



SpencerFane®

## John L. Watson

Of Counsel

### Contact

Denver

P 303.592.8339 | F 303.839.3838

jwatson@spencerfane.com



## Overview

**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, John 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 46 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, John 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 John 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 20 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 materials for and presented at more than 160 environmental regulation training boot camps since 1987.

## Education

- University of Denver Sturm College of Law, 1975 (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

## Community Involvement

- University of Denver Sturm College of Law, Guest, Spring 2004
- University of Denver College of Law, Adjunct Professor, Environmental Law, 1979–1985
- Colorado Legal Aid Foundation, Inc., Trustee, 1994–2000
- Court Appointed Special Advocates (CASA), Denver, Board of Directors, Director, 1996–2002
- National Institute for Trial Advocacy (NITA), Trial Tactics Faculty, 2002–present

## Distinctions

- *Best Lawyers in America*, 2024–2025
- *Who's Who of Environment Lawyers*, 2004–2022
- *Colorado Super Lawyers*, 2011–2022

## Memberships

- American Bar Association, Section of Environment, Energy and Resources, Air Quality Committee, Co-Chair, 2020–2021
- American Bar Association, Section of Environment, Energy and Resources, Committee of Toxic Torts and Environmental Litigation, Chair, 2000–2002
- American Bar Association, Section of Environment, Energy and Resources, Air Quality Committee, Vice Chair, 2018–2019
- American Bar Association, Section of Environment, Energy and Resources, Energy and Natural Resources Litigation Committee, Vice Chair, 2018–2019
- Colorado Bar Association, Environmental Law Section, Chair, 1979, 2003
- Colorado Bar Association, Environmental Law Section, Council Member, 2018–present
- Colorado Mining Association
- Colorado Oil and Gas Association
- Colorado Association of Commerce and Industry
- Doyle Inn of Court

## Presentations and Publications

- ["Reigning in Federal Agency Authority. Do Agencies Have the Authority to Act?"](#) SME Minnesota Conference, Virginia, Minnesota, April 2025
- ["Cleanup Claim Characterization Key For Timeliness Inquiry,"](#) *Law360*, March 2025
- ["Post-Election Implications for The EPA's Methane Rules,"](#) *Law360*, November 2024
- ["Working With Experts. Attorney-Client Communication Privilege and Attorney Work Product Doctrine. An Updated Primer,"](#) Colorado Environmental Management Society (CEMS) Annual Conference, September 2024

- "Abandoned Mines Remediation in Colorado," National Conference of the American Institute of Professional Geologists, August 2024
- "[Colorado Supreme Court Dispels Some Misconceptions on Confidential Legal Communications](#)," *Law Week Colorado*, July 2024
- "[A Novel and Important Question – Personal Jurisdiction in Colorado: Nonresident Corporations Versus Individuals](#)," *Law Week Colorado*, May 2024
- "[Coal Leasing Moratorium on Federal Lands Lifted by Ninth Circuit Court of Appeals](#)," *World Coal*, April 30, 2024
- "[Abandoned Mines Remediation in Colorado: Proposals for Federal and State Legislative Solutions](#)," Colorado Environmental Management Society, September 12, 2023
- "[Cos. Can Bet On More Stringent Climate Regs At Every Level](#)," *Law360*, November 29, 2022
- "[The Glasgow Climate Change Conference \(COP26\) – What Will the Biden Administration Do?](#)" Colorado Bar Association, Environmental Law Section, December 15, 2021
- "[Federal Policy Flip-Flop Again Throws a Wrench Into The Works](#)," *Colorado Real Estate Journal*, December 1, 2021
- "[What Colorado Ozone Probes Mean for Oil and Gas Cos](#)," *Law360*, June 29, 2021
- "[Waters of the United States \(WOTUS\) – The New Regulatory Regime for Surface and Groundwater](#)," 123rd Western Mining Conference, Colorado Mining Association, March 1, 2021
- "[The Colorado Good Samaritan Act of 2020](#)," San Juan Mining and Reclamation Conference, September 24, 2019
- "Discovery of Electronically Stored Data: Zubulake and the New Federal Rules of Civil Procedure," Colorado Trial Lawyers Association, Annual Conference, August 5, 2006; Colorado Defense Lawyers Association, Annual Conference, August 11, 2006
- "Avoiding Litigation in Real Property Development," Denver Board of Realtors, February 14, 2006
- "Electronic Discovery: Zubulake's Impact on the Duty to Avoid Spoliation of Evidence," Colorado Bar Association, Environmental Law Section, September 28, 2005
- "Purchase and Sale of Real Property – A Case Study," Colorado Bar Association, Agricultural and Rural Law, Natural Resources Law, Environmental Law, and Water Law Sections, Annual Law Conference, June 17, 2005
- "Toxic Tort and Environmental Litigation," National Business Institute, Denver, Colorado, January 9, 2004
- "*Daubert* and Expert Evidence in Colorado," Colorado Bar Association, Environmental Law Section, March 21, 2004
- "Colorado Environmental Law Handbook," Government Institutes, Inc., 1995, 1996, 1997
- *Voluntary Environmental Cleanup: The EPA's Buy-In to Colorado's Program*, 25 Colo.Law. 105, 1996
- "The American Law of Mining," Rocky Mountain Mineral Law Foundation
- 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

## Related Experience

- **Complex Commercial and Special District Litigation.** John 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 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 John client related to electrical work at cell tower sites in Colorado and Florida.
- **Toxic Tort Defense.** John 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 alleged releases of and exposure to toxic metals and hazardous substances. Over a period of 16 years, John successfully tried to verdict several multi-week jury trials in federal court. Because the cases involved multiple issues of first impression, John 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 John as an expert witness related to a separate toxic tort, insurance coverage action which was tried to verdict in Pittsburgh, Pennsylvania.

- Additional experience:

- *Plains Metropolitan District v. Ken-Caryl Ranch Metropolitan District*, 250 P.3d 697, Colo.App.Div. 1 2010, cert. denied, 2011.
- *Cotter Corp. v. American 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.