

Wheeler Trigg O'Donnell LLP

TRIALS. LITIGATION. APPEALS.

2021 IN REVIEW

THANK YOU TO OUR CLIENTS, COLLEAGUES, AND FRIENDS

for another outstanding year. In 2021, WTO helped raise the legal industry to new heights—from winning complex trials to launching innovative diversity initiatives. And we earned national recognition along the way. We are proud to be your trusted partner in litigation, and we look forward to serving you in the future.

2021 HIGHLIGHTS INCLUDE:

Ranked 1 of the Top 13 Firms for Class Actions in the U.S. by Chambers USA

Named a "Litigation Leader" in 3 Areas of Litigation by BTI Consulting

Ranked #11 Best Midsize Law Firm to Work For Nationwide by Vault



WTO'S MANAGEMENT COMMITTEE



Carolyn Fairless



Joseph Farchione



Michael O'Donnell



Kathryn Reilly



Michael Williams

"They always deliver."

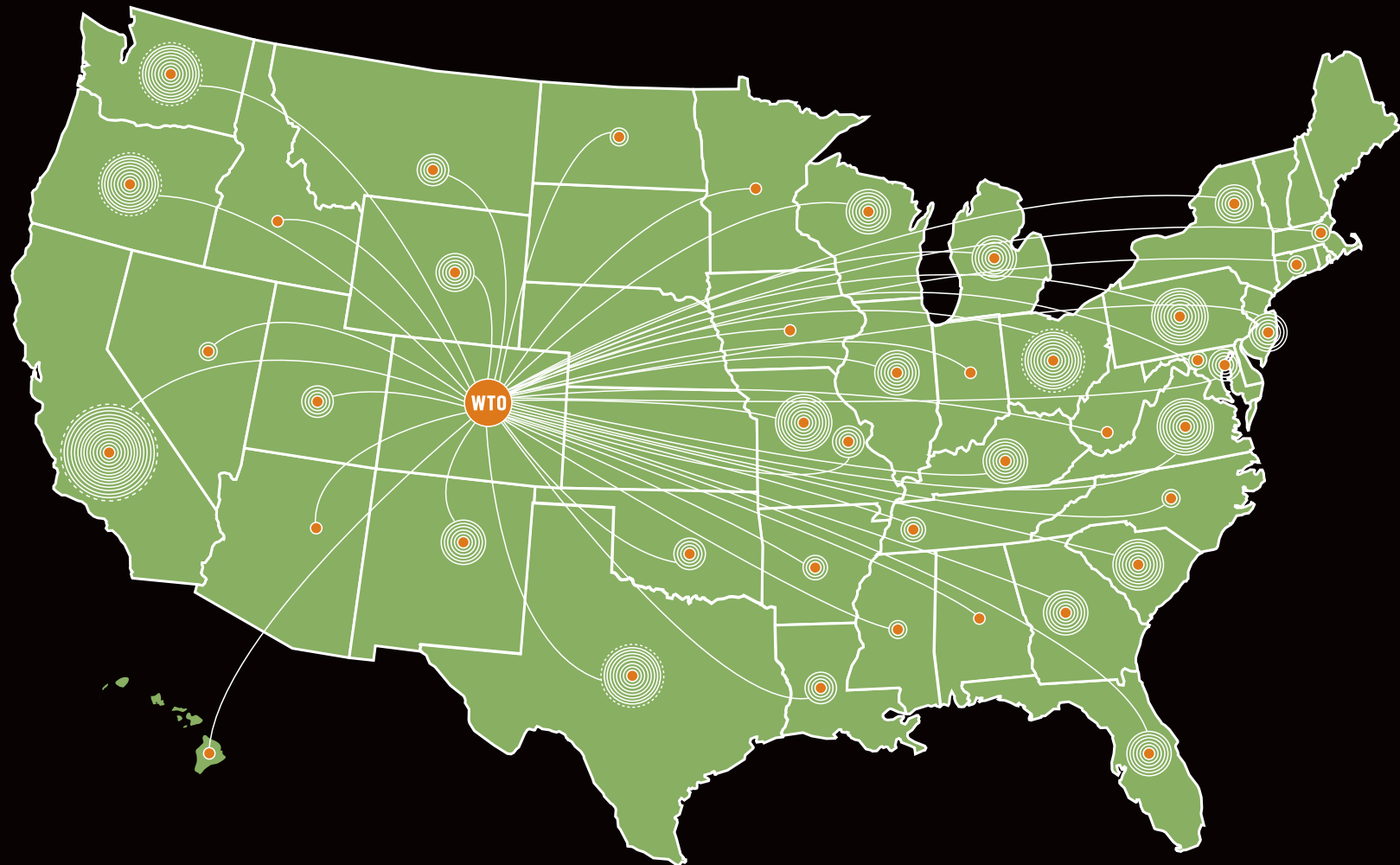
- Client comment to Chambers USA

The ethical rules of some state bars require us to identify this Review as advertising material and to remind you that the case descriptions included herein are not guarantees of similar results for all clients.

RESULTS

TRIALS. LITIGATION. APPEALS.

Wheeler Trigg O'Donnell represents sophisticated clients nationwide in high-stakes civil trials, arbitrations, appeals, and related matters including class actions, mass torts, and multidistrict litigation.



"They are relentless, very smart, and play to win—and win big."

– BTI Consulting

2021 BY THE NUMBERS

399

CLIENTS

103

ATTORNEYS

47%

OF LAWYERS ARE
WOMEN OR DIVERSE

20

TRIALS, ARBITRATIONS,
AND APPEALS—AND
WON 90% OF THEM

NEWS

TALENT AT WTO: PROMOTIONS

The partnership elected four new partners and promoted one of counsel. These lawyers bring focused experience to the fields of commercial litigation, professional liability, and torts.



CiCi Cheng, Partner



Johan Flynn, Partner



Shawn Neal, Of Counsel



Brian Osterman, Partner



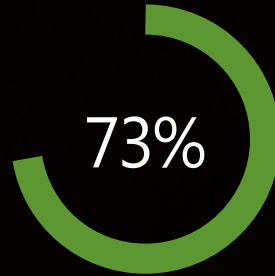
Judith Youngman, Partner

