyers in other states, which is how we first came to know our partners who live and work in other states, including **Peter Herzog**, who is based in St. Louis, and **Cecilie Loidolt** in Minneapolis. Our lateral partner recruiting strategy is pretty simple: After we try a case with a lawyer we like personally who shares our core values and enthusiasm for the courtroom, we usually ask them to join our team. And if they turn us down, we persist. Many of our lateral partners relocated their families to Denver after a multi-year recruiting process. We prefer that our lawyers live and work in Denver, but these days we will not pass on superlative courtroom talent if they are unwilling to move here. We have lawyers living and working remotely in eight other states.

Tell me about the managing partner role at the firm. How much of your time is spent managing versus practicing?

In 2023 we restructured our management committee, and I became sole managing partner. I spend 40% of my time managing the firm and most of my time on client service, so other firm leaders handle significant responsibilities. I work very closely with our firm president, **Katie Reilly**. We have complementary skillsets and frequently co-counsel on major matters, so our relationship works well in both spheres. The way I conduct my practice helps reinforce our culture, values and way we do things that make this firm special.

My priority is to help WTO continue to be a multigenerational firm where all our people can build successful, fulfilling careers, working with colleagues they like and respect. I inherited a

culture, core values and a way of handling cases that were consistent since our founding by our three named partners—Mal Wheeler, Jack Trigg and Mike O'Donnell. Our core principles of litigation excellence, integrity, collegiality and volunteerism haven't changed—we are just focused on applying them in ways that work best with new generations of lawyers, new clients and a changing legal environment.

Ultimately, success comes from making the firm a compelling choice for the clients we want and the lawyers we want. Although everyone has their own definition of what is "compelling," there are three key ingredients in our firm's DNA.

First, we have excellent people who can attract and win the best cases, are committed to excellent client service that reduces burdens on clients and increases peace of mind and treat all clients and matters with equal devotion, no matter their relationship or role. If we maintain that, we make each other better, which is why someone should want to be part of a firm in the first place.

Second, we excel at how we develop whole lawyers and whole people. From the day they walk in the door, our associates get substantive work and responsibility and are encouraged to share their talents with the communities where they live and work. Last year, for example, 83% of our associates took or defended depositions, 81% had active speaking roles in court, 78% served as the primary lawyer on at least one matter and nearly all worked on a pro bono matter and volunteered their time through the WTO Foundation. So our junior lawyers punch well above their weight as litigators and citizens, which is great for them, makes our teams stronger and delivers great value to clients.

In Vault this year, our associates ranked us #2 in the country among midsize firms for formal training and development, #5 for informal training, mentorship and sponsorship and #8 overall as the best place to work. They see this as a place where they can build a successful practice and spend their careers working with people who share their commitment to excellence, to helping everyone in the firm succeed and to giving back to their communities.

Third, we spend a lot of time together, which helps build the kind of high-functioning teams that really matter in high-stakes trials and litigation. It is remarkable the level of participation we have in our firm's community activities, because our people really care about supporting their communities and they like doing so with their colleagues. The same is true with pro bono. Our average pro bono hours last year exceeded those of 75% of firms and were 40% higher than comparable-sized firms. And we're handling some really significant cases, including one where we're working with The Texas Civil Rights Project to ensure there is adequate air conditioning in Texas prisons, where people have been dying from heat exposure. To me, that case is about basic human decency, which is really important to us.

As part of the firm's [latest leadership updates](#) last year, you announced new term limits. What was the thinking behind those limits, and how will they work in practice?

The idea behind term limits was to renew our founders' commitment to succession planning and sharpen our focus on the development of a multigenerational law firm through the creation of early opportunities for the next generation of

leaders. With this intentionality, we get contributions from all across the firm, raise up the next generation and leave the firm a better place for those who come next.

The changes go beyond term limits. We are diffusing power and authority, avoiding choke points at the management committee and giving people room to build excellent things, whether in our pro bono, recruiting or professional development programs. We want a broad range of people taking ownership for improving the firm. Katie Reilly's passion for improved governance and firm processes inspired these initiatives.

