

Wheeler Trigg O'Donnell LLP

TRIAL TESTED™



“Wheeler Trigg O’Donnell is one of the best values in the country. The firm has top-flight national expertise and experience at Denver prices.”

—A client’s comment to *Best Lawyers 2012*

TO OUR CLIENTS AND COLLEAGUES,

Whether you are a client, other professional colleague, employee, or a friend of Wheeler Trigg O'Donnell, we appreciate your role in making our 14th year in business a successful year.

In these challenging economic times, we are grateful to be engaged in doing what we love—advocating on behalf of our clients so that they can continue doing what they love. In 2011, our lawyers tried five trials and two arbitrations to a decision, argued four appeals, obtained multiple summary judgments and preliminary injunctions, and negotiated settlements across the country. We added nine new lawyers, a 15% increase, to serve our clients more efficiently and effectively.

We are pleased to report on the positive recognition the WTO lawyers and staff brought to the firm this past year. *U.S. News/Best Law Firms* selected WTO as one of 24 of the best law firms in the country for mass tort and class action defense. Closer to home, *Colorado Super Lawyers* selected nine WTO partners among the top 100 lawyers in Colorado for its 2012 list published in March. Two of those nine placed among the top 10 lawyers and one placed among the top 50 women lawyers in Colorado. Our employees' votes won the firm recognition in the annual *Denver Business Journal* Best Places to Work competition, the eighth year in a row we placed in the top 10.

We are excited to announce the firm is moving to floors 45–47 of Denver's Republic Plaza in June 2012. Our new address is below.

The following pages give a sampling of the services and results we provided our clients and our community in 2011.

We look forward to working with you, our professional colleagues and valued clients, in 2012.



Michael O'Donnell, Chairman



Hugh Gottschalk, Managing Partner

WE'RE MOVING!

Address through June 15, 2012:

1801 California Street, Suite 3600
Denver, CO 80202-2617

Address beginning June 16, 2012:

370 17th Street, Suite 4500
Denver, CO 80202-5647

Phone, fax, email and
web address will remain
the same:

T 303.244.1800
F. 303.244.1879
info@wtotrial.com
wtotrial.com

TRIAL TESTED

Trial Tested™ civil litigation firm Wheeler Trigg O'Donnell helps its clients resolve disputes that threaten their businesses, brands, products, people, and customers. WTO handles trials, appeals, arbitrations, and related areas of complex civil litigation, including class actions and multidistrict litigation, often as national or regional trial counsel, for many of the nation's best-known companies in a wide variety of industries.

- Aerospace & Aviation
- Asbestos
- Automotive
- Banking
- Construction & Engineering
- Consumer Products
- Distribution
- Energy
- Financial Services
- Food Production
- Health Care
- Hospitality
- Industrial Equipment
- Insurance
- Legal Profession
- Manufacturing
- Medical Devices
- Medical Profession
- Natural Resources
- Pharmaceuticals
- Professional Services
- Real Estate
- Shipping
- Technology & Media
- Transportation
- Trucking

LAWYER NEWS

Joseph Farchione joined the firm as a partner in August. A graduate of Case Western Reserve University School of Law, Joe co-founded an Ohio-based litigation firm where he practiced law from 2002 until joining WTO. He has 25 years of litigation experience specializing in the defense of healthcare professionals and hospitals in high-exposure medical malpractice cases. He has tried more than 100 cases across the country.

Five associates were promoted to partner January 1, 2012:

Bryan Cross, a 1995 graduate of Indiana University School of Law, practiced at Texas and Michigan-based law firms before joining WTO. Bryan focuses his national litigation practice on product liability, construction defects, complex commercial matters, premises liability, professional negligence, asbestos-related litigation, and catastrophic personal injury matters.

Joel Neckers, a 2004 *magna cum laude* graduate of the University of Michigan Law School, clerked in the U.S. Court of Appeals for the Sixth Circuit and the U.S. District Court for the Western District of Michigan. Joel handles the defense of consumer class actions, business and shareholder disputes, medical malpractice and tort cases, and corporate internal investigations and compliance matters.

Kara Rosenthal, a 2004 *cum laude* graduate of Boston University School of Law, practiced at an international litigation and business law firm before joining WTO. She practices in the areas of product liability and professional liability, in particular medical malpractice defense.

