



SpencerFane®

John Watson



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BIOGRAPHY

John Leonard Watson leverages his in-depth commercial trial and litigation knowledge to understand clients' needs and goals and serves as a formidable advocate on their behalf. With his exceptional trial skills, Watson has successfully represented clients in state and federal courts, helping them plead their cases before juries and judges in dozens of trials to verdict. During his 40 years practicing law, he has also fought for his clients' interests before numerous federal, state and local administrative and regulatory agencies and shepherded them through alternative dispute resolution forums including arbitration and mediation.

As both a defense trial attorney and counselor, Watson represents clients in a variety of complex commercial cases, including breach of contract actions, real estate and land development, special district litigation, construction disputes between contractors and subcontractors, securities litigation, public land and natural resources law, mining, oil and gas, wildlife, toxic tort, Superfund, and air, water and waste environmental cases. He advises landowners, as well as facility owners and operators on increasingly complex federal, state and local environmental, health and safety, and land use regulations and ordinances.

Many organizations and institutions call on Watson to share his legal experience and trial skills. He has published and taught extensively on trial tactics and litigation practice, real estate development, natural resources law, occupational health and safety regulation, as well as every level of air, water, hazardous waste, and Superfund regulatory programs. For the last 14 years, he has served as a member of the trial tactics faculty at the National Institute for Trial Advocacy in Boulder, Colorado, and has authored or presented at more than 160 environmental regulation training boot camps since 1987.

Highlights of John's experience include:

- **Complex Commercial and Special District Litigation.** Mr. Watson has represented clients in lawsuits involving insurance coverage, hazardous waste regulation and remedial actions, pension fund litigation, disputes between special districts, and a wide variety of other complex commercial disputes.
- **Construction litigation.** In October 2016, John Watson obtained a treble damage award on behalf of a construction subcontractor against a primary contractor pursuant to the Colorado Construction Trust Statute. The Court awarded damages, trebled the damage award, and granted 100% of his clients' attorneys' fees and court costs. The Court added 8% statutory interest to bring the award to over \$776,000. The primary contractor had not paid for labor, supplies, and materials provided by Mr. Watson's client related to electrical work at cell tower sites in Colorado and Florida.
- **Toxic Tort Defense.** Mr. Watson joins a small cadre of defense trial lawyers who have tried toxic tort cases to verdict. The cases involved citizens' claims of physical injury and property diminution based on

PRACTICE AREAS

- Air Emissions, Climate Change, and Sustainability Practice
- Brownfields and Contaminated Properties
- Environmental Law
- Class Actions and Other Multi-Party Actions
- Construction Law
- Development Incentives, Special Districts, Abatement & Tax Credits
- Environmental Cleanups
- Environmental Compliance and Enforcement Defense
- Environmental Litigation
- Environmental Permitting
- Local Government Land Development Regulation
- Litigation and Dispute Resolution
- Mediation and Alternative Dispute Resolution
- Products Liability and Toxic Torts
- Real Estate Litigation
- Real Estate
- Redevelopment and Environmentally Impacted Real Estate
- Oil and Gas
- Energy Law

INDUSTRIES

- Construction
- Energy
- Manufacturing
- Oil and Gas
- Waste Management
- Mining

EDUCATION

- University of Denver Sturm College of Law, 1976 (J.D.)
- Colorado State University, 1972 (B.S.), *with distinction*

BAR ADMISSIONS

- Colorado, 1976

COURT ADMISSIONS

- U.S. Supreme Court, 2000
- U.S. Court of Appeals for the Tenth Circuit, 1976

alleged releases of and exposure to toxic metals and hazardous substances. Over a period of 16 years, Mr. Watson successfully tried to verdict several multi-week jury trials in federal court. Because the cases involved multiple issues of first impression, Mr. Watson represented his clients in the related appeals in the federal court of appeals and the U.S. Supreme Court. He also represented the clients in related general liability insurance coverage actions in state court, including representation before the Colorado Court of Appeals and the Colorado Supreme Court. Based on his experience in defending these types of cases, a major New York law firm engaged Mr. Watson as an expert witness related to a separate toxic tort, insurance coverage action which was tried to verdict in Pittsburgh, Pennsylvania.

