

# Brett Godfrey

*Professional Resume*

## **Godfrey Law, P.C.**

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## Summary

- Named “Best Commercial Litigator in Colorado” by *Law Week Colorado*—Barrister’s Best (2015).
- 99 jury trials to verdict as lead counsel throughout the United States.
- Extensive knowledge of engineering, science, medicine & computing.
- National and international litigation experience.
- More than 25 published appellate opinions.



## Background

Brett Godfrey has 36 years of trial experience, and an extensive medical, scientific, and aerospace background. He is rated “AV” by Martindale-Hubbell’s Peer Review Rating System (the highest attorney rating available). He was first listed by Denver’s 5280 Magazine as a Top Colorado Super Lawyer in 2006—and remains so today.

### ***Jury trial experience***

Mr. Godfrey has served as lead counsel in 98 jury trials throughout the United States. His diverse trial experience includes complex commercial claims, product liability, insurance bad faith, medical malpractice, lender liability, fires and explosions, computer liability, class-actions, civil rights, employment discrimination and employment contract disputes, premises liability, criminal defense and automobile cases in state and federal courts. He also has substantial experience in FINRA securities arbitrations and SEC administrative matters.

### ***Appellate experience***

Mr. Godfrey has served as lead appellate counsel in a large number of cases, which establishing new law in State and Federal court in a number of states. His appellate experience includes post-trial and interlocutory appeals in areas of law including product liability, insurance coverage, bad faith, legal malpractice, human trafficking, class actions, and a host of other topics.

### ***National and international legal experience***

Mr. Godfrey has handled legal matters in more than 22 states. He has tried cases in Colorado, Wyoming, Utah, California, Nevada and overseas. Mr. Godfrey has also handled or directed litigation in England, Scotland, South Africa, China, the Seychelles Islands, Canada, and Mexico, including supervision of local counsel in those countries and coordination of high-stakes multi-national litigation.

### ***Arbitration***

Mr. Godfrey has handled more than 25 arbitrations throughout the U.S., including matters involving construction defects, securities fraud and broker-dealer liability, insurance coverage disputes.

### ***Engineering experience***

Before becoming an attorney, Mr. Godfrey worked as a Senior Chemical Engineer for one of the Williams Companies, designing an entire control system for complex multi-stage chemical processing. In that role, he pioneered the successful use of new technologies employing aerospace-grade ceramic and titanium flow components, as well as automated control technologies—designing new hardware components and writing software to control most of the processes. Earlier in his engineering career, Mr. Godfrey worked in research and development laboratories at DeSoto, Inc., a chemical coating manufacturer, and Environecs, Inc., a maker of computerized industrial pollution control equipment.

In the context of his work as both an attorney and an engineer, Mr. Godfrey is experienced in design and development of preventive measures relating to product liability and plant safety. He has designed protective devices and safety procedures, warning labels and written instruction manuals for new technologies and human factors analysis. He has participated in a number of root cause investigations arising out of accidents, including air crashes, explosions and drilling rig accidents.

These professional experiences afford Mr. Godfrey unique knowledge and background which is priceless in the context of litigating high-technology disputes, such as product liability and patent cases.

### ***Business law***

Brett has litigated a large number of high-stakes business disputes involving licensing rights, intellectual property claims, royalty disputes, unfair trade practices, price discrimination claims, accounting disputes, sales contract disputes, franchise agreement disputes and other corporate litigation, including civil RICO (Racketeering) and multi-district litigation.

### ***Public speaking***

Mr. Godfrey is a frequent speaker at educational, private and political engagements, and is often invited to lecture at for-credit Continuing Legal Education (CLE) seminars. He campaigned for a seat in the Colorado State House of Representatives in 2010, bringing him into contact with many community leaders and the people of his home state in a way that can be achieved in no other way than running for office.

Mr. Godfrey has also been a guest lecturer at a number of law schools throughout the nation, lecturing primarily about litigation and trial tactics.

