



Mary A. Wells, MEMBER

Ms. Wells's national trial practice focuses on complex litigation including product liability and business matters. She was named the 2014 Best Lawyers[®] Lawyer of the Year for Personal Injury Litigation Defense in Denver, the 2016 Best Lawyers[®] Lawyer of the Year for Product Liability Litigation Defense in Denver, the 2017 Best Lawyers[®] Lawyer of the Year for Personal Injury Litigation Defense in Denver, and a 2018 Best Lawyers[®] Lawyer for Commercial Litigation, Personal Injury Litigation Defense, and Product Liability Litigation Defense. She is a Fellow in the American College of Trial Lawyers and served as the 10th Circuit Representative to the ABA Standing Committee on the Federal Judiciary from 2007-2009. Ms. Wells was named one of the top 50 women litigators by the National Law Journal in 2002. In 2003, she received the prestigious John P. Raleigh Award from the Product Liability Advisory Council. She has been listed in every Colorado's Super Lawyers, including its Top 25 Women Lawyers 2011.

Global Law Experts recently selected Ms. Wells as the **Product Liability Litigation Lawyer of the Year in Colorado – 2018**.

Ms. Wells has been active in mass tort litigation for medical device, pharmaceutical, safety equipment, and friction product companies. She has tried numerous cases across the country and participated in innovative procedures concerning expert testimony, including preservation of trial testimony from court-appointed experts in the breast implant litigation. In addition, she has extensive trial experience in aviation products liability cases, primarily in the defense of airframe manufacturers. Her business litigation has been primarily directed to contract disputes.

She has written amicus briefs to the U.S. Supreme Court, federal appellate courts and state supreme courts dealing with expert evidence and causation issues.

Ms. Wells is admitted to the bars of Colorado, the United States Supreme Court, the 5th, 10th, and 11th Circuits, and the District of Colorado.

She is a member of the Board of Trustees of Warren Village, an organization dedicated to providing housing, education, and Social Services for single parent families to become self sufficient personally and financially .

Memberships

Fellow, American College of Trial Lawyers

10th Circuit Representative, ABA Standing Committee on the Federal Judiciary, 2007-2009

Co-Chair, Lawyers Reading Group ABA Standing Committee on Federal Judiciary, US Supreme Court Nominee Elena Kagan Evaluation, 2010.

Product Liability Advisory Council (Executive Committee 1994-1997, Case Selection Committee 1998-2001)

International Association of Defense Counsel (Director, Trial Academy, 2002)

Colorado Supreme Court Pattern Jury Instruction Committee, 1986-2007

USDC District of Colorado Trial Lawyers Peer Review Board, 1982-89

Practice Areas

- [Appellate](#)
- [Aviation and Airports](#)
- [Commercial Litigation](#)
- [Complex Litigation and Trials](#)
- [Products Liability and Mass Torts](#)

Education

- University of Denver, J.D.
- Purdue University, B.A.

Licensure

- Ms. Wells is admitted to the bars of Colorado, the United States Supreme Court, the 5th, 10th, and 11th Circuits, and the District of Colorado.

Professional Affiliations and Activities

- Fellow, American College of Trial Lawyers
- 10th Circuit Representative, ABA Standing Committee on the Federal Judiciary, 2007-2009
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Faculty of Federal Advocates

Defense Research Institute

National Association of Minority & Women Owned Law Firms (NAMWOLF), 2009-Present

Various other bar associations

Selected Publications

Chapter Author: Defense Counsel Training Manual, 3d Ed., "Using the Jury Charge to Win," Third Ed., International Association of Defense Counsel, August 2016

"Comments on Kumho Tire v. Carmichael," Kansas Journal of Law & Public Policy, Vol. 9, No. 1, pp. 143-148, 1999

"How to Find the Junk Science: Are Rule 706 Panels the Answer?" For the Defense, Vol. 41, No. 12, December 1999, Co-Author

"Science and Expert Opinion: A Response to the Attack Upon Judge Jones and the Hall Opinion," Mealey's Publications, 1998, Co-Author

"Empowering the Gatekeeper in the Post—Daubert Regime: Court-Appointed Experts and Special Masters," Expert Evidence: A Practitioner's Guide to Law, Science and the FJC Manual, Eds., Bert Black and Patrick W. Lee, West Group, 1997, Co-Author, revised 1999

Co-Author: "Pillage and Plunder in Aircraft Accidents: Potential for Spoliation," The Defense Journal, Vol. 60, No. 2, April 1993