"[WTO] always seems able to add not just more people but really strong people for whatever needs arise."

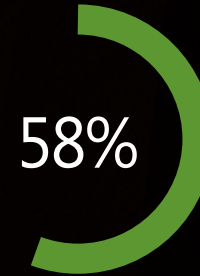
- Corporate Counsel, Fortune 100 Client

NEW HIRES

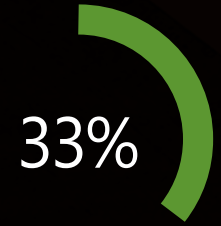
WTO WELCOMED 19 NEW ATTORNEYS IN 2021:



73% of new associates served judicial clerkships



58% of new attorneys are women



33% of new associates identify as diverse

NEW HIRES CLERKED IN 16 COURTS NATIONWIDE:

8

FEDERAL DISTRICT COURTS

4

FEDERAL CIRCUIT COURTS OF APPEALS

3

STATE APPELLATE COURTS

1

STATE SUPREME COURT

RESULTS



In 2021, WTO took 20 trials, arbitrations, and appeals to conclusion—and won client victories in 18 of them.

"Brings calm to the chaos
of high-stakes litigation."

– Client comment to Chambers USA

TRIALS AND ARBITRATIONS

- Won a defense jury verdict in a **\$66M** product liability trial.
- Won a defense jury verdict in a three-week **asbestos wrongful death trial**.
- Won a defense jury verdict in an **obstetrical malpractice trial**.
- Won a **\$14.3M arbitration award** in a cannabis industry franchise dispute.
- Won a defense jury verdict for a lawyer and law firm in a **legal malpractice trial**.
- Won a multimillion-dollar **plaintiff's verdict** in a breach of contract jury trial.
- Won a breach-of-contract arbitration for a **Fortune 50 company**.
- Won a defense jury verdict in a **\$120M** medical malpractice case.



HIGHLIGHT: MICHELIN DEFENSE VERDICT

A WTO trial team won a unanimous defense jury verdict for Michelin North America following a high profile, \$66 million product liability trial in South Carolina.

WTO demonstrated to the jury that the accident resulted from under-inflation and improper maintenance of a motorcycle tire.

HIGHLIGHT: DENVER BRONCOS OWNERSHIP DISPUTE

WTO lawyers successfully represented the surviving spouse and primary beneficiary of the former Denver Broncos owner in litigation surrounding the NFL franchise and family trust, worth at least \$2 billion.

