



MICHAEL L. O'DONNELL

Firm Chair

odonnell@wtotrial.com | P 303.244.1850

"Tremendous trial and negotiation skills" and "a presence that commands respect."

—Client comments to Chambers USA

EDUCATION

University of Denver Sturm College of Law, J.D., 1979

University of Notre Dame, B.A., 1976, English

GOVERNMENT SERVICE

Member, Federal Judicial Evaluation Committee for U. S. Senator Cory Gardner

Intern to the Honorable Sherman Finesilver, United States District Court for the District of Colorado

ADMISSIONS

Colorado
Wyoming

Michael O'Donnell has taken more than 85 trials to verdict and appeared as lead defense counsel in 40 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Alongside his tremendous trial record, Mike is nationally recognized for his strength in settling complex litigation. Mike is a past president of the American College of Trial Lawyers. He is nationally ranked in Chambers USA, and his colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for 10 of the last 11 years.

HIGHLIGHTS

- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
- Won a directed verdict in a \$100 million insurance coverage arbitration.
- Won a unanimous defense jury verdict for Michelin North America in a \$66 million product liability trial in South Carolina.
- Won three critical summary judgment and *Daubert* rulings for a major law firm and three lawyers in a legal malpractice case, precluding damages claims in excess of \$10M from proceeding to trial and materially lowering the clients' risk going forward.
- Won a groundbreaking \$1.25B remote trial for an electric co-op against its generation and transmission provider.
- Selected as liaison counsel to all distributor defendants in federal multidistrict litigation in California involving vaping products.

INDUSTRIES

- Medical Devices & Pharmaceuticals
- Automotive
- Professional Services
- Telecommunications
- Energy
- Oil & Gas
- Healthcare
- Legal Services
- Construction & Engineering

PRACTICE AREAS

- Commercial Litigation
- Product Liability
- Class Actions
- Mass Torts
- Professional Liability
- Catastrophic Injury Defense
- Legal Professional Liability
- Environmental Litigation
- Securities Litigation & Enforcement Defense

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- Financial Services

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BIOGRAPHY

Michael O'Donnell has taken more than 85 trials to verdict and appeared as lead defense counsel in 45 states for class and mass actions, product liability, professional liability, and complex commercial matters for many of the nation's leading companies. Alongside his tremendous trial record, Mike is nationally recognized for his strength in settling complex litigation. Mike is a past president of the American College of Trial Lawyers. He is nationally ranked in Chambers USA, and his colleagues and peers have voted him the #1 lawyer in Colorado Super Lawyers for 10 of the last 11 years.

Mike has served as national trial and resolution counsel for numerous highly visible companies, including General Electric, Michelin North America, Advanced Bionics, McKesson, Boston Scientific, Guidant, Skyjack, and Pfizer. He is a Fellow of the International Academy of Trial Lawyers and member of the American Board of Trial Advocates. Mike is a former chairman of The Network of Trial Law Firms, a 5,000-member lawyer organization that offers continuing legal education programs on litigation topics. In 2021, a case that Mike tried (*Nash v. Michelin*) was selected as one of the Top Ten Defense Verdicts in the U.S. by Courtroom View Network.

Chambers USA ranks Mike nationwide for product liability and mass torts defense. *Colorado Super Lawyers* has ranked Mike the number-one lawyer in Colorado for nine years in a row (2013-2021) based on independent research and a survey of his peers--a feat no other Colorado lawyer has accomplished--and he has been named to its top 10 list every year since 2009. Best Lawyers lists Mike in seven litigation practice areas and named him "Denver Legal Malpractice Lawyer of the Year" for 2017 and 2011, and "Denver Product Liability Litigation Lawyer of the Year" for 2013 and 2012. In 2011, Law Week Colorado selected Mike as one of 10 "Lawyers of the Decade" and "Lawyer of the Year" in Colorado. In a survey conducted by Law Week Colorado in 2010, Mike was selected by his peers as the "Best Trial Lawyer" in Colorado.

In 2012, Mike was honored with the University of Denver Law Outstanding Alumni Award which is presented each year to one DU Law graduate who has demonstrated professional achievement and humanitarian service to the community. In 2008, he became only the seventh defense lawyer to receive an award from the Colorado Trial Lawyers Association for the highest standards of competency, ethics, and professionalism.

CASES

Trials & Oral Arguments

- Won a directed verdict in a \$100 million insurance coverage arbitration involving a novel rectification coverage claim.

