



LUCAS T. RITCHIE

Of Counsel

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EDUCATION

University of Denver Sturm College of Law, J.D., 2004

University of Colorado, B.A., 2001, Philosophy, *cum laude*

GOVERNMENT SERVICE

Colorado Supreme Court, Civil Rules Committee
Member

ADMISSIONS

Colorado

Luke Ritchie is a securities and business litigator known for successfully guiding clients through the many unique hazards and exposure points they face when fighting on multiple fronts—typically, against not only federal and state investigators, but also private litigants and court-appointed receivers who often pursue civil actions in parallel with such investigations. The press frequently interviews Luke about his cases and turns to him for his insights. He’s been quoted in *The Wall Street Journal*, NPR’s *Marketplace*, the *Denver Business Journal*, the *Colorado Sun*, *ColoradoBiz*, *LawWeek Colorado*, and other publications and television outlets. Luke has been recognized as a *National Law Journal* “Litigation Trailblazer.”

HIGHLIGHTS

- Defended founders/C-Suite executives of a national technology company in shareholders' derivative action.
- Defending a construction industry founder/officer in a highly contentious shareholders' derivative action.
- Defending a construction industry founder/officer in a highly contentious shareholders' derivative action.
- Defending a founder/CEO of architecture, design, and development conglomerate in a highly contentious "business divorce" litigation.
- Defending a founder/CEO of architecture, design, and development conglomerate in a highly contentious business divorce litigation.
- Represented a regional business in the nutraceutical industry in defending against claims and in prosecuting counterclaims in commercial contract dispute—obtained six-figure jury verdict.
- Obtained termination/no action letter in defending a registered investment advisor in an enforcement proceeding alleging suitability violations.

INDUSTRIES

- Financial Services
- Professional Services
- Energy
- Oil & Gas
- Construction & Engineering

PRACTICE AREAS

- Investigations & Compliance
- Commercial Litigation
- Professional Liability
- Securities Litigation & Enforcement Defense

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BIOGRAPHY

Luke Ritchie is a securities and business litigator known for successfully guiding clients through the many unique hazards and exposure points they face when fighting on multiple fronts—typically, against not only federal and state investigators, but also private litigants and court-appointed receivers who often pursue civil actions in parallel with such investigations. Luke specializes in high-stakes securities and enforcement defense litigation, investigations, and complex business disputes involving federal and state securities laws, and corporate governance and fiduciary laws. He also represents clients facing issues arising under the False Claims Act and state and federal consumer protection laws. The press frequently interviews Luke about his cases and turns to him for his insights. He's been quoted in *The Wall Street Journal*, NPR's *Marketplace*, the *Denver Business Journal*, the *Colorado Sun*, *ColoradoBiz*, *LawWeek Colorado*, and other publications and television outlets. Luke has been recognized as a *National Law Journal* "Litigation Trailblazer."

In his litigation and trial practice, Luke often is called on to participate in or lead joint defense efforts that involve some of the most respected law firms and lawyers in the country. His clients range in maturity from development stage to public companies and span sectors from fintech and traditional financial services to technology and manufacturing. Luke also represents officers, directors, compliance personnel, and board committees, as well as investment advisors, Certified Financial Planners™, and other highly regulated professionals.

He regularly presents to the legal and business communities on topics related to securities law, investigations, litigation, and legal ethics.

Luke is well known not only for his litigation and trial practice, but also for his bar leadership. He chaired both the Colorado Bar Association's Business Law Section and Litigation Section, and was a three-term Chair of the CBA's Securities Law Subsection. Having been appointed by the Colorado Supreme Court, Luke also serves as a member of the Colorado Civil Rules Committee.

CASES

- Defending a founder/CEO of architecture, design, and development conglomerate in a highly contentious business divorce litigation involving intellectual property and tortious interference claims.
- Representing a special committee of board of directors of closely held corporation in conducting internal investigation of company-to-executive lending activity and related corporate governance and controls.

