

Healthcare Litigation



In trial after trial and case after case, our attorneys represent healthcare companies and individuals in professional liability, commercial litigation, class actions, and investigations that keep in-house counsel awake at night.

Professional Liability

Our team has successfully defended against claims that collectively involve tens of billions of dollars in potential exposure to our clients. Our partners have tried more than 550 lawsuits to verdict in nearly every state, including many in the most challenging jurisdictions, against some of the country's most well-known and well-funded plaintiffs' lawyers, where our clients often face 8- or 9-figure uncapped non-economic damages and punitive damage exposure.

We serve as national counsel to dozens of healthcare clients and our trial teams are routinely called in as "parachute" counsel shortly before cases are set to go to trial where unfavorable rulings or adverse litigation outcomes have dramatically increased the potential damages and exposure.

Our trial experience adds significantly to our ability to value cases holistically and objectively and then resolve them through trial or negotiation.

Our appellate and government litigation team, led by a nationally regarded former Solicitor General of Colorado, handles some of the largest appeals across the country, and is brought in to handle complicated, high-stakes investigations.

The efforts of our healthcare litigation team, and others, have led to the firm being recognized as one of the nation's "Top 20 Trial Firms" by Benchmark Litigation.

Commercial Litigation

For 19 years, our commercial litigation team has been ranked in Band 1 by Chambers for Colorado. We represent healthcare clients nationwide in a wide range of disputes, including antitrust, insurance reimbursement, and major breach-of-contract cases. As trial lawyers at heart, we anticipate how cases will play out, expose weaknesses in our opponents' positions, and achieve favorable resolutions before, during, or after trial.

Clients told Chambers we are "results-oriented team players who think in a three-dimensional way," are "able to solve problems others have not been able to solve," and are their "firm of choice for our most complex and sophisticated matters." A fourth said, "I have never come across a better firm."

Employment/Class Actions

We handle our clients' most daunting, high-stakes employment and class action cases, including whistleblower and harassment matters and class actions involving worker classification and wage-and-hour issues. We have handled FLSA collectives and Rule 23 class actions for healthcare clients in federal and state court, including a case where we obtained summary judgment in New Mexico limiting the class's recoverable damages from over \$17 million to just over \$50,000.

Given our strong record of favorably resolving the most challenging cases, clients often hire us as replacement counsel when prior counsel's approach to class and collective discovery has been insufficiently aggressive and the case needs to be righted.

Investigations and Government Litigation

Our Investigations team includes former federal and state prosecutors who have represented healthcare systems in government investigations involving civil and criminal matters, from fraud suits to assault allegations. We have extensive experience enjoining or securing modifications to legislation and winning complex regulatory cases with significant implications for our clients' businesses.

“Your trial team functioned like a well-oiled machine.”

– Client comment post-verdict

Cases

PROFESSIONAL LIABILITY

Won a defense jury verdict for healthcare professionals facing negligence claims in Seattle, Washington. The plaintiff claimed failure to timely diagnose cauda equina syndrome that led to permanent bowel and bladder incontinence. After plaintiff’s counsel asked the jury for \$40 million, jurors returned a unanimous verdict for our clients.

Won a defense verdict in a medical malpractice jury trial alleging a medication for kidney stones caused a severe skin reaction, Stevens-Johnson Syndrome, resulting in catastrophic injuries and damages.

Won a defense jury verdict in Hawaii for a hospital in a multi-million dollar wrongful death case.

Won a rare pretrial victory in New Mexico state court—complete, case-ending summary judgment in favor of a hospital client in a medical malpractice case—one month before trial.

Argued before the U.S. Supreme Court in October 2025, in a case involving tort reform measures adopted by a majority of states.

Won a birth injury case for a hospital in New Mexico after plaintiffs sought more than \$40 million damages. Our team and co-counsel proved, through discovery, the minor plaintiff could not have been injured during labor or delivery, prompting plaintiffs’ counsel to voluntarily dismiss the case.

Won a motion for summary judgment disposing of all claims in a birth injury case for a Minnesota-based hospital.

Won summary judgment in a medical malpractice case for a hospital and two physicians in New Mexico on plaintiffs’ claims for “ordinary” negligence, negligence per se, breach of contract, and breach of express and implied warranty.

CLASS ACTIONS

Won a Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed our prior summary judgment win and defeated the plaintiff's new claims on appeal.

Served as lead counsel to a health system to defend against a putative consumer class action in Montana challenging medical records charges.

APPELLATE

Won reversal of a multi-million-dollar jury verdict and a complete retrial for an Arizona health system and physician, based on opposing counsel's misconduct during closing argument.

Representing a healthcare system in the appeal of a nuclear verdict in Oklahoma.

GOVERNMENT LITIGATION & INVESTIGATIONS

Successfully represented a large healthcare system in series of regulatory proceedings under a first-of-its kind legal framework to set reimbursement rates for "public option" health insurance plans.

Won administrative action against Colorado state agencies challenging their misapplication of federal law to health care institutions.

Obtained dismissal of all claims against University of Colorado Hospital Authority in a whistleblower case filed in district court in Colorado Springs.

ANTITRUST

Representing multiple healthcare systems in opt-out antitrust claims against Blue Cross Blue Shield Association and the individual Blues entities, challenging anticompetitive agreements that have wrongfully deprived the providers of competitive reimbursement for their services.

Representing a large hospital system in 8-figure declaratory judgment and breach of contract action involving a practice group sale.

Defending a Fortune 500 healthcare company against industry-wide price-fixing and market allocation conspiracy claims.

Won a motion to dismiss a federal antitrust action for a New Mexico healthcare trade association accused of conspiring to exclude healthcare providers from market.

Successfully represented a healthcare trade association in an \$80 million federal antitrust lawsuit alleging conspiracy among the trade association, health systems, and health insurance companies.

Contacts

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