David Schaller worked in business for 12 years before graduating Order of St. Ives in 2003 from the University of Denver Sturm College of Law. He represents corporate clients in commercial, franchise, professional malpractice, product liability, personal injury and general tort disputes.

Jessica Scott, a 2004 Order of the Coif graduate of the University of California Boalt Hall School of Law, clerked in the U.S. Court of Appeals for the Ninth Circuit. Jessica focuses her practice on product liability, class action defense, insurance defense, and punitive damages law.

Three associates joined the firm in 2011:

Michele On-ja Choe (Iowa 2003, Eighth Circuit Court Clerk, Sidley Austin alumna)

Ryan Day (Colorado 2010, U.S. District Court Clerk for the District of Wyoming)

Catherine (Trina) Ruhland (Colorado 2010, Colorado Supreme Court Clerk)

Five staff counsel joined the firm in 2011:

Thomas Hunter (Denver 2006)

Cynthia Ivers (Denver 1997)

Ilene Johnson (Loyola 1979)

Kary Klismet (Iowa 2002)

Zachary Lange (Colorado 2006)

Partners in 2011



Michael Alper



Sean Baker



Scott Barker



Galen Bellamy



Miko Ando Brown



Mark Clouatre



Andrew Efaw



Carolyn Fairless



Joseph Farchione



John Fitzpatrick



Hugh Gottschalk



James Hooper



LaMar Jost



Steven Kelso



Kevin Kuhn



Raymond Martin



Craig May



Andrew Myers



Erik Nadolink



Habib Nasrullah



Michael O'Donnell



Terence Ridley



Edward Stewart



Jack Trigg



John Vaught



Julie Walker



Malcom Wheeler



Michael Williams



Gwen Young

Promoted to Partner in 2012



Bryan Cross



Joel Neckers



Kara Rosenthal



David Schaller



Jessica Scott

SELECTED IN 2011-2012 FOR APPELLATE PRACTICE

Jessica Scott in *Colorado Super Lawyers Rising Stars* • John Vaught in *Colorado Super Lawyers* | Malcolm Wheeler in *Colorado Super Lawyers*

SELECTED IN 2011-2012 FOR INSURANCE PRACTICE

Michael Alper in *Colorado Super Lawyers* | Terence Ridley in *Best Lawyers, Colorado Super Lawyers* | Evan Stephenson in *Colorado Super Lawyers Rising Stars* | John Vaught in *Best Lawyers, Colorado Super Lawyers*

SELECTED IN 2011-2012 FOR CLASS ACTION/MASS TORTS PRACTICE

Michael Alper in *Colorado Super Lawyers* | Galen Bellamy in *Colorado Super Lawyers Rising Stars* | Scott Barker in *Best Lawyers, Colorado Super Lawyers* | Hugh Gottschalk in *The Legal 500 US* | James Hooper in *The Legal 500 US* | Ed Kilpela in *Colorado Super Lawyers Rising Stars* | Craig May in *The Legal 500 US* | Michael O'Donnell in *The Legal 500 US, Colorado Super Lawyers* | Terence Ridley in *Colorado Super Lawyers* | Jessica Scott in *Colorado Super Lawyers Rising Stars* | Ed Stewart in *The Legal 500 US* | Jack Trigg in *The Legal 500 US, Colorado Super Lawyers* | John Vaught in *Colorado Super Lawyers* | Malcolm Wheeler in *The Legal 500 US* | Michael Williams in *Best Lawyers, The Legal 500 US, Colorado Super Lawyers Rising Stars*

In 2011, WTO lawyers successfully tried five trials and two arbitrations to a decision and argued four appeals. Following are descriptions of these and some of our other litigation successes in the past year.

Appellate

The Colorado Supreme Court issued a decision favoring WTO's insurance company client and ultimately all Colorado insurance carriers that sell or have sold umbrella policies. After wins in the trial court and Colorado Court of Appeals, the Supreme Court affirmed the lower courts' rulings that umbrella policies in Colorado do not need to include uninsured/underinsured motorist coverage in the state. Based on class allegations, the damage claims were alleged to be as high as \$100 million.

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO in the first tier of appellate firms in Colorado.