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- Defending a construction industry founder/officer in a highly contentious shareholders' derivative action seeking to unwind purchase transaction, dissolution, and damages.
- Counseling a major development-round investor in protecting/enforcing ownership rights with regard to a blockchain technology company's contentious restructuring transaction and related public offering.
- Defended founders/C-Suite executives of a national technology company in shareholders' derivative action claiming minority oppression and seeking dissolution and damages—obtained dismissal of four claims and favorable settlement of remaining two claims.
- Represented a regional business in the nutraceutical industry in defending against claims and in prosecuting counterclaims in commercial contract dispute—obtained six-figure jury verdict.
- Obtained termination/no action letter in defending a registered investment advisor in an enforcement proceeding alleging suitability violations.
- Represented a startup contract carrier operation in contested application proceeding before the PUC—prevailed at hearing and obtained Interim Order and subsequent Commission Order granting requested authority over intervenor's objection.
- Prosecuted business tort claims for a registered investment advisor against former partners in a FINRA industry dispute, and obtained favorable settlement on the eve of arbitration.
- Obtained a termination/no action letter in defending co-founder/CEO of digital asset issuer in an SEC investigation alleging violations of the anti-fraud provisions of the Securities Act, the Exchange Act, and the Advisors Act.
- Obtained favorable settlement and dismissal for a business consulting and credit repair enterprise and its founder/CEO in an enforcement action alleging a Ponzi scheme.
- Represented a regional vocational college in defending against Title VII racial discrimination claims asserted by a former employee—obtained summary judgment, dismissal of subsequent appeal, and denial of subsequent petition for a writ of certiorari.
- Represented a seller of local business in defending against claims brought by a potential purchaser and in prosecuting counterclaims and cross-claims against multiple parties—obtained full dismissal after first week of trial.

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- Defended (local counsel) municipal funds and former trustees in seven consolidated securities class actions alleging securities fraud and seeking damages in excess of \$1 billion.
- Won full dismissals of putative class action and parallel dissenter's rights actions for a manufacturing company, C-Suite executives, and directors in shareholder litigation seeking to unwind a complex merger transaction and damages.
- Obtained favorable settlement and dismissal for a real estate development company and its principal in enforcement action and parallel receivership actions alleging Ponzi scheme.
- Obtained a termination/no action letter in defending mutual fund's former independent trustees in SEC investigation alleging violations of the Investment Company Act of 1940.
- Won judgment on behalf of defrauded equity investor for full investment amount plus attorneys' fees in securities fraud action against former business partner in the health supplements industry.
- Obtained favorable settlement and administrative order in defending mutual fund's management team and interested trustee in an SEC proceeding alleging violations of the Investment Company Act of 1940.
- Obtained favorable settlement and an administrative order for a registered investment advisor and its president in an SEC enforcement proceeding alleging violations of the anti-fraud provisions of the Advisors Act.
- Negotiated "walk away" settlement on the eve of FINRA arbitration for a brokerage firm defending a customer dispute alleging state and federal securities fraud and breach of fiduciary duty claims.
- Obtained favorable settlement and an administrative order for a private equity fund and management team in an SEC investigation alleging Ponzi scheme and related violations of the anti-fraud provisions of the Securities Act, the Exchange Act, and the Advisors Act, and in a parallel receivership action and investors' actions.
- Defending a venture capital fund's founder, C-Suite executive, and management company in an SEC investigation regarding the Securities Act, the Exchange Act, and the Advisors Act.
- Defending a construction industry CEO in civil investigation being conducted by the U.S. Attorney's Office for the SDNY alleging False Claims Act violations.

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BAR & COURT ADMISSIONS

- U.S. Judicial Panel for Multi-District Litigation
 - U.S. Tax Court
 - Colorado
 - U.S. Supreme Court
 - U.S. Court of Appeals, 10th Circuit
 - U.S. District Court, D. Colorado
 - U.S. District Court, E.D. Louisiana
 - U.S. District Court, W.D. New York

LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

- Colorado Supreme Court Access to Justice Commission
 - Commissioner
- 5280 Magazine
 - Top Lawyer
 - Securities, 2021-2024
- Law Week Colorado
 - "Barrister's Best" Best Securities Litigator 2020, 2022
 - "People's Choice" Best Securities Lawyer 2021, 2023
- National Law Journal Trailblazers in Litigation 2021
- Colorado Super Lawyers
 - Top 100: 2022-2024
 - Securities Litigation: 2018-2024
 - Rising Star: Business Litigation, 2009-2017
- The Best Lawyers in America:
 - Litigation – Securities, 2020-2023
 - Litigation – Insurance, 2022-2023
 - Litigation – Banking and Finance, 2023
- Benchmark Litigation:
 - Local Litigation Star – General Commercial Litigation and Securities Litigation, 2020-2023
- Martindale-Hubbell Rating: AV® Preeminent™ (Highest)

