

Raymond W. Martin

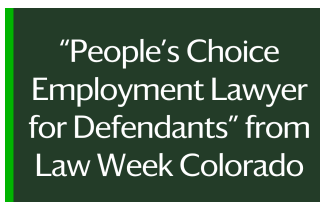
Partner

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Wheeler Trigg O'Donnell LLP



Ray Martin continues to be recognized as one of Colorado's premier employment litigators. Chambers USA has ranked Ray in Band 1 for Colorado Labor and Employment Litigation for 16

consecutive years. Benchmark Litigation recognizes Ray as a Litigation Star. In 2022 and 2018, The Best Lawyers in America named Ray the Colorado “Lawyer of the Year” for Labor and Employment Litigation. He regularly represents Fortune 500 and other sophisticated clients in whistleblower, discrimination, wrongful discharge, trade secret, non-compete and FLSA litigation across a range of highly regulated industries including aviation, telecommunications, and healthcare.

Ray is a zealous representative of his clients and develops open and interactive relationships with both in-house counsel and the management teams whose decisions are challenged in litigation.

Chambers has written, “Raymond Martin enjoys a distinguished reputation as an employment litigator, handling a broad spectrum of matters including discrimination and FLSA issues. A source says: ‘Ray is a superb counselor, a known expert to judges and opponents, and a joy to work with. His enthusiastic defense coupled with deep mastery of all issues convinced us we’d chosen wisely.’”

A peer told Best Lawyers, “I have met and worked with a small number [of attorneys] who are ‘the best of the best,’ and Ray Martin is one of them . . . Ray is driven by the details and never misses a fact that impacts the case. He is relentless in his pursuit of the case and is a fearless advocate. He possesses a rare combination of tenacity and pragmatism. With his vast experience, he can cut through the issues to understand and properly value a case.”

In 2016, the editorial board of Law Week Colorado named Ray the Barrister’s Best Employment Lawyer for Defendants. Ray has twice been listed in the International Who’s Who of Business Lawyers, which recognizes just four to five Colorado lawyers in its management labor and employment listing each year. He has also been recognized by the Denver Business Journal as one of the top three employment lawyers in Colorado based on voting by practicing attorneys in the state.

Ray is an elected Fellow of the Colorado Bar Foundation, an honor bestowed upon no more than five percent of Colorado lawyers for outstanding dedication to the welfare of the community, the traditions of the profession, and the maintenance and advancement of the objectives of the Colorado Bar Association.

“A leading light in labor and employment litigation.”

– Chambers USA

Credentials

Education

University of Denver Sturm College of Law, J.D., with honors, 1977; Order of St. Ives

Penn State Dickinson Law School, 1974-1975

Morningside College, B.A., *cum laude*, 1974; Political Science

GOVERNMENT SERVICE

Colorado General Assembly Blue Ribbon Panel to address sexual harassment in the legislature (2018)

RECOGNITION

Chambers USA

Labor & Employment - Colorado, 2006-2026

Ranked Band 1, 2010-2026

Benchmark Litigation

Labor & Employment Star, 2020-2026

Litigation Star, 2020-2026

The Best Lawyers in America

Denver Litigation - Labor and Employment

Lawyer of the Year, 2022

Denver Employment Law - Management

Lawyer of the Year, 2018

Employment Law - Management, 2017-2027

Labor & Employment Litigation, 2008-2027

Colorado Super Lawyers

Employment Litigation: Defense, 2006-2023

Top 100, 2013-2016, 2018-2020

Law Week Colorado

2016 Barrister's Best Employment Lawyer for Defendants

2023 People's Choice Employment Lawyer for Defendants

Martindale-Hubbell AV®Peer Review Rated

BAR AND COURT ADMISSIONS

Colorado

U.S. Supreme Court

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, 10th Circuit

U.S. District Court, D. Colorado

LEGAL MEMBERSHIPS

American Bar Association

The Faculty of Federal Advocates

Colorado Bar Association

Labor Law Committee

Denver Bar Association

Colorado Defense Lawyers Association

Colorado Bar Foundation

Fellow

COMMUNITY ACTIVITY

Wheat Ridge United Methodist Church

Former Trustee

Denver Post Charities

Former Chief Legal Counsel (Pro Bono)

ARTICLES AND PRESENTATIONS

"ERISA Suit Against Colo. Tribe Over Bonus Program Tossed," Law360.

"She's Forgetful? Hope It's Just Stress: Using Compassion to Avoid Legal Pitfalls."

"Employee Benefits and the 101st Congress," 19 Colo. Law. 1825.

Presenter, "Misconceptions About Employment Arbitration," Labor and Employment Relations Association's Labor and Employment Conference.

Presenter, "Emerging Trends and New Developments in Colorado Employment Law," Colorado Personnel Law Update 2003.

Presenter, "Handling Workplace Violence: A Collaborative Approach to Protecting Your Organization From Liability and Your Employees From Harm," Colorado Personnel Law Update 2001.

Presenter, "Terminating Employees on FMLA Leave: Protecting Your Business From Lawsuits and Sub-Standard Work Performance," FMLA Update 1999.

Presenter, "Personal Liability for Workplace Lawsuits," Public Sector Employment.

Presenter, "Preventive Measures to Avoid Wrongful Discharge Claims," Disciplinary and Termination Law.