The Missouri Court of Appeals reversed the trial court and directed judgment for WTO's insurance company client. Represented by another firm, the client had lost in the trial court on claims seeking to invalidate certain exclusions in its automobile policy. If allowed to stand, the ruling could have adversely affected every automobile policy issued in the state of Missouri. On appeal, WTO argued a policy interpretation that prior trial counsel had not advocated.

The Colorado Supreme Court issued an opinion that represents a landmark victory for practicing obstetricians all over the country. The Court held that the intrauterine forces theory of labor is reliable in shoulder dystocia cases, and that the two defense experts who would have offered causation opinions based on this theory should have been permitted to testify at trial. WTO represented the American College of Obstetricians and Gynecologists as *amicus curiae* before the Court on behalf of its thousands of obstetrician constituents.

Professional Liability

After a six-day trial in Denver District Court, a jury returned a defense verdict in favor of WTO's client, a Colorado bariatric surgeon. The plaintiff had suffered complications after a gastric bypass weight-loss surgery four years earlier. The WTO team argued that the doctor used evidence-based medicine and conducted tests that proved the patient's condition improved while in his care and later deteriorated while in the care of other surgeons.

WTO won a verdict for its client in state district court in Cook County Illinois. The case involved the defense of a professional malpractice claim of over \$5 million in connection with financial planning and investment advice provided to the plaintiff by WTO's client. The case had been winding its way through Illinois trial and appellate courts since 2002.

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO in the first tier of legal malpractice and medical malpractice firms in Colorado.

WTO successfully defended a Washington, D.C. hospital in a two-week medical malpractice jury trial. The WTO trial team was retained after the first trial in the case resulted in a mistrial. The matter involved a severely brain-damaged baby. Plaintiffs requested over \$20 million for a life care plan and over \$20 million for pain and suffering. The WTO team argued that the mother suffered a rare complication of uterine rupture that was unpredictable and unpreventable. After deliberating for three days, the jury returned a complete defense verdict for WTO's client.

A Washington, D.C. jury delivered a full defense verdict in favor of WTO's hospital client in a three-week medical malpractice trial. The plaintiffs in the case, a minor with cerebral palsy and his parents, alleged that the doctor provided the child with less than the standard of care, which led to a brain hemorrhage that in turn caused the child's cerebral palsy. WTO established that the child's condition was attributed to his 14-week premature birth. The jury delivered a full defense verdict in favor of the hospital.

WTO obtained a favorable settlement on behalf of a large excess insurance company in a medical malpractice case.

SELECTED IN 2011-2012 FOR PRODUCT LIABILITY PRACTICE

John Fitzpatrick in *Best Lawyers, Chambers USA, Colorado Super Lawyers* | Hugh Gottschalk in *Best Lawyers, The Legal 500 US* | James Hooper in *Chambers USA, The Legal 500 US, International Who's Who of Life Sciences Lawyers, Colorado Super Lawyers* | Craig May in *The Legal 500 US, Colorado Super Lawyers* | Habib Nasrullah in *Best Lawyers, Colorado Super Lawyers* | Michael O'Donnell in *Best Lawyers, The Legal 500 US, Colorado Super Lawyers* | Ed Stewart in *The Legal 500 US, Colorado Super Lawyers* | Jack Trigg in *Best Lawyers, Chambers USA, The Legal 500 US, International Who's Who of Product Liability Defense Lawyers, International Who's Who of Life Sciences Lawyers* | Malcolm Wheeler in *Best Lawyers, Chambers USA, The Legal 500 US, International Who's Who of Product Liability Defense Lawyers, International Who's Who of Life Sciences Lawyers* | Michael Williams in *Best Lawyers, The Legal 500 US*

SELECTED IN 2011-2012 FOR PROFESSIONAL LIABILITY PRACTICE

Carolyn Fairless in *Best Lawyers, Colorado Super Lawyers (legal)* | Michael O'Donnell in *Best Lawyers, Colorado Super Lawyers (legal)* | Joseph Farchione in *Ohio Super Lawyers (medical)* | John Fitzpatrick in *Colorado Super Lawyers (medical)* | Kevin Kuhn in *Best Lawyers, Colorado Super Lawyers (medical)*



The insurance company's hospital client was sued in connection with a surgery performed by a surgeon who was not board certified, not a U.S. citizen, and foreign trained that resulted in a permanent disability to a young child. WTO was called in a week before the trial and secured a settlement to the client's satisfaction for a fraction of the plaintiffs' original demand.

