



## SCOTT S. BARKER

### Senior Counsel

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## EDUCATION

Harvard Law School, J.D., 1981,  
*cum laude*

Oxford University, M.Phil., 1973  
Rhodes Scholar

United States Air Force Academy,  
B.S., 1970

## OTHER EXPERIENCE

Holland & Hart LLP  
Partner, 1987-2010  
Management Committee Chair,  
1997-2003  
Associate, 1981-1987  
United States Air Force  
Active duty, including  
assignments in Southeast Asia and  
The Pentagon, 1970-1978  
Honorably discharged as  
Captain, 1978

## ADMISSIONS

Colorado

**Before starting his trial practice, Scott Barker served in the U.S. Air Force for 12 years—including four as a cadet at the U.S. Air Force Academy—with tours of duty in Southeast Asia and the Pentagon. In his 40-year legal career, he has tried nearly 80 cases and handled scores of evidentiary hearings, ranging from complex class action jury trials to pro bono proceedings for domestic violence survivors.**

## HIGHLIGHTS

- Won a pro bono appeal that included an award of military disability benefits for a 79-year-old veteran whose claim had previously been denied.
- Served as panel chair in a complex, multimillion-dollar dispute involving gas properties in Wyoming.
- Successfully opposed plaintiffs' certiorari petition to Colorado Supreme Court, eliminating \$750 million exposure to BP.
- Served as lead class action defense counsel for BP America Production Company in six class actions, including two jury trials to verdict against certified classes of royalty claimants.
- Headed a team of hundreds of lawyers providing pro bono representation to five Algerian nationals detained in Guantanamo Bay
- Defeated class certification for Nash Finch (now SpartanNash) against alleged violations of the Colorado Consumer Protection Act and won summary judgment against the 55 named plaintiffs.
- Served as lead counsel to Computer Associates in a complex business tort jury trial in federal court in Utah.

## INDUSTRIES

- Oil & Gas
- Energy
- Real Estate
- Construction & Engineering
- Financial Services

## PRACTICE AREAS

- Environmental Litigation
- Mass Torts
- Class Actions
- Commercial Litigation
- Catastrophic Injury Defense
- Product Liability
- Antitrust & Competition
- Pro Bono

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## BIOGRAPHY

Before starting his trial practice, Scott Barker served in the U.S. Air Force for 12 years—including four as a cadet at the U.S. Air Force Academy—with tours of duty in Southeast Asia and the Pentagon. In his 40-year legal career, he has tried nearly 80 cases and handled scores of evidentiary hearings, ranging from complex class action jury trials to pro bono proceedings for domestic violence survivors.

Scott has earned the respect of clients, judges, and lawyers wherever he has appeared in the United States, as reflected in his numerous professional accolades. Most prominently, he was selected as a Fellow of the American College of Trial Lawyers in 2001. In addition, he is a skilled leader of sophisticated practitioners. Scott served as the Chair of the Management Committee of the largest Denver-based law firm for six years before joining WTO in 2010 as a partner and member of the firm's Executive Committee.

Now, as Senior Counsel, Scott's passion is serving clients by helping the firm's lawyers to hone their trial presentations and appellate arguments. Given the depth and breadth of his trial experience, Scott is also an effective mediator and arbitrator. Finally, he is an avid student of the Constitution. Since 2018, Scott has authored three published books and several articles and op-eds about our founding document and its impact on current events.

## CASES

- Won a pro bono appeal that included an award of military disability benefits for a 79-year-old veteran whose claim had previously been denied.
- Served as panel chair in a complex, multimillion-dollar dispute involving gas properties in Wyoming.
- Successfully opposed plaintiffs' certiorari petition to the Colorado Supreme Court, leaving in place a Court of Appeals ruling in favor of BP and eliminating a \$750,000,000 exposure threat in alleged moratory interest.
- Served as lead class action defense counsel for BP America Production Company in six class actions, including two jury trials to verdict against certified classes of royalty claimants.
- From 2005 to 2011, headed a team of hundreds of lawyers providing pro bono representation to five Algerian nationals detained in Guantanamo Bay in their habeas corpus proceedings in the U.S. District Court for the District of Columbia.

