SpencerFane®

Evan Stephenson

Partner

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Overview

Evan Stephenson focuses his practice on insurance, commercial, and class action litigation with a particular emphasis on trials and appeals. In each of these areas, he has a proven track record of success for his clients.

Based on exemplary client, colleague, and peer review, Evan is a Fellow of the American College of Coverage Counsel and an elected member of the American Law Institute. *Law360* honored Evan and his team as one of its Regional Powerhouses. Evan has been ranked in *Chambers USA* for Colorado Insurance. *5280 Magazine* listed Evan as one of its 2025 Top Lawyers, and for 2026, Evan has been selected to Lawdragon's 500 Leading Litigators in America.

Evan clerked for the Honorable John Marshall Rogers of the U.S. Court of Appeals for the Sixth Circuit.

Education

- University of Virginia School of Law, 2005 (J.D.)
- George Mason University, 2002 (B.A.), *magna cum laude*

Bar Admissions

- Colorado

Court Admissions

- U.S. Supreme Court
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Northern District of Illinois
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Sixth Circuit

Distinctions

- *5280 Magazine*, Top Lawyers, Insurance, 2023-2026
- *Chambers USA*, Band 1: Insurance, 2023-2026
- Benchmark Litigation, 40 & Under National Star, 2019
- *Best Lawyers in America*, Appellate Practice, Insurance Law, Litigation – Insurance, 2018-2027
- *Colorado Super Lawyers*, Civil Litigation – Defense, 2026
    - Insurance Coverage, 2019-2025
    - Rising Star, Insurance Coverage, 2012-2018
- Colorado Civil Justice League, Lawyer of the Year, 2011
- Lawdragon, 500 Leading Litigators in America, 2026
- *Law Week Colorado,* Up-and-Coming Lawyer, 2011
- Martindale-Hubbell, AV Peer Review Rated

Memberships

- American Law Institute, Elected Member
    - Restatement of the Law Third, Torts
- American College of Coverage Counsel, Fellow
- Federation of Defense & Corporate Counsel
- International Association of Defense Counsel
- Defense Research Institute
- Rex E. Lee Law Society
- Honorable Order of Kentucky Colonels

Presentations and Publications

- "Giving Up the Spear: Will a Quartet of State Supreme Court Decisions Quell the Effort to Sue Insurance Adjusters Personally?" *The Brief,* Fall 2022
- "Disqualifying Lawyers from Suing Former Clients under the 'Substantial Risk' Test," *The Brief*, Fall 2021
- "Developing Strategies to Address Fear v. GEICO Decision," Colorado Defense Lawyers Association Annual Conference, August 2025
- "Former-Client Conflicts: Lawyer Disqualification under Colo. RPC 1.9(a)," *Colorado Lawyer*, November 2020
- "'Just Win, Baby:' The Tenth Circuit Rejects the 'Anything Goes' Tactics of the Hail-Litigation Gold Rush," 96 Den. L. Rev. 267, 2019
- "Survival of the Fittest? The Origins and Evolution of the Substantial-Similarity Doctrine," 57 Wayne L. Rev. 423, 2011
- "Evading the No Child Left Behind Act: State Strategies and Federal Complicity," 2006 B.Y.U. Educ. & L.J. 157
- "Alone and Out of Excuses: The Tenth Circuit's Refusal to Apply Federal Rule of Evidence 407 to Product Liability Actions," 36 N.M. L. Rev. 391, 2006
- "An Economic Model Costing 'Early Offers' Medical Malpractice Reform: Trading Noneconomic Damages for Prompt Payment of Economic Damages," 35 N.M. L. Rev. 259, 2005

Related Experience

- In a case of first impression, won a Colorado Supreme Court reversal of a court-of-appeals decision that threatened effectively to eviscerate policy defenses by subjecting them to the requirements of Colorado's cooperation statute,

C.R.S. § 10-3-1118. Consistent with Evan's arguments, the supreme court also abrogated a prior unanimous court-of-appeals decision voiding exhaustion clauses in UIM policies. *USAA v. Wenzell*, 2026 CO 25, 588 P.3d 711.