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- Won a unanimous defense jury verdict for Michelin North America in a \$66 million product liability trial in South Carolina. The plaintiffs claimed that an allegedly defective Michelin motorcycle tire caused an accident resulting in catastrophic injuries.
- Won a \$1.25 billion exit fee dispute for an electric distributor against its generation and transmission provider.
- As lead national trial counsel to GE Healthcare, successfully argued before the U.S. Judicial Panel on Multidistrict Litigation to defeat plaintiffs' attempt to create an MDL involving gadolinium-based contrast agents.
- Won a complete defense jury verdict for Michelin following a nine-week product liability trial in Florida in which the plaintiffs requested damages between \$80 million and \$1.2 billion following a rollover accident involving Michelin tires. WTO also won the appeal.
- Won order vacating a \$10.87 million property insurance award and disqualifying a national property appraiser, and subsequently won sanctions against the policyholder and its lawyers, and won 99.7% of attorneys' fees and costs.
- Won a unanimous defense verdict for Michelin following a three-week trial in Arizona state court in which the plaintiff demanded \$20 million in actual and punitive damages.
- Won a complete defense jury verdict in federal court for a large international law firm accused of malpractice. The plaintiff hired WTO's client to handle a complex patent infringement matter, then sued the firm for negligence and breach of fiduciary duty.
- Represented a Fortune 500 company as national trial counsel for hundreds of product liability claims and lawsuits involving a Class III medical device used to treat abdominal aortic aneurysms.

Major Settlements

- Facilitated a rural electric cooperative's withdrawal from membership in a wholesale cooperative. WTO's client achieved settlement for hundreds of millions of dollars below the wholesaler's demand and can now acquire substantially cheaper and renewable green energy sources for its members.
- Represented Denver International Airport in high-profile claims involving alleged bid rigging and unfair competition relating to a \$50 million terminal concessions contract.
- Represented Denver International Airport against the Regional Transportation District in a dispute over cost-sharing agreements involving a new rail line serving the airport.

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- Served as national counsel to a global healthcare company in multidistrict litigation involving over 12,000 claims relating to dialysis products. WTO helped develop national resolution strategy, identified bellwether cases, and negotiated settlement of all claims.
- Represented a food distributor in allegations of *Listeria* contamination resulting in 33 deaths and 146 confirmed cases in one of the largest and deadliest food-borne illness outbreaks in the United States.
- Represent a Fortune 50 company as national resolution counsel in hundreds of cases involving a medical imaging contrast agent alleged to induce a rare disease.
- Represented NBCUniversal and Universal Studios in a negligence and breach of contract action brought by Universal Music Group following a 2008 fire at Universal Studios. The dispute involved nuanced, complex issues including insurance subrogation and collateral source rule questions.
- Obtained partial summary judgment in federal court for a large national law firm that had been sued for malpractice, aiding and abetting, conspiracy, and violations of RICO. The ruling reduced the damage claim from over \$150 million to less than \$2 million and paved the way for a favorable settlement of the case.

Other Relevant Experience

- Serving as national counsel for a major international company in commercial litigation involving over 180 cases of alleged PCB exposure.
- Helped secure a \$142 million settlement as liaison counsel to the lead plaintiff in a securities class action against a pharmaceutical company.
- Won three critical summary judgment and *Daubert* rulings for a major law firm and three lawyers in a legal malpractice case, precluding damages claims in excess of \$10M from proceeding to trial and materially lowering the clients' risk going forward.
- Selected as liaison counsel to all distributor defendants in federal multidistrict litigation in California involving vaping products.
- Representing multiple public utility companies in contentious commercial litigation against an energy association with hundreds of millions of dollars at stake.
- Won a landmark federal case in Illinois defining the obligations of lead and liaison counsel in multidistrict litigation.

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- 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.
- Represent Skyjack Inc. as national trial counsel in product liability cases involving aerial lift and boom equipment.
- Serving as national coordinating and trial counsel to a cochlear implant manufacturer for the defense of product liability lawsuits involving a Class III medical device used to treat hearing loss.
- Obtained summary judgment from a Texas district court in a case alleging WTO's client, a life insurance company, committed fraud and violated consumer protection laws.
- Obtained a Rule 12(b) dismissal of a complaint filed in federal court in Missouri against a large international law firm. The plaintiffs ultimately obtained an eight-figure jury verdict against the remaining defendants in the case.
- Secured a ruling from a California appeals court affirming the preemption of claims brought against WTO's client for its abdominal stent medical device.
- Obtained a Rule 12(b) dismissal of a malpractice case against five lawyers. The opposing party appealed the dismissal and, while the appeal was pending, the case settled with no payments being made by WTO's clients.
- Obtained summary judgment for a law firm client and an award of attorneys' fees in a legal malpractice case in which the plaintiff sought \$7 million in damages. The plaintiff appealed the award of attorneys' fees, and the parties settled the appeal with payments being made to the client.
- Awarded complete summary judgment in a legal malpractice case one week before a multi-week trial was scheduled to begin. The plaintiff had sought over \$5 million in damages.
- Successfully defended the Vancouver Canucks NHL organization in a lawsuit brought by Colorado Avalanche player Steven Moore as a result of severe injuries he sustained during a hockey game. WTO obtained dismissal of the lawsuit on the grounds of lack of personal jurisdiction and *forum non conveniens*, and also obtained a six-figure award of attorney's fees and costs in favor of the Canucks organization and against Mr. Moore.