### ***Military & aviation***

Mr. Godfrey is a former Air Force officer, with substantial experience in aviation law. He is also a pilot with multiengine and instrument ratings. His most recent aviation experience includes acting as Pilot In Command of the firm's Cessna 421C Golden Eagle, in which he logged over 600 hours in all-weather IFR operations. Brett has flown 4 different kinds of jets and turboprops and more than a dozen types of piston airplanes, as well as two different types of helicopters. Brett has litigated glider crash cases, helicopter crashes, plane crash cases and he has been involved in both civilian and military air crash investigations. He has successfully and safely handled serious in-flight emergencies, including engine failures, without damage

to persons or property. As an aside, Mr. Godfrey has logged over 2,000 skydives and was a competitive parachute jumper for 5 years.

### ***Results and Outcomes***

- Obtained \$14.4 million award for owner of residential apartment complexes in Texas following 8-week arbitration.
- Successfully defended Federal Fair Labor Standards Act / Colorado Wage Act claim tried to jury in U.S. District Court.
- Succeeded on appeal before Wyoming Supreme Court in case involving contested oil & gas royalties.
- Obtained \$3 million jury verdict for aircraft dealer following collapse of hangar roof.
- Obtained \$4.5 million settlement for corporate client in contract indemnity case arising out of fatal workplace accident.
- Successfully defended patent infringement jury trial in U.S. District Court involving subatomic physics.
- Successfully defended multi-fatality air crash cases.
- Successfully defended stock fraud claim brought against high technology instrumentation company by former CEO.
- Successfully defended loss of vision claim tried to jury following head injury in apartment community.
- Successfully defended the largest FDCPA class action ever tried to a jury (USDC for Northern District of California), and thereafter successfully argued before the 9th Circuit US Court of Appeals for the disqualification of class action counsel.
- Obtained \$3.1 million jury verdict for client in commercial contract dispute related to the sale of dental practice.
- Developed and presented the most scientifically sophisticated helmet product liability defense ever presented in federal court, integrating expert testimony from 7 separate scientific fields and cutting-edge computer animations and laboratory re-enactments.
- Obtained \$14.8 million recovery for Larimer County, Colorado, in an engineering-defect suit against contractors in connection with engineering defects in several arena-size steel buildings at the Larimer County Event Center.
- Obtained nearly \$10 million for corporate clients in relation to computer software and hardware liability.
- Secured contested licensing rights for a client in a dispute related to Asian distribution of major database engine, including the successful representation of a corporate founder in federal court with related proceedings pending in Chinese courts.
- Tried several insurance bad faith cases on both sides of bar.
- Obtained more than \$10 million dollars in compensation for homeowners in residential construction defect suits.
- Obtained \$5.5 million recovery for owner of single-family dwelling in combined construction defect and bad faith case.
- Litigated several civil RICO claims with uniform success for both plaintiffs and defendants in U.S. District court.
- Defended class actions involving construction defect and product liability allegations, with complex engineering issues.
- Successfully defended hospitals and public entities in multiple ADEA claims federal district and appellate courts.

- Created new law in the context of his uniformly successful defense of ski areas and chair lift manufacturers.
- Obtained defense verdict for legal malpractice clients despite prior finding by Wyoming Supreme Court in earlier criminal proceeding that the attorney defendants had provided “ineffective assistance of counsel.”
- Was the first attorney in the world to successfully enforce an American Subpoena on South African soil pursuant to the Hague Convention and related international laws.
- Defended many medical device cases involving “state-of-the art” and “learned intermediary” defenses, related to complex technologies.
- Obtained record-setting compensatory damage award in civil auto case in northeastern Colorado state court.
- Successfully managed multinational litigation as lead counsel in 5 countries simultaneously in which claims of more than \$40 million were asserted.
- Litigated airplane and helicopter crash cases.
- Corporate crisis management: Mr. Godfrey’s experience also includes extensive involvement in corporate crisis management, including legal and business and management advice to corporate chief executives in the midst of catastrophic press events, public turmoil, corporate acquisitions and takeovers, employment disputes, public offerings, media relations, risk management analysis, restructuring and compliance disputes.
- Mr. Godfrey has advised corporations and executives in the aftermath of fatal accidents, layoffs and reductions in force, public scandals involving senior corporate officials.
- Mr. Godfrey has also assisted with the development of risk management structures and underwriting of specialty insurance, including providing unique risk assessments to some of the largest insurers in the world in the context of evaluating risk appetite for specialty and manuscript insurance coverages.