Denver District Court granted summary judgment on behalf of WTO's client, a construction consultant, in a wrongful death lawsuit related to a nationally publicized federal criminal case against the state's primary utility company.

In a legal malpractice matter for a Denver law firm, WTO won an arbitration award that denied all claims and awarded the firm's client unpaid fees, plus interest, attorneys' fees and costs.

Product Liability

Chambers USA 2011 ranks WTO among the top 12 product liability practices.

WTO is one of 18 firms in the Pfizer Legal Alliance, a network of law firms that handles Pfizer's litigation. Currently, WTO serves Pfizer as national trial counsel in product liability litigation alleging wrongful death and personal injury related to certain medications made by Pfizer.

As national coordinating and trial counsel to a leading manufacturer of neurostimulation devices, WTO is handling the defense of dozens of product liability suits involving a highly complex Class III medical device.

The Legal 500 United States ranks WTO among the top 10 product liability practices in the nation.

WTO is national resolution and trial counsel to a Fortune Five company on hundreds of product liability cases involving a medical-imaging contrast agent which plaintiffs allege causes a rare and debilitating disease.

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO as one of two first-tier product liability firms in Colorado.

As national coordinating and trial counsel to a generic pharmaceutical company, WTO is handling ongoing product liability litigation related to several of its drugs.

WTO is international counsel for a global footwear manufacturer in ongoing product liability matters involving foot injuries that allegedly occur because of defective design.

Commercial

A Colorado district court entered judgment in favor of WTO's client, a food production company, in a breach-of-contract action it brought against the sole shareholder and officer of an organic food company. The plaintiff had made a one-million-dollar contract deposit, which the defendant was then unable to pay because it went out of business. WTO proved the defendant had commingled funds and diverted them for personal use.

Chambers USA 2011 ranks WTO among the top four commercial litigation practices in Colorado.

WTO's client received a highly favorable ruling in a hotly contested corporate governance dispute. The six-day arbitration resulted in a resounding victory that will allow the client's company to move forward in developing its cutting-edge technology.

WTO successfully represented a prestigious international auction house in a pre-litigation dispute with another auction house for the right to sell four paintings owned by the City and County of Denver. WTO's client prevailed and the four paintings were sold for over \$100 million.



TRIAL TESTED

SELECTED IN 2011-2012 FOR FRANCHISE/DISTRIBUTION PRACTICE

Mark Clouatre in *Colorado Super Lawyers* | David Schaller in *Colorado Super Lawyers Rising Stars* | John Streeleman in *Colorado Super Lawyers Rising Stars*

RECOGNIZED IN 2011-2012 FOR PERSONAL INJURY/TORTS PRACTICE

Miko Brown in *Colorado Super Lawyers Rising Stars* | Andrew Efaw in *Colorado Super Lawyers* | Joseph Farchione in *Ohio Super Lawyers* | John Fitzpatrick in *Colorado Super Lawyers* | James Hooper in *Colorado Super Lawyers* | Matthew Johnson in *Colorado Super Lawyers Rising Stars* | Megan Jones in *Colorado Super Lawyers Rising Stars* | LaMar Jost in *Colorado Super Lawyers Rising Stars* | Kevin Kuhn in *Colorado Super Lawyers* | Ramona Lampley in *Colorado Super Lawyers Rising Stars* | Craig May in *Colorado Super Lawyers* | Jeremy Moseley in *Colorado Super Lawyers Rising Stars* | Andrew Myers in *Colorado Super Lawyers Rising Stars* | Erik Nadolink in *Colorado Super Lawyers Rising Stars* | Michael O'Donnell in *Best Lawyers, Colorado Super Lawyers* | Kara Rosenthal in *Colorado Super Lawyers Rising Stars* | Andrew Unthank in *Colorado Super Lawyers Rising Stars* | Malcolm Wheeler in *Best Lawyers* | Michael Williams in *Colorado Super Lawyers Rising Stars*

WTO obtained a favorable ruling in a contract dispute over drilling rights for a valuable oil well in eastern Wyoming. The Wyoming federal judge determined that the contract at issue gave WTO's client the right to drill the well.