The parties agreed to resolve the litigation on terms that were consistent with our client's wishes from day one.

"Stellar litigators."

– Benchmark Litigation

LITIGATION

- Succeeded in a **\$2B** dispute surrounding the Denver Broncos franchise.
- Succeeded in a **\$100M** federal antitrust class action involving natural gas pricing.
- Resolved a telecom MDL involving **18 underlying class actions**.
- Defeated certification of a **joint employment class action**.
- **Won summary judgment** in two seven-figure asbestos cases.
- Defeated a **third class-certification effort** against Volvo in long-running litigation.
- **Preserved exclusive rights** for independent distributors.
- **Won a preliminary injunction** related to COVID health policy.

APPEALS

- Won a published opinion protecting a **\$900M** oil and gas investment.
- Won **Sixth Circuit** victory for a product manufacturer in a commercial licensing dispute.
- Successfully defended a new redistricting map to the **Colorado Supreme Court**.
- Won an appeal for Ford in the **Tenth Circuit**.
- Won a legal malpractice appeal in a **\$500M** estate dispute in Kentucky.
- Won **Eighth Circuit** victory for an insurance company.



HIGHLIGHT: MAJOR OIL & GAS APPEAL

A WTO appellate team secured a 3-0 published decision from the Colorado Court of Appeals upholding two summary judgment rulings for Crestone Peak Resources.

The victory protects several of the client's oil and gas leases that are strategically important to a \$900 million investment in the DJ Basin.

APPEALS

"Acts totally with the client's interests at heart."

– Client Comment to Chambers USA

PRO BONO AT WTO

WTO lawyers helped clients pursue justice, whether seeking asylum or righting the wrongs of violence and discrimination.

PRO BONO RESULTS

- Won a major **excessive force settlement** for a police brutality survivor.
- Won a trial for a Romanian national who brought claims involving **Hague Convention violations**.
- Won an **appellate decision** for an online education provider.
- Achieved **favorable settlement** in a workplace discrimination case.



PRO BONO HIGHLIGHT

WTO lawyers represented a Black teenager who was assaulted by police in 2018. At the time, she was 17 years old and pregnant, and was accused of possessing drug paraphernalia while visiting a county courthouse.

WTO successfully negotiated a \$495,000 settlement, one of the highest excessive force settlements in Colorado not involving significant physical injury.