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- Defended AT&T Wireless in a nationwide class action in Colorado state court involving the billing of wireless air time.
- Represent General Electric as national counsel in personal injury matters involving trucks that move oversized loads, including wind turbines.

TEACHING POSITIONS

BAR-BRI Course on Professional Responsibility
National Institute for Trial Advocacy
University of Denver Sturm College of Law
Guest Lecturer
University of Colorado at Denver, MBA Program
Guest Lecturer
Numerous CLE Presentations

REPRESENTATIVE CLIENTS

Advanced Bionics - National Trial Counsel
City & County of Denver
CoorsTek
Crown Equipment - Regional Trial Counsel
Denver International Airport
Dish Network
Empower Retirement Services
Fresenius - National Counsel
General Electric - National Trial Counsel
Guidant - National Trial Counsel
High Net-Worth Individuals
Lawyers and Law Firms
Level 3 Communications
Lumen Technologies - National Trial Counsel
Michelin North America - National Trial Counsel
Skyjack

BAR & COURT ADMISSIONS

Colorado
Wyoming
U.S. Supreme Court
U.S. Court of Appeals, 10th Circuit
U.S. District Court, C.D. Illinois
U.S. District Court, D. Colorado
U.S. District Court, D. Wyoming
U.S. District Court, E.D. Michigan

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LEGAL MEMBERSHIPS, ACTIVITIES & HONORS

Fellow, American College of Trial Lawyers

Immediate Past President, 2022-2023

President, 2021-2022

President Elect, 2020-2021

Treasurer, 2019-2020

Secretary, 2018-2019

Regent, 2012-2016

Regent Liaison for ACTL Task Force on Discovery and Civil Justice,
2013-2015

Sandra Day O'Connor Award Committee, 2013-2015

Federal Rules of Civil Procedure Committee, 2013-2015

Regent's Nominating Committee

Chair, 2016

Special Problems in the Administration of Justice Committee, Vice
Chairman, 2011-2012

Adjunct State Committee, 2011-2012

Colorado State Committee, Chairman, 2008-2010

Chairman-Elect, 2007-2008, Vice Chairman, 2006-2007

Code of Conduct Committee, 2007-2008

Complex Litigation Committee 2004-2005

Trustee, United States Supreme Court Historical Society, 2024

Fellow, International Academy of Trial Lawyers

American Board of Trial Advocates

Member

Fellow, Litigation Counsel of America, The Trial Lawyer Honorary Society

Member, Diversity Law Institute

Member, Trial Law Institute

International Association of Defense Counsel

Member

Chambers USA

Product Liability - Nationwide, 2015-2023

Commercial Litigation - Colorado, 2009-2023

BTI Consulting

Client Service All-Star MVP, 2020

Client Service All-Star, 2019

The Best Lawyers in America

Denver Legal Malpractice Law - Defendants Lawyer of the Year, 2011, 2014, 2017,
2020