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO in the third tier among 200 commercial litigation firms nationally and in the first tier of commercial litigation firms in Colorado.

Insurance

WTO obtained summary judgment in the District Court for Harris County, Texas, effectively stopping a plaintiff's attempt to turn claims alleging fraud and violations of consumer protection laws against WTO's client, a life insurance company, into a class action lawsuit. WTO persuaded the Court to grant summary judgment in favor of WTO's client and to dismiss the entire lawsuit by arguing that all of the plaintiff's claims were barred by the statutes of limitations.

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO in the third tier among 100 insurance law firms nationally and in the first tier of insurance law firms in Colorado.

WTO led the preparation of post-trial motions for a new trial or remittitur of both compensatory and punitive damages in a title insurance case originally tried by another firm in New Mexico. The judge reduced by almost one-half the damages awarded by the jury verdict.

Franchise and Distribution

A federal court in Georgia granted WTO's client a preliminary injunction in a dealership breach-of-contract dispute. WTO initiated a federal court action on behalf of its client, an international automobile manufacturer and distributor, seeking to enjoin the sale of three dealerships by one of its dealers to a proposed buyer that WTO's client did not approve as an authorized dealer. The dealerships were eventually sold to the company's preferred candidate.

A Denver District Court judge reinstated the Court's 2009 ruling in favor of WTO's client in a coffee franchise case. In the original ruling, the Court found in favor of WTO's client and against the plaintiffs with respect to all claims, including the client's counterclaim, and entered an award of attorneys' fees in the client's favor. The decision was remanded on appeal. The client has since ceased operation because of the legal conflict with the franchisees, but at least has won its case on remand.

Employment

WTO is handling multiple employment cases on behalf of organizations involved in professional and amateur sports, including two employment matters for The United States Olympic Committee.

WTO successfully represented the owners of a National Basketball Association franchise in a race discrimination case filed in federal court by a former African-American executive. Resolution of the litigation included written acknowledgement by the plaintiff that his allegations of racism may have been unfounded.

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO in the first tier of labor and employment firms in Colorado.

WTO successfully resolved claims of alleged sexual harassment and gender discrimination against one of the leading manufacturers of tires for the NASCAR circuit.

WTO obtained the complete dismissal of a whistleblower case in Utah against a national college system.

WTO obtained a preliminary injunction enforcing its client's noncompetition agreement after a former employee formed a competing business in breach of contractual obligations.

SELECTED IN 2011-2012 FOR EMPLOYMENT LITIGATION PRACTICE

Raymond Martin in *Best Lawyers, Chambers USA, Colorado Super Lawyers*

SELECTED IN 2011-2012 FOR COMMERCIAL LITIGATION PRACTICE

Sean Baker in *Colorado Super Lawyers* | Scott Barker in *Best Lawyers, Chambers USA, Colorado Super Lawyers* | Galen Bellamy in *Colorado Super Lawyers Rising Stars* | Miko Brown in *Colorado Super Lawyers Rising Stars* | Mark Clouatre in *Colorado Super Lawyers* | Andrew Efaw in *Colorado Super Lawyers* | Carolyn Fairless in *Colorado Super Lawyers* | John Fitzpatrick in *Chambers USA* | Hugh Gottschalk in *Best Lawyers, Chambers USA, Colorado Super Lawyers* | James Hooper in *Colorado Super Lawyers* | Matthew Johnson in *Colorado Super Lawyers Rising Stars* | Steven Kelso in *Colorado Super Lawyers Rising Stars* | Ed Kilpela in *Colorado Super Lawyers Rising Stars* | Kevin Kuhn in *Colorado Super Lawyers* | Ramona Lampley in *Colorado Super Lawyers Rising Stars* | Craig May in *Colorado Super Lawyers* | Jeremy Moseley in *Colorado Super Lawyers Rising Stars* | Joel Neckers in *Colorado Super Lawyers Rising Stars* | Habib Nasrullah in *Colorado Super Lawyers* | Michael O'Donnell in *Best Lawyers, Chambers USA* | Terence Ridley in *Colorado Super Lawyers* | David Schaller in *Colorado Super Lawyers Rising Stars* | Jessica Scott in *Colorado Super Lawyers Rising Stars* | Evan Stephenson in *Colorado Super Lawyers Rising Stars* | Ed Stewart in *Colorado Super Lawyers* | John Streeleman in *Colorado Super Lawyers Rising Stars* | Jack Trigg in *Best Lawyers, International Who's Who of Commercial Litigation Lawyers, Colorado Super Lawyers* | Andrew Unthank in *Colorado Super Lawyers Rising Stars* | John Vaught in *Best Lawyers* | Theresa Wardon in *Colorado Super Lawyers Rising Stars* | Malcolm Wheeler in *Chambers USA, International Who's Who of Commercial Litigation Lawyers, Colorado Super Lawyers* | Michael Williams in *Colorado Super Lawyers Rising Stars*