- Won a complete defense verdict in a two-week federal jury trial alleging breach of contract, common law bad faith, and statutory unreasonable denial of UIM benefits under C.R.S. §§ 10-3-1115 and -1116. The plaintiff was represented by "Colorado's foremost trial attorney in insurance litigation" and sought millions in losses allegedly arising from loosened spinal hardware following a car accident. After two weeks of evidence, the jury deliberated for approximately four hours over lunch and returned a complete defense verdict for Evan's client. *Fifer v. Travelers*, No. 23-cv-00294-NYW-CYC (D. Colo.).
- Won a unanimous jury verdict for common law fraud against an insurance appraiser who inflated an appraisal award by hundreds of thousands of dollars. This is the first fraud jury verdict of its kind. After the Colorado Court of Appeals upheld the judgment, the appraiser unsuccessfully petitioned the U.S. Supreme Court for review. *Travelers v. Cartaya*, No. 2020-cv-032891 (Denver Cty. Dist. Ct., Colo.); *Cartaya v. Travelers*, No. 2022CA000739 (Colo. App. Oct. 5, 2023) (affirming the judgment); *Cartaya v. Travelers*, No. 24-738 (U.S. Apr. 21, 2025) (cert. denied).
- Won a unanimous Colorado Supreme Court reversal of a lower-court decision erroneously ruling that the statute of limitations for claims of minors is always "tolled" until they turn eighteen years old. In ruling to the contrary, the supreme court distinguished four of its prior cases and ended longstanding "confusion." *Kinslow v. Mohammadi*.
- Won a jury verdict against Frank "the Strong Arm" Azar in a bad faith action in a bellwether trial involving a *Nunn* agreement and a judgment over 55 times the insurer's policy limit. "The Strong Arm" tried the case personally. He publicized the trial in the January 2023 issue of *5280 Magazine* in an article entitled, "Is Frank Azar Colorado's Greatest Lawyer?" The jury found in favor of Evan's client in approximately two hours.
- Won a unanimous and nationally significant ruling of first impression from the Colorado Supreme Court on behalf of an insurance adjuster who had been sued personally for statutory double damages. The court put a stop to such abusive lawsuits, ruling that employees of insurance companies cannot be liable personally under Colorado's double-damages statutes. *Skillett v. Allstate and Draine*.
- Won the leading state supreme court case in the U.S. interpreting the "substantial risk" test for disqualifying lawyers from suing their former clients. *Persichette v. Owners Ins*.
- Won a significant victory before the U.S. Judicial Panel on multidistrict litigation for an insurance company facing an attempt to centralize all federal COVID-19 business interruption insurance cases.
- Represented seven codefendants in a property insurance class action lawsuit in Colorado. The plaintiffs claimed they were systematically underinsured in a "monumental" conspiracy, in violation of federal RICO and antitrust laws, and involving virtually all property insurers in Colorado as well as industry trade groups. Served as liaison counsel and argued the successful motion for the fee award of more than $1.5 million.
- Won a jury verdict in a bad faith action in Broomfield County District Court, Colorado, for a Fortune 50 insurer in a bellwether trial involving a *Nunn* agreement and a judgment over 30 times the insurer's policy limit. The jury found in favor of the client in approximately two hours.
- Won a complete defense verdict in a five-day jury trial of underinsured motorist bad faith claims in which the plaintiff demanded over $1,000,000. *Olsen v. Owners Ins. Co.*
- Won a complete defense verdict in a five-day jury trial of underinsured motorist bad faith claims in which the plaintiff's complaint demanded more than $7,000,000 in damages. The jury returned the verdict in one hour, 13 minutes over lunch. *Persichette v. Owners Ins. Co*.
- Won a federal jury verdict in a trial for an insurer pursuing counterclaims against a homeowners association that filed an inflated insurance claim and sought more than $5,000,000 in total damages. The Court entered judgment for the client for the full amount that had been paid in benefits, plus interest and costs. *Sunflower Condo. Ass'n v. Owners Ins. Co*.

- Won a defense verdict for an insurance company in Denver County District Court against a policyholder who had sued for uninsured motorist benefits. The jury found in less than half an hour that the plaintiff had failed to cooperate or comply with the statute of limitations.