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COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

- The Logan School for Creative Learning
 - Trustee, Board of Trustees, 2018-2023
 - Chair, Governance Committee, 2016-2020
- WeeCycle Colorado
 - Board Liaison to CBA, 2009-present
- Faculty of Federal Advocates, 2011-present
- Colorado Bar Association
 - Chair, Business Law Section, 2022-2023
 - Chair, Litigation Section, 2019-2020
 - Chair, Securities Law Subsection, 2015-2021
 - Board of Governors,
 - Litigation Section Representative, 2019-2021
 - Business Law Section Representative, 2023-present
- Colorado Judicial Institute/CBA Joint Task Force Re Diversity on the Bench,
 - Appointee/Member, 2021-present
- Colorado Bar Association Leadership Training Program ("COBALT"), Class of 2024
- Colorado High School Mock Trial Program
 - Championship Round Scoring Panelist/Juror, High School State Tournament 2019, 2022
 - Coach, Saint Mary's Academy, 2022-present

ARTICLES & PRESENTATIONS

Articles

- Author, "Privilege and Disqualification," Evidence in Colorado: Practice Guide, 3rd Edition. (November 2021).
- Author, "What to Expect Regarding Regulatory and Enforcement Priorities," ColoradoBiz, (September 21, 2021).
- Co-Author, "Using Waivers of Liability to Protect Your Business During COVID," Colorado Bar Association Business Law Section Newsletter, (May 2020).
- Co-author, "2 Key 10th Circ. Holdings In Western Union Derivative Suit," Law360, (May 2019).
- Author, "Privilege and Disqualification," Evidence in Colorado: Practice Guide, 2nd Edition. (April 2019).
- Author, "Privilege and Disqualification," Evidence in Colorado: Practice Guide, 1st Edition. (April 2018).

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Presentations

- Presenter, "Corporate Responsibility and the Intricacies of the Sarbanes-Oxley Act," University of Denver - Daniels College of Business, (April 2024).
- Presenter, "Lessons from the Litigators: If Only We Could Have Warned You," Business Law Institute, (September 9, 2023).
- Presenter, "Day in the Life Series: Corporate Litigator," Supreme Court Atty Mentoring Program, (March 9, 2022).
- Presenter, Roundtable Discussion with Affinity Bar Leaders, CBA-CLE, (June 5, 2021).
- Presenter, "Living and Leading in 2020: Safely Leading Partners, Employees, and Clients in the New Covid-19 Normal," CO Litigators' Summit, CBA-CLE, (Sept. 25, 2020).
- Presenter, "What Business Lawyers Do that Litigators Love," Business Law Institute, CBA-CLE, (Sept. 8, 2020).
- Presenter, "The Ethics of Working Remotely," CBA-CLE, (July 16, 2020).
- Presenter, "Introducing Tung Chan: Q&A with the New Colorado Securities Commissioner," CBA-CLE, (June 6, 2020).
- Presenter, "Legal Ethics on Silver Screen 2.0," CBA-CLE, Ethics 7.0, (Nov. 7, 2019).
- Presenter, "Knowing Your Audience: Trying Your Case Outside Metro-Denver," CO Litigators Summit, CBA-CLE, (Sept. 27, 2019).
- Presenter, "Business Books & Records, Best Practices to Avoid Litigation Risk," Business Law Institute, CBA-CLE, (Sept. 12, 2019).
- Presenter, "Legal Ethics on Silver Screen," Rocky Mountain Securities Conference, SEC, (May 3, 2019).
- Presenter, "Check-In with SEC's Regional Director, Denver Regional Office," CBA-CLE, (March 15, 2019).
- Presenter, "Maintaining Civility in the Most Heated Situations," CO Litigators' Summit, CBA-CLE, (October 26, 2018).
- Presenter, "Ethical Issues for Securities Professionals," Rocky Mountain Securities Conference, SEC, (May 7, 2018).
- Presenter, "Formation, Operation, and Dissolution: Litigator's Perspective on LLC Divorce," Business Law Institute, CBA-CLE, (Sept. 16, 2016).

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- Presenter, "Hot Topics for Public Companies in 2016: General Counsel's Perspective," CBA-CLE, (February 16, 2016).
- Presenter, "What to Do If the SEC Comes Knocking," Denver Business Journal – Managing Enterprise Risk for Your Company Series, (October 13, 2015).