- *Plains Metropolitan District v. Ken-Caryl Ranch Metropolitan District*, 250 P.3d 697, (Colo.App.Div. 1 2010), cert. denied (2011).
- *Cotter Corp. v. Amerian Empire Surplus Lines Ins. Co.*, 90 P.3d 814 (Colo. 2004)(No. 02SC707), as modified on denial of rehearing (June 7, 2004).
- *Cotter Corp. v. American Empire Surplus Lines Ins. Co.*, 64 P.3d 886 (Colo.App. 2002) (No. 01CA1791), certiorari granted (March 3, 2003).
- *Dodge v. Cotter*, 328 F.3d 1212 (10th Cir. 2003), cert. denied, 540 U.S. 1003, 124 S.Ct. 533, 157 L.Ed.2d 408 (2003).
- *U.S. v. Friedland*, 173 F. Supp. 2d 1077 (D.Colo., July 2, 2001)(NO. 96-N-1213). • *U.S. v. Friedland*, 152 F. Supp. 2d 1234 (D.Colo., Mar. 31, 2001)(NO.CIV.A. 96-N- 1213).
- *Dodge v. Cotter*, 203 F.3d 1190 (10th Cir. 2000), cert. denied, 531 U.S. 825, 121 S.Ct. 71, 148 L.Ed.2d 35 (2000).
- *U.S. v. Valentine*, 885 F. Supp. 1506, 25 Env'tl. L. Rep. 21,423 (D.Wyo., Feb. 10, 1995) (NO. 93-CV-1005J).
- *Boughton v. Cotter*, 65 F.3d 823 (10th Cir. 1995).
- *U.S. v. Pesses*, 1994 WL 741277, 39 ERC 1951 (W.D. Pa., Nov. 7, 1994)(NO. CIV.A. 90-654).
- *U.S. v. Valentine*, 856 F. Supp. 627, 63 USLW 2063, 38 ERC 2090, 24 Env'tl. L. Rep. 21,555 (D.Wyo., June 2, 1994)(NO. 93-CV-1005-J).
- *U.S. v. Valentine*, 856 F. Supp. 621, 38 ERC 2086, 24 Env'tl. L. Rep. 21,553 (D. 3 Wyo., June 1, 1994)(NO. 93-CV-1005-J).
- *Boughton v. Cotter*, 10 F.3d 746 (10th Cir. 1993).
- *Sandoval v. Simmons*, 622 F. Supp 1174, 6 Employee Benefits Cas. 2161 (C.D. Ill., Aug 2, 1985)(NO. 83-1223).
- *T.I.M.E.-DC, Inc. v. I.A.M. Nat. Pension Fund*, 597 F. Supp 256, 6 Employee Benefits Cas. 2142 (D.D.C., Nov. 7, 1984)(NO. CIV. A. 84-3068).

PRESENTATIONS AND PUBLICATIONS

- Principal author and presenter at more than 160 environmental regulations training boot camps throughout the country (sponsored variously by Executive Enterprises, Inc., Archer Institute of Environmental Training and ABS Group).
- Discovery of Electronically Stored Data: Zubulake and the New Federal Rules of Civil Procedure, August 5, 2006, annual conference of the Colorado Trial Lawyers Association (CTLA); and August 11, 2006, annual conference of the Colorado Defense Lawyers Association (CDLA).
- Avoiding Litigation in Real Property Development, February 14, 2006, Denver Board of Realtors.
- Electronic Discovery: Zubulake's Impact on the Duty to Avoid Spoliation of Evidence, September 28, 2005, Environmental Law Section of the Colorado Bar Association.
- Purchase and Sale of Real Property – A Case Study, June 17, 2005, Annual Law Conference, Agricultural and Rural Law, Natural Resources Law, Environmental Law, and Water Law sections of the Colorado Bar Association.
- Toxic Tort and Environmental Litigation, National Business Institute, January 9, 2004, Denver, CO (primary author and presenter).
- Daubert and Expert Evidence in Colorado, March 21, 2004, First Annual Conference of the Environmental Law Section of the Colorado Bar Association.
- Colorado Environmental Law Handbook (co-author), Government Institutes, Inc. (1995, 1996, 1997).
- Watson and O'Brien, The American Law of Mining, co-author of chapter concerning public land withdrawals and reservations in mining law treatise published by the Rocky Mountain Mineral Law Foundation.

COMMUNITY INVOLVEMENT

- Distinguished practitioner in natural resources and environmental law, University of Denver Sturm College of Law, spring semester, 2004
- Adjunct Professor and Instructor of environmental law, University of Denver College of Law, 1979-1985
- Trustee, Colorado Legal Aid Foundation, Inc., 1994-2000
- Director (Board of Directors), Court Appointed Special Advocates (CASA), Denver, 1996- 2002
- Trial tactics faculty and instructor, National Institute for Trial Advocacy (NITA), 2002- present

MEMBERSHIPS

- Chair, Committee of Toxic Torts and Environmental Litigation of the Section of Environment, Energy and Resources, American Bar Association, 2000-2002
- Vice Chair, Air Quality Committee of the Section of Environment, Energy and Resources, American Bar Association, 2018-2019
- Vice Chair, Energy and Natural Resources Litigation Committee of the Section of Environment, Energy and Resources, American Bar Association, 2018-2019
- Chair, Environmental Law Section, Colorado Bar Association, 1979, 2003
- Council Member, Environmental Law Section, Colorado Bar Association, 2018-2019
- Member, Denver Bar Association
- Member, First Judicial District (Jefferson, Gilpin Counties) Bar Association
- Member, Colorado Mining Association
- Member, Colorado Oil and Gas Association
- Member, Colorado Association of Commerce and Industry
- Member, Doyle Inn of Court, Wheeler Pupilage

DISTINCTIONS

- Recognized in the *International Who's Who of Environment Lawyers*, 2004 – present
- Recognized in *Colorado Super Lawyers®*, 2006, 2011 – present

Contact John Watson at 303.592.8339 or jwatson@spencerfane.com.

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