"Federal Preemption of Strict Liability Claims in Aviation Litigation: A Fresh Look," American Bar Association Tort and Insurance Law Journal, Vol. XXVII, No. 4, Services, Inc., 1992

Co-Author: "Federal Rules of Evidence Self-Assessment Program," Continuing Legal Education in Colorado, Inc., and Professional Evaluation and Publication Services, Inc., 1985

Significant Presentations

"Winning at Trial 2016 – Jury Selection – Practical Tips for Mastering this Crucial Trial Skill," Colorado Bar Association/American College of Trial Lawyers CLE, 2016

"Winning at Trial 2015 – Jury Selection – Practical Tips for Mastering this Crucial Trial Skill," Colorado Bar Association/American College of Trial Lawyers CLE, 2015

"Silent Advocacy," International Association of Defense Counsel, 2015

"Winning at Trial 2014 – Ethics: A Panel Presentation – Jurors and Social Media – Implications of ABA Formal Opinion 466," Colorado Bar Association/American College of Trial Lawyers CLE, 2014

"Taking Away Plaintiff's Exhibit A. How to Avoid Creation of Harmful Internal Document," Corporate Counsel CLE Seminar, Carlsbad, CA, 2011

"Gatekeeper or Toll Booth Attendant? Erosion of Daubert," Defense Research Institute Product Liability Conference, Las Vegas, Nevada, 2010

"Emerging Civil Justice Issues: Four Top Controversies," Third Annual Civil Justice Symposium, Northwestern University School of Law, 2008

"Judicial Symposium on Scientific Evidence in the Courts," AEI-Brookings Joint Center for Regulatory Studies, Washington, DC, 2007

"Becoming a Preeminent Trial Lawyer," Defense Research Institute Program, Chicago, Illinois, 2005

"Subsequent Remedial Measures—Two Perspectives," Defense Research Institute Products Liability Conference, Los Angeles, California, 2002

“Scientific Evidence in the Courtroom: A Strategic Overview for Pharmaceutical Professionals,” Drug Information Association—37th Annual Conference, Denver, Colorado, 2001

“Case Study: Kumho Tire v. Carmichael and Panel Discussion: The Importance of Focusing on Methodology,” Scientific Methodology and the Admissibility of Expert Testimony, Annual Appellate Judges and Lawyers Symposium, Law and Organizational Economics Center, University of Kansas, Lawrence, Kansas, 1999

“New Approaches to Issue Resolution—Jury Innovations and the Proposal for a Bill of Peace,” Defense Research Institute Drug and Medical Device Litigation Meeting, San Diego, California, 1999

“Master Trial Lawyers’ Secrets for Dealing with Problem Issues at Trial in Product Cases,” Defense Research Institute Annual Meeting, San Francisco, California, 1998

“Open Forum—Masters in Trial Advocacy,” International Association of Defense Counsel Annual Meeting, La Jolla, California, 1998

“Making the Most of Experts,” DRI Business Torts—New Developments and Practical Issues, Denver, Colorado, 1998

“Daubert Developments: Whose Expert Does Daubert Exclude?” DRI Trial Techniques Seminar—The Art of Persuasion, San Francisco, California, 1998

“Dealing with Daubert Hearings and Court Appointed Experts,” DRI 1997 Annual Meeting, Baltimore, Maryland, 1997

“The Admissibility of Expert Testimony in Aviation Cases,” Tenth Annual Aviation Law Symposium, Embry-Riddle Aeronautical University, Daytona Beach, Florida, 1997

“Defense of Design Defect Claims: Back to the Future—Negligence is the Standard,” The Product Liability Institute for Corporate Counsel, Chicago, Illinois, 1996

Representative Cases

Peters v. Texas Instruments Inc., No. 10C–06–043–JRJ, 2011 WL 4686518 (Del. Super. Sept. 30, 2011), *aff’d*, No. 292, 2012, 2013 WL 85245 (Del. Jan. 9, 2013)

Johnson v. Garmin Internat’l, Inc., No. 05–CV–01564–RPM, 2009 WL 458628 (D. Colo. Feb. 24, 2009)

Goodyear Tire & Rubber Co. v. Holmes, 193 P.3d 821 (Colo. 2008)

AE, Inc. v. Goodyear Tire & Rubber Co., 168 P.3d 507 (Colo. 2007)

Kreft v. Adolph Coors Co., 170 P.3d 854 (Colo. App. 2007)