Following a two-day hearing, a Colorado county judge enjoined the defendant from competing within a 100-mile radius of two Colorado cities and awarded attorneys' fees to the firm's client.

WTO represents an international package delivery and shipping company in matters challenging the carrier's classification of its drivers as independent contractors. Following several years of litigation in a multidistrict litigation proceeding in Indiana, WTO was retained to handle the Colorado and Montana cases that were returned from the MDL for trial, including one certified class action and another proceeding with 81 named plaintiffs.

Personal Injury Defense

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO in the first tier of personal injury defense firms in Colorado.

Class Actions

The Legal 500 United States 2011 ranks WTO among the top 10 mass tort defense practices in the nation.

The U.S. District Court for the Northern District of Illinois denied certification of a multi-state class of clothes washer purchasers in a putative class action against the nation's largest retailer of home appliances.

U.S. News/Best Lawyers "Best Law Firms" 2012 ranks WTO in the first tier among 24 firms in the nation for mass tort and class action defense.

Pro Bono

WTO was one of the law firms that represented the plaintiffs in *Golan v. Holder*, a landmark case filed in 2002 that challenged the constitutionality of Congress's ability to restore copyright protection in tens of thousands of artistic works that had been in the public domain for years. Unfortunately, for our clients and the art lovers who have enjoyed performances of these works by symphonies, cinemas, performers and educators, the U.S. Supreme Court ruled that Congress has the constitutional power to remove works from the public domain.

WTO handled a *habeas corpus* appeal on behalf of a single mother who was given an effective life sentence for her first drug offense. The U.S. Court of Appeals for the Sixth Circuit ruled in favor of the firm's client, agreeing that the state court criminal defense lawyer who represented her while he was using cocaine was constitutionally ineffective.

WTO represents a group of Colorado land owners in a case begun in the 1960s that involves ranch property and landowner access based on 18th century Spanish land grants that were in place before Colorado became a state. These historic property rights are now being denied by an out-of-state purchaser.

WTO represents a non-partisan group of Colorado voters challenging amendments proposed by Colorado's Secretary of State to election rules governing the use of direct record electronic voting machines. The election rules were adopted in 2007 and 2008 pursuant to court order in *Conroy v. Dennis*, a case that challenged the use of DREs because of reliability and security issues and which WTO tried and won.

WTO filed an *amicus* brief on behalf of the ACLU in an appeal to the Fifth Circuit Court of Appeals by an observant Jewish inmate confined in Texas state prison in his First Amendment case against the Texas Department of Criminal Justice for its refusal to allow him to keep kosher.

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.

REPRESENTATIVE CLIENTS

ACE USA
Advanced Bionics
ALG
Allstate Insurance
American National Bank
Amica Mutual Insurance
Anheuser-Busch
AT&T
Axis Insurance
Boston Scientific
BP America Production
Celotex
CenturyLink
Chrysler Group
CNA Insurance
ConocoPhillips

Continental Airlines
Cooper Industries
CoorsTek
COPIC
Crocs
Crown Equipment
Dana Corporation
Dean Foods
El Paso Corporation
EnCana
Encompass Insurance
FedEx Ground Package
System
Financial Indemnity
Company
FMC

Ford Motor
Foster Wheeler
Furniture Row
General Electric
General Motors
Georgia-Pacific
GeoSyntec Consultants
Global Aerospace
GMAC Insurance
Great-West Life
Group 1 Automotive
Guidant
GuideOne Insurance
Hanover Professionals
Harco Insurance
HCA

Health care professionals
Heery International
High net-worth individuals
Honda
Honeywell International
Illinois Tool Works
ING
Johns Manville
Kubota Tractor
Larry H. Miller Group
Lawyers and law firms
Lockheed Martin
Mack Trucks
Marriott Hotel Services
Maytag
Mazda