- Completed a five-day trial of a multimillion-dollar bad faith case. Obtained a favorable settlement after evidence closed. *Baker v. The Phoenix Ins. Co*.
- Following a seven-day trial, won a defense verdict against a nationally renowned plaintiff's bad faith lawyer in a multimillion-dollar excess judgment case. Before this trial, the client's opposing counsel had never lost a bad faith case. The jury deliberated less than two hours before returning a defense verdict. *King v. Allstate Ins. Co*.
- Won a unanimous reversal of a trial court order dismissing an energy company's case for forum non conveniens. The court rejected the novel doctrine of "cross-jurisdictional forum non conveniens preclusion." *Nation SLP, LLC v. Bruner*.
- Defeated an attempt by the plaintiff's bar to weaken dramatically Colorado's statutory caps on noneconomic damages in personal injury cases. The court rejected the plaintiff's argument that the entry of a massive jury verdict alone could justify increasing the cap. *Pisano v. Manning*.
- Won unanimous affirmance of a summary judgment dismissing a defamation claim as a matter of law. *Haber v. Travelers*.
- Won a unanimous affirmance of complete dismissal sanctions for discovery misconduct against a personal injury plaintiff seeking over $20,000,000 for complex regional pain syndrome. *Estes v. A&S Towing, LLC*.
- Won affirmance of the client's trial victory vacating a $3 million appraisal award due to appraiser bias. The court decided a "novel issue of state law" in the client's favor, ruling that the partiality of one appraiser requires *vacatur* of an appraisal award. *Owners Ins. Co. v. Dakota Station II Condo. Ass'n, Inc*.
- Won a significant appeal for a national insurance company against a condominium association that filed an inflated insurance claim and sought more than $5 million in total damages. *Sunflower Condo. Assoc., Inc. v. Owners Ins. Co*.
- Won a groundbreaking ruling from the Colorado Supreme Court requiring insurance appraisers to be fully unbiased and impartial. *Owners Ins. Co. v. Dakota Station II Condo. Ass'n, Inc*.
- Won an "extraordinary remedy" from the Colorado Supreme Court reversing a trial-court order implying a waiver of the attorney-client privilege. The unanimous opinion establishes that the mere "fact that privileged information might become relevant in a given lawsuit could not alone be enough to establish an implied waiver." *State Farm v. Griggs*.
- Won complete affirmance in the Tenth Circuit of landmark rulings governing insurance appraisals. In two published opinions, the Tenth Circuit affirmed trial court rulings vacating an eight-figure appraisal award against the client, disqualifying for bias a national policyholder appraiser, and sanctioning the policyholder and its lawyers for misconduct in connection with the appraisal. *Auto-Owners v. Summit Park*.
- Won a Colorado Supreme Court reversal of a unanimous court of appeals ruling in a case of national importance to the insurance industry. In its ruling for the client, the Court held that the "notice-prejudice rule" does not apply to "no-voluntary-payment" provisions in insurance policies. *Law360* named this one of the top five insurance rulings of 2016. *Travelers v. Stresscon*.
- In this groundbreaking decision, the Colorado Supreme Court reversed a ruling in the Colorado Court of Appeals against a large national insurance company. The Supreme Court held that medical lien companies' contracts purporting to assign to them a portion of a claimant's future injury settlement are not true assignments and cannot be enforced against liability insurers. *Allstate Ins. Co. v. Med. Lien Mgmt., Inc*.
- Won a ruling from the U.S. Court of Appeals for the Sixth Circuit that overturned the trial court's verdict in a federal habeas corpus appeal by a pro bono client. *Cowan v. Stovall*.
- Won a motion to dismiss with prejudice a putative class action brought against a Fortune 50 insurance company. The court ruled that the client's standard form accurately described the nature of underinsured motorist insurance coverage and could not support any claim against the client as a matter of law.
- Won denial of certification of a putative nationwide class action complaint alleging that certain washing machines contained defective electronic control boards that caused the machines to malfunction and could potentially cause them to "explode."
- Won a motion to dismiss one of the nation's largest marijuana manufacturers facing labeling claims in the first class action brought against a marijuana grower in Colorado.
- Days before trial in this bad faith property lawsuit brought by the Merlin Law Group, the plaintiff dropped all claims and agreed to pay the client's litigation costs. The client paid nothing. *Park Hampden Shopping Ctr., LLC v. Firemen's*

Ins. Co. of Washington DC.

- Secured a "walk away" dismissal of a multimillion-dollar underinsured motorist lawsuit for bad faith and punitive damages. One month before trial, the plaintiffs agreed to drop the lawsuit, and the client paid nothing.
- Won a ruling holding that a law firm's employment agreement impermissibly restricts the right of departing attorneys to practice law, and rejecting the firm's claim that its "playbook" for litigating cases is a "trade secret."
- Obtained a favorable confidential settlement for a Fortune 500 product manufacturer in an arbitration. The client sought a multimillion-dollar recovery from a supplier that had breached its indemnity obligations.
- Defended a Fortune 500 product manufacturer from over $250 million in indemnity claims alleging that its products caused environmental contamination.
- Representing a national insurance carrier in pursuing over $75 million in losses arising from a wildfire from an at-fault party.
- Represented a group of investors in an international RICO and fraud action brought in federal court to reclaim governance of an energy company.
- Defended an energy company from an action brought by a contractor seeking multimillion dollar recovery arising from a major pipeline construction project.
- Obtained a favorable settlement for a provider of contract and claims administration services for vehicle service contracts in a lawsuit alleging tortious interference with contractual relations.
- Represented the former CEO and president of a major internet retailer, and recovered from the defaulting party money owed plus attorney fees on a substantial promissory note.
- Won summary judgment for a large national insurance company in Colorado District Court. The court ruled that the client owed no duty to defend an underlying copyright infringement lawsuit as a matter of law.