

## Business Plan

I have been a trial lawyer in Denver for nearly 25 years, the last seven serving as the first-chair \_\_\_\_\_ litigator at \_\_\_\_\_ Denver office. At \_\_\_\_\_, I have been in charge of the trial/pretrial phase of a number of high profile \_\_\_\_\_ and complex litigation matters, including a \_\_\_\_\_ suit that resulted in a \$\_\_\_\_\_ jury verdict, upheld after a successful trip to the U.S. Supreme Court; a \$\_\_\_\_\_ usurped-acquisition claim that resulted in a mere \$100,000 jury verdict against HP; and the largest \_\_\_\_\_ litigation in the past decade.

Despite these successes, litigation work has plateaued at the firm, especially in our Denver office; coincidentally, I have recently graduated my last child from high school and am free to change positions and to increase my travel load. Consequently, I am seeking a new national platform from which to apply my litigation management and trial skills. Building on my wide-ranging trial experience, my substantial national client base, and my background and interest in \_\_\_\_\_, I believe that I could be a strong match for a firm with a top-tier litigation practice.

### Education and Early Experience

I attended the University of \_\_\_\_\_ in the late 19\_\_s, majoring in \_\_\_\_\_. After receiving my B.A. in 1980, with honors, I had a choice of medical school or law school. I had the view (still held) that science and medicine would be well served with more champions and translators who believed in the opportunities of technological innovation, so chose to study law at the University of \_\_\_\_\_, where I graduated in \_\_\_\_\_, also with honors.

After considering a number of job options on Wall Street, I decided to move back home to Colorado, and began my trial career with \_\_\_\_\_. \_\_\_\_\_ was an excellent training ground, and I rotated through the Corporate and Tax departments in preparation for landing in the Litigation Department, where I was assigned to the antitrust team. I also tried several small cases, including my first jury trial, and second-chaired a number of property tax proceedings. Recognizing that I would not soon get any significant trial experience in that setting, I left in \_\_\_\_\_ to become an Assistant United States Attorney, practicing in the Civil Division in Denver.

With over 250 case assignments in five years, and a dozen trials to verdict, I honed my case management, expert-witness retention, and trial advocacy skills, garnering several DOJ commendations and taking over now-Justice Nancy Rice's representation of all the judges in the District in any suits brought against them officially.



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By \_\_\_\_ I had first-chaired two or more cases in every major category of government litigation, so returned to the private sector with \_\_\_\_\_, a DC-based firm that had just opened a Denver office. I became a partner within a few years, and had a litigation practice that included an array of matters nationwide, as well as the \_\_\_\_\_ litigation; I also brought into the firm its largest contingent-fee case during that era, which eventually netted a 7-figure fee return.

Sadly, the office's two lead litigation partners had a falling out, and each eventually left the firm, taking with them the office's largest litigation matters. Because the remaining litigation work was in an area of less interest to me (environmental defense), I revisited my biomedical roots and took a post as Of Counsel with \_\_\_\_\_ in Denver. In addition, I reactivated my involvement in the \_\_\_\_\_, a business, and also worked with the \_\_\_\_\_. I expanded my participation in \_\_\_\_\_ Section of the Colorado bar, and headed up the \_\_\_\_\_ committee in this period.

Despite the bluster of the local U.S. Attorney, there was simply no widespread \_\_\_\_\_ fraud uncovered in Colorado. So I took on several commercial bench trials and successfully conducted two multi-million dollar arbitrations, also taking the lead role in defense of the \_\_\_\_\_ in *qui tam* suits; and I counseled \_\_\_\_\_'s trial team to a successful 8-figure trade secrets verdict (later reduced. But my only option at \_\_\_\_\_ was general litigation, and I very much wished to expand on my technical interests and my life sciences contacts and training. I determined that IP litigation presented my best path, so I studied and passed the Patent Bar and was registered in \_\_\_\_\_. Armed with this registration and my trial background, and wishing to learn how to write patents, I arrived at \_\_\_\_\_ in \_\_\_\_\_ as Of Counsel.