Media News Group
Medical Protective
MedStar Health
Mercedes-Benz USA
Merck
Meritain
MetLife
Mitsubishi
Motor Coach Industries
Munich Reinsurance
MWH Global
Nationwide Insurance
New Global Telecom
Nissan North America
Northrop Grumman
OneBeacon Professional

PACCAR
PepsiCo
Pfizer
PNC Mortgage
Premier Insurance
Quest Diagnostics
QEP Resources
Real estate developers
Sears
Spirit AeroSystems
Swiss Re
Terex
The Hartford
The Ritz Carlton, Denver
TIG Insurance
Time Insurance

Titan Insurance
Toyota
Travelers
U-Haul
Unitrin Insurance
Universal Health Services
University of Colorado
U.S. Olympic Committee
USAA
Velan
Vestas Wind Systems
Volvo Trucks North America
Westport Insurance
Whirlpool
Yum! Brands

MORE RECOGNITIONS

Benchmark Litigation 2012 named WTO among its top-four highly recommended Colorado litigation firms. It includes seven WTO partners—**Scott Barker**, **John Fitzpatrick**, **Hugh Gottschalk**, **James Hooper**, **Kevin Kuhn**, **Michael O'Donnell**, and **Malcolm Wheeler**—on its list of the top 40 Colorado litigators.

Malcolm Wheeler was named by *Best Lawyers* Denver's personal injury defense lawyer of the year for 2012. *Law Week Colorado* named him best class action/mass tort defense litigator in 2011.

Michael O'Donnell was named by *Best Lawyers* Denver's legal malpractice lawyer of the year for 2011 and Denver's product liability litigation lawyer of the year for 2012. *Law Week Colorado* selected him as one of 10 Lawyers of the Decade in Colorado.

Kevin Kuhn was selected by *Law Week Colorado* as best medical malpractice defense litigator in 2011.

Julie Walker was selected by *Law Week Colorado* as best construction-defects defense litigator in 2011.

Law Week Colorado selected **Evan Stephenson** as one of nine up-and-coming lawyers for 2011. Associate **John Strelman** was one of the 17 finalists.

The Minority Corporate Counsel Association selected **Habib Nasrullah** as one of 16 law firm rainmakers featured in a 2011 issue of *Diversity & The Bar* magazine.

WTO won third place for medium-sized companies in the *Denver Business Journal's* 2011 survey of "Best Places to Work in Denver," the eighth year in the top 10.

PUBLIC SERVICE

Associate **Katherine Yarger** has been selected as a clerk for Associate Justice Clarence Thomas during the U.S. Supreme Court's 2013-2014 term.

The Colorado Civil Justice League, a tort reform group that represents the Colorado business community, selected WTO associate **Evan Stephenson** as its 2011 "Lawyer of the Year."

John Vaught helped establish Colorado Lawyers for Colorado Veterans to offer free legal advice to military veterans on recommendations from Colorado Supreme Court Chief Justice Michael Bender.

Denver Active 20-30 Children's Foundation presented its Lifetime Member Award to **Mark Cloutre**.

Many WTO lawyers serve on boards of directors of nonprofit organizations and perform other public service in addition to doing pro bono legal work.



Wheeler Trigg O'Donnell FOUNDATION

The Wheeler Trigg O'Donnell Foundation (WTOF) was established in September of 2005 to provide, through charitable activities and programs, opportunities for current and former Wheeler Trigg O'Donnell LLP (WTO) lawyers, staff, and their families to build a caring community and to reach out to others.

Since it was established, the Foundation has donated \$700,000 and countless hours of volunteer time to various nonprofit organizations working in the areas of legal services, education, homelessness and poverty, youth services, hunger, animal protection, disease treatment and prevention, military veterans, and arts and culture.

2011 Highlights

The Gathering Place is Denver's only daytime shelter for women and children experiencing homelessness and poverty that provides a safe daytime refuge and resources to help its clients achieve self-sufficiency. An ever-changing cadre of volunteers cooked and served a hot breakfast to over 100 women and children six times. When honoring WTOF as one of TGP's 25 heroes at its anniversary gala in 2011, executive director Leslie Foster said, "The WTO Foundation has set the bar for corporate meal sponsorships."