In what three areas of litigation do you have the deepest bench? (I know it's hard, but please name just three.)

My answer will put my professional life in jeopardy! I would say our talent is deepest in commercial, class action and professional liability litigation. At our founding in 1998, we handled high-stakes commercial cases nationwide, and still do. When I started, our class actions practice focused on automotive and home appliance matters; today, we are leaders in antitrust, real estate, employment, healthcare, consumer matters and more. Our legal professional liability and healthcare professional liability practices are diverse in reach and simply dominate.

What do you see as hallmarks of WTO litigators? What makes you different?

Several things. We have an infectious, almost cult-like enthusiasm for trials and litigation. We thrive and bond with our clients and each other under the pressures of trial preparation and courtroom presentations. Clients notice that while their anxiety levels are peaking, we have a palpable energy fueled by the joy of trial practice,

which puts them at ease. That leads us, I believe, to outwork our adversaries, which is part of why we're so successful.

The second thing that separates us is our founders' values of collaboration and collegiality. They loved working together and sought out opportunities to try cases together. Early on we learned to say "yes" to any interesting case, especially if it presented an opportunity to partner with and learn from a different lawyer. We relish opportunities to expand our experiences and collaborate on challenging matters. It helps that we are all, intentionally, litigators. We didn't wind up in litigation through a career process of elimination—we chose to be here because we are passionate about the practice and want to work with equally passionate lawyers.

The third thing we're known for is the professionalism with which we interact with all others, including opposing parties, opposing counsel, judges, court staff, etc. Clients don't have to worry about our harming their reputation or burning down business relationships in pursuit of some ego-driven litigation behavior on our part.

What were two or three of the firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?

We won a jury verdict for DISH Wireless in a nine-figure contract dispute. This case is a good example of our lean staffing approach, which pays dividends. Our core trial team comprised a senior partner, a mid-career partner, a new partner and a mid-level associate, all of whom rolled up their sleeves and prepared for trial from day one. We get maximum performance out of our trial teams when each

member knows the case well and understands our client's courtroom result depends on everyone's contributions. We don't bring 20 lawyers to trial, like many Big Law litigation departments do. And our whole team, including our first chair, is intimately familiar with the case, which is not always true with our opponents.

In mostly non-trial settings, we went 10-for-10, defeating related class and collective actions for a leading international company in different federal courts throughout the nation. Our approach is to prepare even class actions for trial from day one, which helps us explain to the courts why, as a practical matter, the cases cannot be tried as class actions. One of the 10 cases survived to trial only as a Private Attorney General Action in California, and my partner **Jessica Scott** and I tried that case, persuading the plaintiffs to settle it during trial, without any PAGA liability or penalty.

We also won a plaintiff's jury verdict in Florida federal court in a multi-continent trade secrets dispute that involved one business partner's theft of clones of a championship polo horse and selling the clones to competitors in the cloning and breeding of polo horses. In that case, we had a lean WTO trial team up against

an AmLaw 20 firm, and we co-counseled with an experienced Florida trial lawyer whom our partners know through the American College of Trial Lawyers. Our deep ties to, and ability to effectively co-counsel with, the top trial lawyers in North America through the College and other leading organizations have been integral to our success as a boutique firm. This particular result was a win for the integrity of competition within the client's sport and for WTO's dedication to co-counseling where helpful to achieve the client's courtroom goals.

What does the firm's coming trial calendar look like?

It is extraordinarily busy. I am aware of more than three dozen cases that might go to a jury or bench trial during the next seven months. We have more than 10 trials on the docket for October alone. In a single week, we are scheduled to be in trial in Florida, New Jersey, Washington, Illinois and Virginia for a wide range of clients, including a hospital system, a real estate investment company and a large insurance company. In civil trial practice, of course, we don't know which cases will resolve before trial. It's a good bet at least two-thirds of the cases will settle shortly before or even during trial.