PRO BONO

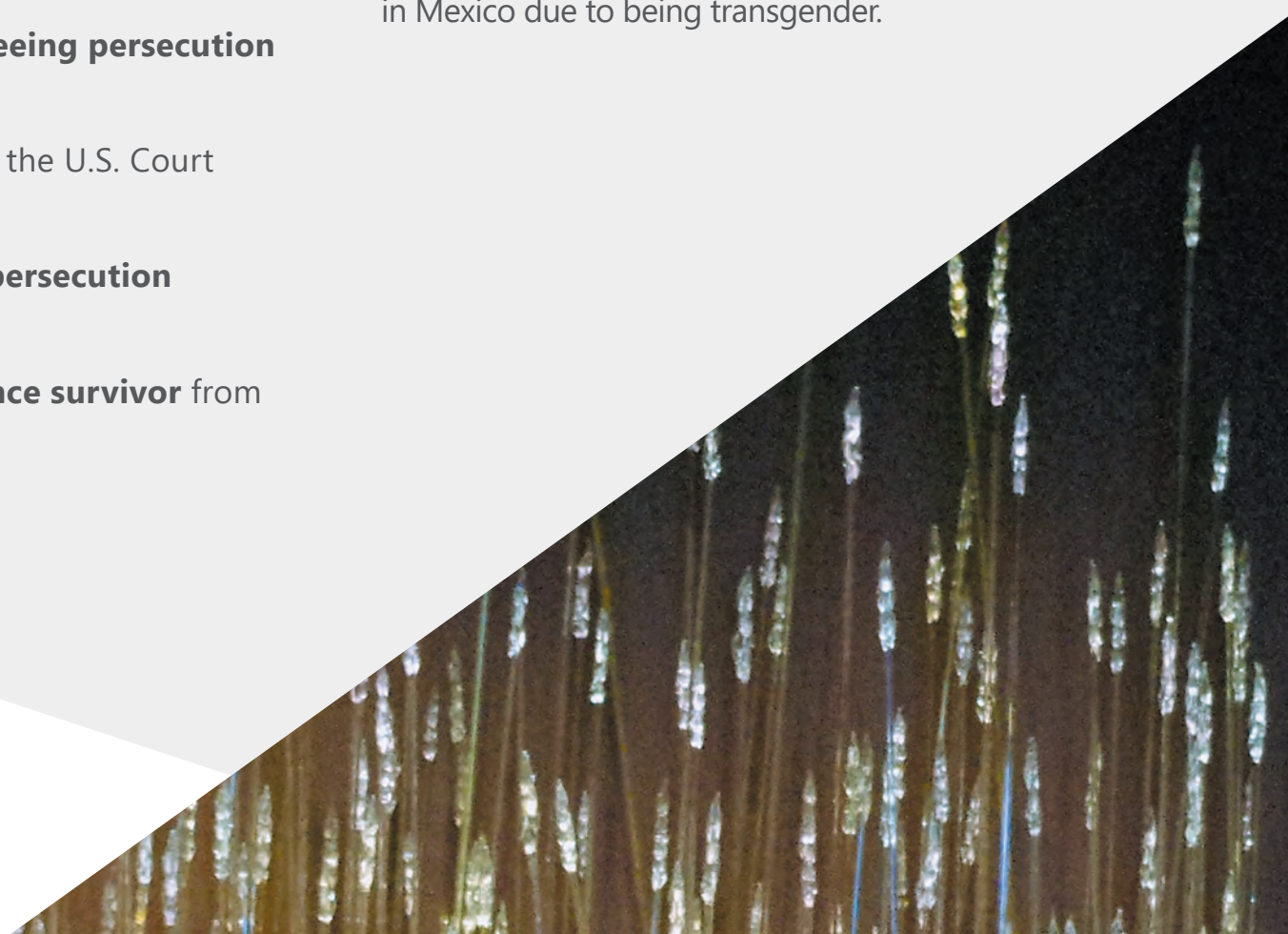
ONGOING PRO BONO MATTERS

- Representing a **transgender woman fleeing persecution** in Mexico in an asylum case.
- Representing an **individual fleeing persecution** in the Democratic Republic of Congo in an asylum case.
- **Representing an inmate** in a Section 1983 case.
- Representing an **LGBTQ man fleeing persecution** in Guyana in an asylum case.
- **Representing a veteran** before the U.S. Court of Appeals for Veterans Claims.
- Representing a **family fleeing persecution** in Venezuela in an asylum case.
- Representing a **domestic violence survivor** from El Salvador in an asylum case.



PRO BONO HIGHLIGHT

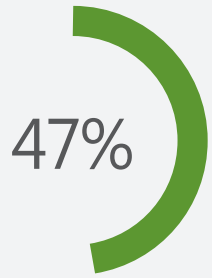
WTO lawyers are representing a transgender woman fleeing persecution in Mexico, which is one of the most deadly and dangerous countries for transgender women. The client is a law school graduate who was unable to get a job as a lawyer in Mexico due to being transgender.



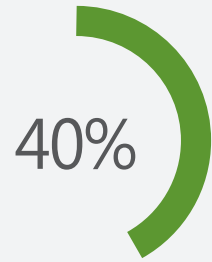
DIVERSITY

DIVERSITY, EQUITY & INCLUSION

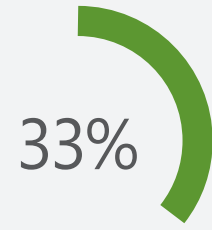
WTO has built what is arguably the most experienced bench of diverse and women trial lawyers in the Rocky Mountain region.



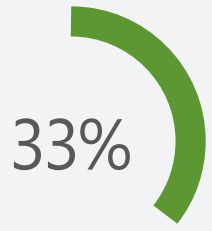
47% of all WTO lawyers are women or diverse



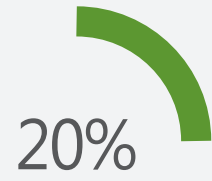
40% of Management Committee members are women