### **Business History**

In my first days at the firm, I took over and helped settle a patent dispute involving high-charge batteries, followed by intensive trial preparation and first-chair conduct of the \_\_\_\_\_ trial, the verdict that was eventually upheld at the Supreme Court. I then took up the \_\_\_\_\_ dispute regarding \_\_\_\_\_ patents, followed by a series of \_\_\_\_\_ patent cases for \_\_\_\_\_ and its licensees. During this time I wrote or helped out on a number of patent applications. I was then asked by our Commercial Litigation group to take on a contract dispute for \_\_\_\_\_, resulting in the defense verdict of less than 1% of the trial demand; to second-chair a major NASD arbitration; and to manage a pro bono jury trial for \_\_\_\_\_. (My client has prevailed in all of the jury trials I have conducted at \_\_\_\_\_.) My most recent work has been for \_\_\_\_\_; I also do work for \_\_\_\_\_ on its post-trial royalties dispute with \_\_\_\_\_, and have helped a company in Nevada resolve a series of ownership disputes.

Numerically, in each of my years at \_\_\_\_\_, I have averaged some 2100 billable hours (at a collection rate around 98%), and well over 100 hours of pro bono. That has translated into an average of \$1,000,000 of personal share in collection for each of the past five years, with my billing rate rising to \$555/hour at present. Representative clients these past few years have

included \_\_\_\_\_. In the three most recent years, over 80% of my time, and at least one full-time associate, have worked on matters that I brought to the firm, or for which I was the relationship attorney. (I was also conflicted out of another \$1-2 million of legal fees that I referred to other firms in 2005 and 2007).

### **Pro Bono/ Community Service**

I am the Pro Bono Coordinator for \_\_\_\_\_, and in that role, I both supervise numerous matters in the office, and run the larger litigation teams. Three years ago, in a case for the \_\_\_\_\_, we garnered the largest single settlement for a \_\_\_\_\_ case in Colorado history, also winning the firm's inaugural pro bono award. Two years ago I co-chaired the first plaintiffs' jury verdict in a \_\_\_\_\_ case in the history of the Colorado federal court. And I presently run a team of six attorneys in a case against the sheriff in. I also serve on the \_\_\_\_\_ Committee at The Children's Hospital in Aurora, and teach \_\_\_\_\_ to a section of \_\_\_\_\_ students at the CU Health Sciences Center.

### **Plan 2008**

At this point in my career, I have the freedom to travel to better build my national and international practice. Building on my present book of business, and my contact list of over 500 referral sources, I believe that I can transition this practice to another firm. Unfortunately, the \_\_\_\_\_ clients in Denver are either institutional clients or retiring from the business so I will need to rebuild that portion of my practice. But I have become a regular attendee at the \_\_\_\_\_ Institute held in \_\_\_\_\_ each summer, extending my ties with lead scientists and consultants at NIH, the National Academies, and the FDA, and I also have close congressional contacts in the stem-cell and general life sciences public policy arena, and have recently been offered personal introductions to the heads of BIO and PhRMA in DC.

In addition, \_\_\_\_\_ clients are almost entirely at the firm due to my efforts, and should be expected to migrate with me. I have active licensing and litigation counseling work for several clients, and just settled a multi-million dollar patent fight for a very grateful client. I expect reversal on appeal of a summary judgment order in patent litigation argued early this month at the Federal Circuit, in a case with a remaining budget of \$1.5 million. Finally, a \_\_\_\_\_ client is working through a major restructuring now, and once closed (probably in March), has asked that I pursue litigation in Denver District Court that is budgeted at \$300-400,000 in expected fees in 2008.

### **References:**

I am pleased to provide references from the private sector and the federal judiciary upon request, but am not presently advising my current of my interest in leaving firm so I ask for your discretion in that regard.

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