Susan G. Komen Foundation is the largest source of nonprofit funds dedicated to fighting breast cancer. WTOF volunteers led a fundraising campaign that raised almost \$10,000 and walked as a team in the Race for the Cure.

Legal Aid Foundation of Colorado raises money to provide free legal assistance to low-income Coloradans facing serious civil legal problems. WTO's associates

contributed over \$7,500 to make WTO the top contributor in its size category in a city-wide law firm fundraising competition and fielded calls at the Colorado Legal Services phone bank.

Metro CareRing operates one of the largest food pantries in Denver and provides self-sufficiency services to low-income and homeless individuals. WTOF won first place in the Denver Bar Association's annual city-wide competitive law firm donation drive by raising over \$16,500 in cash and nonperishable food items to restock the food pantry.

Reach Out and Read gives books to children and advice to parents about the importance of reading aloud. WTOF collected gently used children's books and donated one dollar per book for a combined total of over \$700.

Walking for Kids Foundation was established by D.J. Gregory who overcame the limitations of cerebral palsy, golfs one-handed and walked every course on the PGA tour to raise money for children's charities. WTO Chairman Mike O'Donnell helped D.J. establish WFK and host its inaugural golf tournament fundraiser in Florida. WTOF was the primary sponsor and plans to host a similar golf tournament in Colorado on July 23, 2012.

Denver Kids, Inc. offers one-to-one counseling and mentoring to help at-risk K-12 Denver Public School students graduate and succeed after high school. WTOF helps recruit mentors, sends care packages and notes of encouragement to DKI graduates who are attending college, and helps the kids with special projects, such as making thank you cards and holiday shopping for their families.



WTO FOUNDATION

In 2011, the Foundation donated \$108,500 to over 80 nonprofit organizations, including the following:

Advocates for Children
Alliance for Choice in Education
American Civil Liberties Union Foundation
American Red Cross
Arrupe Jesuit High School
Arthritis Foundation
Arvada Community Food Bank
Asian Pacific American Bar Foundation
Avon Walk for Breast Cancer
Back on My Feet
Big Brothers Big Sisters
Bob Woodruff Foundation
Boys & Girls Club
Boy Scouts of America
Bridge House
The Bridge Project
Cara Charities
Catholic Charities
Center for Legal Inclusiveness
Central Visitation Program
Children's Hospital Foundation
Colorado Children's Campaign
Colorado Children's Chorale
Colorado Civil Justice League
Colorado Coalition for the Homeless
Colorado Judicial Institute
Colorado Lawyers for the Arts
Colorado Neurological Institute
Colorado Women's Bar Association

Court Appointed Special Advocates Association
Craig Hospital Foundation
The Denver Active 20-30 Children's Foundation
Denver Bar Foundation
Denver Dumb Friends League
Denver Kids
Denver Kiwanis Foundation
Denver Petroleum Club
Denver Police Foundation
Denver Public Library Friends Foundation
Denver Rescue Mission
Denver Urban Debate League
DSST Public Schools
Easter Seals Colorado
Equal Justice Works
Evergreen Players
Family Star
Florence Crittenton Services of Colorado
Food Bank of the Rockies
Foundation of the American College of Trial Lawyers
The Gathering Place
Golden Retriever Rescue of the Rockies
Habitat for Humanity of Metro Denver
HERA Women's Cancer Foundation
Hirshberg Foundation for Pancreatic Cancer Research
The Jefferson Foundation

Jennifer L. Matheson Resiliency Scholarship
Karis Community
Kent Denver School
Komen Denver Race for the Cure
Legal Aid Foundation
The Leukemia & Lymphoma Society
MaxFund Animal Adoption
Metro CareRing
Metro Volunteers
Mount Calvary Lutheran Church
Muscular Dystrophy Association
The National Multiple Sclerosis Society
Open Door Ministries
Reach Out and Read Colorado
Rebuilding Together
Ronald McDonald House Charities of Denver
Roundup River Ranch
Sam Cary Scholarship Endowment Fund
Tennyson Center for Children
Swallow Hill Music Association
Sweat Equity
University of Colorado College of Law
University of Denver Sturm College of Law
Urban Peak
Veterans Village of San Diego
Walking for Kids
Water For People



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