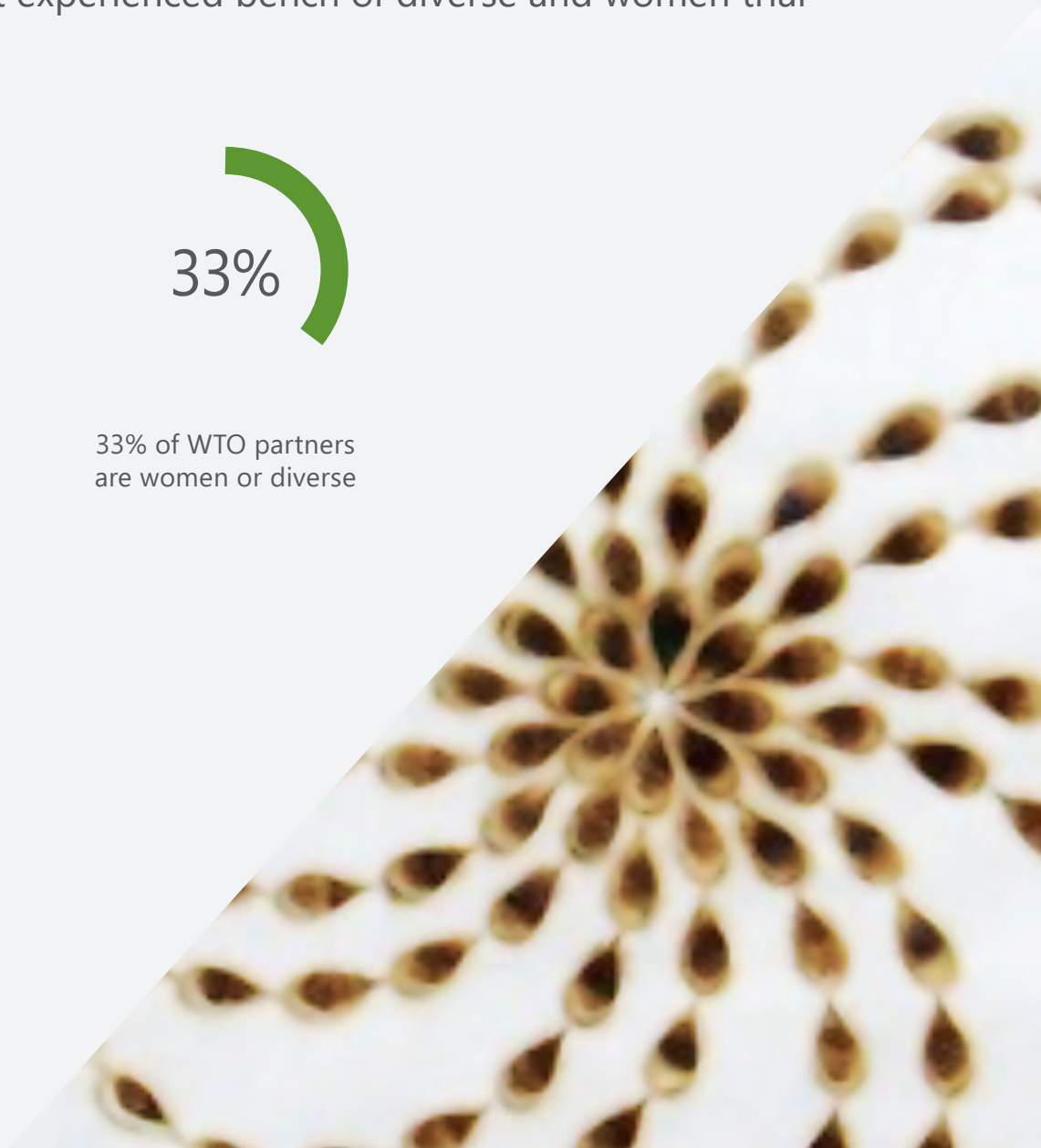
33% of WTO partners are women or diverse



33% of associate new hires are diverse



20% of WTO Management Committee members are racially diverse



"They see the big picture."

– Client comment to Chambers USA

DIVERSITY EFFORTS

In 2021, WTO deepened its involvements in several noteworthy DEI efforts.

wtotrial.com/diversity



DENVER LAW FIRM COALITION FOR RACIAL EQUITY

With four other Denver-based law firms, WTO co-founded this organization that promotes racial equity in Denver's legal community. See more on the following page.