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- Defeated class certification for Nash Finch (now SpartanNash), a Fortune 500 food distribution company, in claims involving common law fraud, civil theft, and violations of the Colorado Consumer Protection Act stemming from complaints about a specific pricing program in various grocery stores. WTO then obtained summary judgment against the 55 named plaintiffs.
- Served as lead counsel to Amoco Production Co. in a major groundwater contamination case in southwestern Colorado and northwestern New Mexico. Plaintiffs alleged Amoco's gas production operations had contaminated domestic water supplies across an area the size of Rhode Island. The putative class action, if certified, would have produced exposure in the billions of dollars. Scott's team defeated class certification and successfully tried the named plaintiffs' cases to a jury.
- Obtained a defense verdict for ARCO/Thunder Basin Coal Company in an antitrust case involving real estate development incident to a client's coal mining operations in Campbell County, Wyoming.
- Served as lead trial counsel to Asarco, Inc., in a six-week class action jury trial in Denver District Court involving allegations of heavy metals contamination in the area surrounding Asarco's cadmium refinery.
- Represented Aspen Skiing Company as lead trial counsel for over a decade, handling more than 30 cases, including 10 defense verdicts.
- Represented AT&T as lead counsel in a complex telecommunications dispute in federal court in Colorado.
- Served as lead counsel to Computer Associates in a complex business tort jury trial in federal court in Utah.
- Headed up Exxon's Underground Storage Tank litigation team, trying one case successfully to verdict and supervising the litigation of approximately 12 other cases.
- Served as lead counsel to International Paper in a family of insurance coverage cases, including bench and jury trials in state court in San Francisco.
- Represented Kerr-McGee/Anadarko as lead trial counsel in a federal False Claims Act jury trial involving oil royalties on offshore federal leases and in a federal jury trial involving allegations of misappropriation of seismic data.
- Obtained summary judgment for Lockheed Martin with regard to the majority of potentially \$2 billion in exposure in a major federal False Claims Act case in Idaho. Allegations included false claims associated with a contract for management of the U.S. Department of Energy facility in Idaho Falls, ID. Following summary judgment, the remainder of the case settled favorably.

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- Served as lead counsel to Valero in a series of four arbitrations involving cost-sharing disputes over environmental cleanup at a gasoline refinery in Denver, CO.

## REPRESENTATIVE CLIENTS

- BHP Billiton  
BP America Production  
SpartanNash  
USAA  
Valero

## BAR & COURT ADMISSIONS

- Colorado  
U.S. Court of Appeals, 10th Circuit  
U.S. District Court, D. Colorado

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## LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- Arbitrator, Denver ADR Panel, CPR Panels of Distinguished Neutrals
- American College of Trial Lawyers
  - Fellow
- American Board of Trial Advocates
  - Member
- The Best Lawyers in America
  - Denver Environmental Litigation Lawyer of the Year, 2020
  - Denver Mass Tort/Class Action Litigation Lawyer of the Year, 2018
  - Denver Bet-the-Company Litigation Lawyer of the Year, 2013
  - Bet-the-Company Litigation, 2006-2027
  - Commercial Litigation, 2006-2027
  - Litigation - Environmental, 2016-2027
  - Mass Tort Litigation / Class Actions - Defendants, 2006-2027
- Chambers USA
  - Commercial Litigation - Colorado, 2005-2019
- Colorado Super Lawyers
  - Business Litigation, 2006-2025
  - Top 100, 2012-2018
  - Top 10, 2008, 2010
  - Top 50, 2006-2011
- Denver Business Journal
  - Who's Who in Energy Law, 2012-2014
  - Best Business Litigator in Denver, 2003
- Benchmark Litigation
  - Commercial Litigation - Colorado, 2011-2018
- Litigation Counsel of America
  - Member
- American Bar Association
- Colorado Bar Association
- Denver Bar Association
- Martindale-Hubbell AV® Peer Review Rated\*

## COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

- Panel Coach, Constitutional Scholars Program, Denver East High School
- Past President, Board of Trustees, Denver Christian Schools
- Lay Assessor, Ecclesiastical Proceeding for the Episcopal Diocese of Colorado

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## ARTICLES & PRESENTATIONS

### Articles

- Author, "The Reality of Policing the Supreme Court," The Messenger Opinion (November 24, 2023).
- Author, "Reflections on Trial Lawyer Leadership," Colorado Lawyer (October 2023).
- "America Must Accept the Limitations of Its Military Power," The Hill, (September 13, 2021).
- Presenter, "Reforming The War Powers Relationship Between Congress and the President in the Post-Trump Era," Denver University Law Forum, (March, 2021).
- "History Cautions Against Rash Decisions in Iranian Conflict," Detroit Free Press, (January 6, 2020).
- "Trump is Getting His Constitutional Rights in House Impeachment Inquiry," The Hill, (October 31, 2019).
- "Opinion: Politics Aside, Legal Precedents don't Favor Trump in an Impeachment Inquiry," Los Angeles Times, (September 26, 2019).
- "Political Arithmetic and Impeachment," Law Week Colorado, (August 5, 2019).
- "An Overview of Presidential Impeachment," The Colorado Lawyer, (August/September 2018).

### Books

- "The Kings of War – How Our Modern Presidents Hijacked Congress's War-Making Powers and What To Do About It" (Outskirts Press, 2021).
- "The Impeachment Quagmire," History Publishing Co., (2019).
- "Impeachment," A Political Sword, History Publishing Co., (2018).

### Presentations

- "War Powers and the Constitution," Academy of Life Long Learning, (August 31, 2020).
- "Presidential Impeachment," Academy of Life Long Learning, (February 3, 2020).
- Presenter, "Practical Tips for Preparing and Trying an Oil and Gas Case," The Institute for Energy Law's 63rd Annual Oil & Gas Law Conference, (February 16, 2012).

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## Other Articles/Presentations

- "The Constitution and Conflict with Iran," Boulder Daily Camera, (September 21, 2019).