### ***Publications***

Mr. Godfrey has authored numerous published articles in various legal textbooks and periodicals, including the *Colorado Lawyer*, *Trial Talk*, *Inside The Minds*, *Flying Magazine*, *Colorado Law Week* and others. Mr. Godfrey’s various treatises have been used in the insurance industry as training materials for more than 20 years, and his seminar articles have been re-published in national publications, including the AAJ (ATLA) annual convention book chapters. Mr. Godfrey is experienced in natural resources law, and assisted Professor John Lowe in the research and writing for the Second Edition Nutshell on Oil and Gas Law. He also edited the Rocky Mountain Mineral Law Newsletter for one year in 1986.

### ***Expert testimony***

Mr. Godfrey has testified as an expert witness in insurance bad faith and legal malpractice actions.

### ***Community Service***

Brett served for many years on the Board of Directors for the Denver Area Council of the Boy Scouts of America and has served on the Board of Directors of two drug-rehabilitation programs. He has volunteered his time and resources to fundraising activities for Habitat For Humanity, the Denver Children’s Home and several other charities involved in mental health, drug-abuse prevention and protection of women from violence.

## ***Hobbies***

Brett loves painting, writing (fiction and non-fiction), computer graphics and web design, skiing, backpacking, scuba diving, skydiving, flying, martial arts, defensive pistol competition and gunsmithing. He also studies philosophy, comparative religion and physics.

## ***Education***

- Juris Doctor, 1987, University of Tulsa College of Law
- Bachelor of Science in Chemical Engineering, 1983, University of Wyoming

## ***Court Admissions***

### *State and federal court:*

- Colorado
- Wyoming
- Texas
- Pennsylvania

### *Federal court:*

- Utah
- North Dakota
- California
- Kentucky
- Montana

### *Frequent pro hac vice:*

- California state courts
- Utah federal courts
- Utah state courts
- Nevada state courts

### *U.S. Circuit Appellate Courts:*

- 10th Circuit
- 9th Circuit

## **Memberships & Professional Affiliations**

- Aviation Insurance Association
- Claims & Litigation Management Alliance
- Lawyer-Pilots Bar Association
- American, Colorado, Denver, and Wyoming Bar Associations
- Wyoming Trial Lawyers Association
- International Thriller Writers
- Rocky Mountain Fiction Writers

## ***Honors & Awards***

- Lifetime Achievement Award **America's Top 100 Attorneys**
- Designated by *Law Week Colorado Barrister's Best (2015)* **Best Commercial Litigator in Colorado**

- Designated by *Law Week Colorado Barrister's Best (2016-2017)* "Best Construction Defect Litigator in Colorado"
- Selected for membership in the National Association of Distinguished Counsel
- *Senior Fellow*, Litigation Counsel of America, trial lawyer honorary society.
- Selected for membership in Super Lawyers
- Awarded the following designations in *Best Lawyers in America*, in the following practice areas:
  - Commercial Litigation
  - Insurance Law
  - Litigation – Construction
  - Litigation – Insurance
  - Personal Injury Litigation – Defendants
  - Personal Injury Litigation – Plaintiffs
- *Fellow*, American Bar Foundation
- Martindale-Hubbell AV (Preeminent) rating
- *Fellow Emeritus*, Colorado Bar Foundation
- *Fellow Emeritus*, Arapahoe County Bar Foundation

### Articles & Publications

- Monograph: Advanced Voir Dire & Jury Selection (Part 1), published by NBI (Nov. 2015)
- Monograph: Advanced Voir Dire & Jury Selection (Part 2), published by NBI (Nov. 2016)
- Book Chapter: A Basic Primer For The Evaluation Of Developments In Biomedical Law (Thompson-West, 2015)
- Article: Worst-Case Scenario: Dual Engine Failure Over The Rockies (*Flying Magazine*, December 2013)
- Magazine: Traumatic Brain Injury: Litigation & Evaluation of Cases (4th Ed., 2014)
- Article: Using Technology In Trial (*Law Week Colorado*, 2014)
- Critically acclaimed novel: Black Sunrise (2019)
- Magazine: Fundamentals of Insurance Coverage (2nd Ed. 2016)
- Magazine: Common Damage Multipliers (2nd Ed. 2016)
- Magazine: Introduction to Colorado No-Fault (5th Ed. 2001)
- Magazine: Pure Tort Litigation (2003)