LEADERSHIP COUNCIL ON LEGAL DIVERSITY

LEADERSHIP COUNCIL ON LEGAL DIVERSITY (LCLD)

LCLD consists of more than 400 GCs or managing partners who have pledged themselves to creating a truly diverse U.S. legal profession. WTO won LCLD's 2021 Compass Award.

LUMEN®

LUMEN TECHNOLOGIES LAW FIRM DIVERSITY PARTNERSHIP PROGRAM

WTO partnered with Lumen in this novel program to create meaningful retention and advancement opportunities for diverse attorneys.

SPOTLIGHT



DENVER LAW FIRM COALITION FOR RACIAL EQUITY

Formed by the five largest Denver-based law firms, the Coalition advances racial equity through knowledge-sharing, joint initiatives, and member accountability.

- Each Coalition firm shares diversity data with the Institute for the Advancement of the American Legal System (IAALS).
- Together, Coalition firms then collaborate to make informed, targeted investments to increase racial equity.

FOUNDING FIRMS

Brownstein

DAVIS
GRAHAM &
STUBBS



HOLLAND & HART

Sherman & Howard

Wheeler Trigg
O'Donnell LLP



THE COALITION'S PRACTICE DENVER INITIATIVE

Practice Denver seeks to increase diversity by promoting Denver as an attractive community for diverse lawyers. WTO and member firms helped plan Practice Denver's inaugural year.

JOINT RECRUITING

- Coalition firms will jointly visit and recruit from law schools and Historically Black Colleges and Universities.
- Efforts have begun in 2022 in Chicago.

"At the core of industry-changing matters."

– The American Lawyer

COALITION



RECOGNITIONS

RECOGNITIONS



BTI CONSULTING

- Named a "Litigation Leader" in Class Actions, Complex Commercial, and Product Liability
- WTO a Top Firm for Client Service



CHAMBERS USA 2021

- Colorado General Commercial Litigation – Band 1
- Nationwide Product Liability: Class Actions – Band 2
- Nationwide Product Liability & Mass Torts Defense – Band 3 "The Elite"
- Colorado Labor & Employment Litigation – Band 3



COLORADO SUPER LAWYERS

- 37 WTO attorneys named
- Michael O'Donnell #1 in Colorado for 10 years
- Carolyn Fairless in the Top 10
- Carolyn Fairless and Kathryn Reilly in the Top 50 Women
- 9 lawyers in the Top 100



BENCHMARK LITIGATION 2022

- 18 WTO lawyers ranked

"The secret is in the client service."

– BTI Consulting



U.S. NEWS – BEST LAW FIRMS

- WTO ranked in Tier 1 in Colorado in 13 practice areas



BEST LAWYERS

- 43 WTO lawyers listed for 2022



VAULT

- WTO #11 Nationwide Best Midsize Law Firm to Work For

LAW WEEK COLORADO

- 2021 Top Women Lawyers: Jessica Scott
- 2021 Top Litigators: Joel Neckers

PUBLIC SERVICE

WTO lawyers volunteered their time and talents to numerous legal and civic organizations. The following highlights stand out:



COLORADO PLEDGE TO DIVERSITY **CiCi Cheng, Executive Committee Member**

The Pledge pairs diverse 1L students with summer clerkships in law firms and corporate legal departments to diversify the field of law from the ground up. CiCi has helped grow the number of participating firms from 27 to 58 during her six years with the organization.



RAY OF HOPE CANCER FOUNDATION

RAY OF HOPE CANCER FOUNDATION **Clarissa Collier, Chair of the Board**

Ray of Hope provides financial assistance to cancer patients so they do not have to decide between paying for treatments and paying their bills. Clarissa has raised tens of thousands of dollars since she joined Ray of Hope eight years ago.



COLORADO COALITION FOR THE HOMELESS **Joel Neckers, Chair of the Board**

The Colorado Coalition for the Homeless provides integrated, lasting solutions for people experiencing homelessness. 2021 marked the beginning of Joel's three-year term as Chair of the Board. He joined the organization in 2009 to help put on a 5K fundraiser.