3M Company v Simeon Johnson et al, 895 So. 2d 151 (Miss. 2005)

Norris v. Baxter Healthcare Corp., 397 F.3d 878 (10th Cir. 2005)

In re Silicone Breast Implant Litigation, 11 F. Supp. 2d 1217 (D. Colo. 1998)

Hall v. Baxter Health Care Corp., 947 F. Supp. 1387 (D. Or. 1996)

In re Breast Implant Cases, 942 F. Supp. 958 (E.D.N.Y. 1996)

Amicus Briefs Concerning Admissibility of Expert Evidence and Medical Causation

U.S. Supreme Court:

U.S. Steel Corp. v. Milward, 132 S. Ct. 1002, 181 L. Ed. 2d 734 (2012) denying cert. to *Milward v. Acuity Specialty Products Grp. Inc.*, 639 F.3d 11 (1st Cir. 2011)

Ford Motor Co. v. Clay, No. 00–497, 531 U.S. 1044 (2000), denying cert. to, 215 F.3d 663 (6th Cir. 2000)

Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999)

General Electric Co. v. Joiner, 522 U.S. 136 (1997)

Subaru of Am., Inc. v. Compton, 519 U.S. 1042 (1996), denying cert. to 82 F.3d 1513 (10th Cir. 1996)

Federal Circuit Courts:

Bixby V. KBR, Inc., Nos 13-35513 & 13-35518 (9th Cir.) (Appeal Pending)

Allison v. McGhan Med. Corp., 184 F.3d 1300 (11th Cir. 1999)

Moore v. Ashland Chem. Co., 151 F.3d 269 (5th Cir. 1998) (en banc), cert. denied, 526 U.S. 1046 (1999)

State Supreme Courts:

Hyman & Armstrong, P.S.C. v. Gunderson, Nos. 2006-SC-000175-DG, 2006-SC-000179-DG, 2008 Ky. Lexis 114 (April 24, 2008)

Whirlpool Corp. v. Camacho, 298 S.W. 3d 631

Chapin v. A & L Parts, Inc., 733 N.W.2d 23 (Mich. 2007)

In re: Garlock Sealing Techs. & Georgia-Pacific Corp., No. 06-0881 (Tex. Oct. 12, 2007), denying rev. to No. 14-06-00467-CV, 2006 Tex. App. LEXIS 8198 (Tex. App. Sept. 19, 2006)

Price v. Philip Morris, Inc., 848 N.E.2d 1 (Ill. 2005), cert. denied, 127 S.Ct. 685 (2007)

Cassell v. Lancaster Mennonite Conf., 869 A.2d 974 (Pa. 2005)

Howerton v. Arai Helmet, Ltd., 597 S.E.2d 674 (N.C. 2004)

Grady v. Frito-Lay, Inc., 839 A.2d 1038 (Pa. 2003)

Donaldson v. Cent. Ill. Pub. Serv. Co., 767 N.E.2d 314 (2002)

Wagner v. Clark Equip. Co., Inc., 788 A.2d 83 (Conn. 2002)

Green v. Smith & Nephew AHP, Inc., 629 N.W.2d 727 (Wis. 2001)

Goeb v. Tharaldson, 615 N.W.2d 800 (Minn. 2000)

State v. Coon, 974 P.2d 386 (Alaska 1999)

Ex parte: Diversey Corp. v. Cooper, 742 So. 2d 1250 (Ala. 1999)

Brooks v. People, 975 P.2d 1105 (Colo. 1999)

Tran v. Hilburn, No. 97SC489 (Colo. Dec. 2, 1997), denying cert. to 948 P.2d 52 (Colo. App. 1997)

Representative Experience

- Achieved defense verdict for municipality sued by airport developer for breach of contract and violation of due process.
- Achieved dismissal of Delaware toxic tort case alleging birth defects under Texas law.
- Achieved dismissal for alcohol beverage manufacturer in class action alleging advertising abuses.
- Achieved judgment rendered in favor of protective device manufacturer in mass tort litigation following lengthy trial.
- Achieved defense verdicts for aircraft manufacturers in numerous aircraft accident cases.
- Achieved defense verdicts following lengthy trials for medical device manufacturer in mass tort cases.
- Tried more than 50 cases to verdict.
- Achieved summary judgment for aircraft component manufacturer in airplane crash case involving five deaths.
- National counsel for multiple clients in mass tort litigation.
- Former Director of Trial Academy for International Association of Defense Counsel.