Presenter, "Terminating Poor-Performing Disabled Employees: Protecting Your Business From Lawsuits and Sub-Standard Performers," ADA Update.

TEACHING POSITIONS

National Employment Law Institute

Counsel on Education in Management

Practices

Antitrust

Class Actions

Commercial Litigation

Employment/Class Actions

Investigations

Cases

Won an appeal in the 10th Circuit for two mortgage brokers in a noncompete case against a leading financial institution, affirming a district court's prior denial of preliminary injunction. The plaintiffs had alleged that their former employees had breached noncompete and trade secret agreements when they left the company.

Won a defense jury verdict in federal court for a Fortune 500 telecommunications client facing age discrimination and retaliation claims.

Obtained complete dismissal of claims under the Federal False Claims Act for CollegeAmerica (aka The Center for Excellence in Higher Education).

Won a complete defense verdict for CollegeAmerica (aka The Center for Excellence in Higher Education) in a lawsuit brought by the U.S. Equal Employment Opportunity Commission. Won dismissal of two claims relating to severance provisions in 2014. A federal jury decided for CollegeAmerica on the final claim of retaliation in 2016

Prevailed against allegations of racial discrimination against a tech industry employer in Nevada. Following a two-and-a-half-year investigation, the Equal Employment Opportunity Commission concluded that no discriminatory conduct had occurred.

Won Tenth Circuit affirmance of a lower court ruling for AT&T in an ERISA dispute.

Obtained dismissal of key claims brought by the Equal Employment Opportunity Commission (EEOC) of alleged violations of the Age Discrimination in Employment Act (ADEA) and involving the EEOC's national campaign to limit employers' language in separation agreements. Two claims brought by the EEOC were dismissed outright for lack of subject matter jurisdiction. We won a defense jury verdict on the third claim in Federal court in Denver.

Represented a range of clients in seven recent noncompete cases, resulting in five preliminary injunctions enforcing the clients' noncompete agreements and, in two cases, defeating plaintiffs' attempts to enforce noncompete agreements against our clients.

Obtained dismissal with prejudice of a race discrimination case brought against FedEx Freight in federal court in Colorado. The case was dismissed based on the plaintiff's discovery misconduct.

Successfully defended a nonprofit organization in a pro bono matter involving claims of national origin and religious discrimination filed by a former employee. The Colorado Civil Rights Division rejected all of the plaintiff's claims and dismissed her charges of discrimination. The organization assists refugees to establish economic self-sufficiency in the U.S. after fleeing persecution in foreign countries.

Obtained a preliminary injunction following a full-day evidentiary hearing in a Colorado district court for a large Ohio-based commercial painting company in a case involving trade secrets and a noncompete agreement.

Defended the appeal to the Tenth Circuit of a 2010 jury verdict WTO won for AT&T in a high-profile whistleblower case. Law Week Colorado called the underlying trial court victory one of the "Top Defense Verdicts of 2010."

Obtained a preliminary injunction enforcing WTO's client's non-competition agreement with a former employee after a two-day hearing in Jefferson County, Colorado.

Won a Colorado Supreme Court decision favorable to Allstate, and all Colorado auto insurers in a purported class action involving disclosures associated with underinsured and uninsured motorist policies.

Successfully defended a major engineering firm against an FLSA class action.

Represented FMC Corp. in ERISA class actions brought by FMC retirees in Idaho and Indiana, respectively, who asserted that they were entitled to lifetime healthcare based on terms of various collective bargaining agreements. In the Idaho case, plaintiffs stipulated to the dismissal of the litigation with prejudice following discovery and filing of WTO's motion for summary judgment. In Indiana, following the completion of discovery, the Court entered summary judgment in favor of FMC on all claims.

Successfully defended a class action lawsuit filed in federal court in Colorado against a national financial institution accused of discriminating in its lending practices based on national origin.

Won a defense ruling in a week-long arbitration involving seven-figure damage claims and punitive damages brought by a former CEO and chairman of a securities broker-dealer.

Obtained a temporary restraining order to stop the former employee of a healthcare third party administrator (TPA) and his new employer from contacting the TPA's customers. Also obtained a declaratory judgment that the TPA's noncompete agreement was enforceable under Colorado law.

Obtained injunctive relief in Colorado state court for an international payroll services company, enforcing the company's rights under a nonsolicitation agreement against a former employee who had gone to work for a competitor.

Successfully defended a Colorado college before the Colorado Civil Rights Division in one of the first complaints filed under the 2007 amendment to the Colorado Anti-Discrimination Act, which extended state protection in the workplace to discrimination based on transgender status. Established that the plaintiff, a staff member and instructor at the college who had started a gender change from male to female, was terminated solely for her misconduct, not because she was transgender.

Represented a major federal contractor in connection with a pattern and practice EEOC investigation relating to alleged gender discrimination, pregnancy discrimination, and glass ceiling issues.

Won a temporary restraining order (TRO) and preliminary injunction (PI) for an international software developer in federal court in Colorado. The TRO and PI enjoined two of the clients' former employees from violating their non-compete and proprietary information agreements.

Successfully argued that a judgment previously entered against our client was improper. The new order vacated the \$500,000 judgment entered against the defendant by a Colorado state court in 2008 in an ERISA matter handled by another firm.