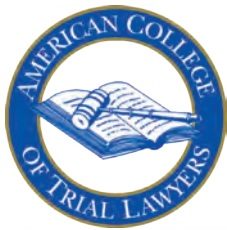
ACTL MILESTONE

Michael O'Donnell Elected President of the American College of Trial Lawyers

INSPIRED ADVOCACY

As president, Mike is realizing the opportunity of a lifetime to:

- Improve access to jury trials for all litigants
- Advocate for judicial independence
- Create awareness of opportunities and challenges facing trial lawyers in the 21st Century



ABOUT THE ACTL

The ACTL is the premier professional organization of trial lawyers, limited to no more than 1% of the lawyers in any state or province. The ACTL's mission is to improve the standards of trial practice, professionalism, ethics, and the administration of justice.



"The College has always worked to maintain and improve the standards of trial practice, ethics, and the administration of justice—all values I hold dear."

—Michael O'Donnell

Wheeler Trigg O'Donnell FOUNDATION

For more information on the
WTO Foundation, visit us at
www.wtotrial.com/foundation

The WTO Foundation was established in 2005 to provide opportunities for WTO personnel, families, and friends to strengthen our communities.

SINCE 2005, THE FOUNDATION HAS:

- Donated more than \$3 million
- Contributed thousands of volunteer hours to hundreds of nonprofits

HOLIDAY DRIVE

In 2021, the WTO Foundation conducted a holiday fundraising drive to support two Denver-area nonprofits:



GATEWAY DOMESTIC VIOLENCE SERVICES

Since 1979, Gateway Domestic Violence Services has provided caring, comprehensive services and safe shelter to domestic violence survivors and their pets in Denver.

Through its "Bailey Project," Gateway has used donations to provide pet-friendly housing, purchase gift cards at pet stores, and provide veterinary care.

"A firm can't be a first-rate institution without looking out for its community, too."

– Michael O'Donnell, Founder, Wheeler Trigg O'Donnell Foundation

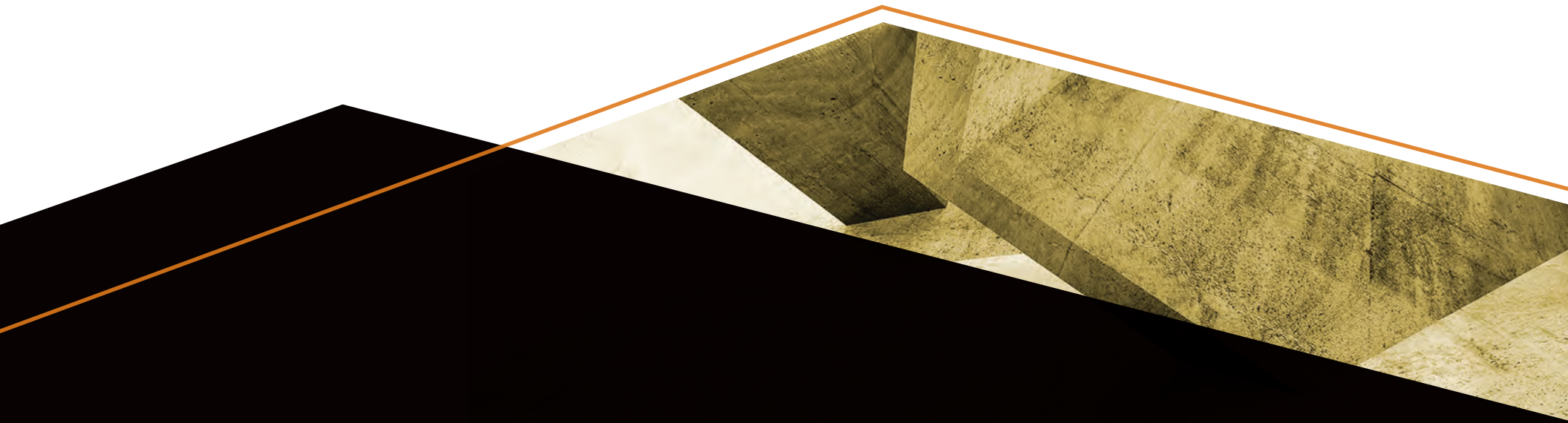


DR. MARTIN LUTHER KING JR. EARLY COLLEGE

Dr. Martin Luther King Jr. Early College is a public school in Denver where 79% of students are economically disadvantaged.

The school serves college-bound students in grades 6-12, offering them tuition-free college classes while earning their high school diplomas. The WTO Foundation conducted a holiday toy drive for students with special needs and donated funds to help build a new playground.

COMMUNITY



 Wheeler Trigg O'Donnell LLP

wtotrial.com