Denver Personal Injury Litigation Lawyer of the Year, 2015, 2018

Denver Product Liability Litigation Lawyer of the Year, 2012-2013, 2019

Denver Mass Tort Litigation/Class Actions - Defendants Lawyer of the Year, 2021

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Bet-the-Company Litigation, 2005-2024
Commercial Litigation, 2005-2024
Legal Malpractice Law, 2005-2024
Mass Tort Litigation / Class Actions - Defendants, 2017-2024
Personal Injury Litigation - Defendants, 2005-2024
Product Liability Litigation - Defendants, 2005-2024
Professional Malpractice Law - Defendants, 2017-2024
The Legal 500 United States
Litigation: Product Liability and Mass Tort Defense, 2007, 2009-2011, 2013
Benchmark Litigation
Local Litigation Star, 2020-2024
Commercial Litigation - Colorado, 2011-2018
Product Liability - Colorado, 2013-2018
Professional Liability - Colorado, 2013-2018
Colorado Super Lawyers
Ranked #1 in Colorado, 2013-2022
Top 10, 2007, 2009-2012, 2023-2024
Personal Injury Defense: Products, 2009-2024
Class Action/Mass Torts, 2006-2008
5280 Magazine
Top Lawyer
Civil Litigation, 2020-2021, 2023-2024
Commercial Litigation, 2020-2021, 2023-2024
Personal Injury: Defense, 2020-2021, 2023-2024
Law Week Colorado
Lawyer of the Year, 2016
"People's Choice" Best Overall Litigator, 2017
"People's Choice" Civil Litigator, 2016
"Barrister's Best" Best Overall Litigator, 2015, 2019
"People's Choice" Class Action Defense Lawyer, 2014, 2021
"Barrister's Best" Best Class Action/Mass Tort Defense Lawyer, 2012, 2021
Lawyers of the Decade, 2011
"Barrister's Best" Best Trial Lawyer, 2010 5280 Magazine
Top Lawyer
Personal Injury Defense, 2015-2019
Civil Litigation, 2015-2019
Commercial Litigation, 2017-2019
University of Denver Sturm College of Law
Dean's Advisory Board, 2022
Outstanding Alumni Award, 2012
Co-Chair of Reunion Committee, 2004

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University of Notre Dame Law School Council, 2019
Euromoney's Expert Guides - Litigation and Product Liability
Martindale-Hubbell AV® Peer Review Rated
The International Who's Who of Product Liability Defense Lawyers, 2011, 2014-2017, 2019
The International Who's Who of Life Sciences Lawyers, 2014, 2017
Institute for the Advancement of the American Legal System (IAALS)
 ACTL Task Force on Discovery and Civil Justice, member
 2015 Rebuilding Justice Award
Colorado Trial Lawyers Association
 Award for Competency, Ethics, and Professionalism, 2008
The American Lawyer
 Top Commercial Litigation Lawyers, 2006
Corporate LiveWire
 2014 Lawyer of the Year - Litigation & Dispute Resolution (Denver)
Best of the Bar, Denver Business Journal
Colorado Bar Foundation
 Fellow
The Network of Trial Law Firms
 Chairman, 2005-2006
Denver Bar Association
 Vice President, Board of Trustees
Colorado Bar Association
 Member, Board of Governors
American Bar Association
 Chairman, Issues Affecting the Legal Profession
 Young Lawyers Section Liaison to Standing Committee on Professional Discipline
American Bar Foundation
 Life Fellow
Judge William E. Doyle American Inn of Court, Master
Denver Law Club
Faculty of Federal Advocates
 Board of Directors, 2004-2005
Defense Research Institute
 Member, Professional Liability Committee
Colorado Defense Lawyers Association
USDC Colorado Committee on Conduct, 2012
Who's Who in Law, *Denver Business Journal*
Colorado Judicial Institute
 Board of Directors, 2004-present
 Judicial Awards Committee, 2006-present

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IAALS Law Firm Council

Founding member

National Center for State Courts

Lawyers Committee Member

Lawdragon 500 Leading Litigators in America, 2022, 2023

COMMUNITY MEMBERSHIPS, ACTIVITIES & HONORS

Wheeler Trigg O'Donnell Foundation

Founder and President, 2005-present

Archdiocese of Denver

Finance Council, 2008-2013

Catholic Charities Archdiocese of Denver

Board Member, 2010-present

Denver Police Foundation

Board of Directors, 2004-present

Walking for Kids

Founding Member, Board of Directors, 2009-present

Trial.com Foundation, Inc.

President, 2005-2006

The Catholic Foundation

Board of Directors, Advancement Committee, 2004-2005

American Heart Association of Colorado and Wyoming

Chairman of the Board

American Heart Association of Colorado

Denver Metro Division, Chairman of the Board

Denver Tennis Club

Board of Directors

The Village Club

President

Hundred Club of Denver

Member

ARTICLES & PRESENTATIONS

Articles

- Co-Author, "Trial by Webcam: Tips From a Firsthand Experience," Law360, (May 28, 2020).
- Co-Author, "New Strategies for Defending Professional Liability and Malpractice Cases," *Best Practices for Addressing Professional Liability Claims*, (July 2015).
- "Managing Product Liability in the Americas," quoted in *Financier Worldwide*, (September 2009).

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Book Chapters

- "Witness Preparation Primer: Inviting a Witness to Provide Truthful and Favorable Testimony," *Mastering the Art of Preparing Witnesses*, (December 2017).
- "Deconstructing the Key Liability Expert: Strategy and Secrets for Successful Cross-Examination," *From the Trenches: Strategies and Tips From 21 of the Nation's Top Trial Lawyers*, (2015).

Presentations

- Presenter, "What the Hail? Exposing Biased Insurance Appraisers," The 28th Annual ACIC General Counsel Seminar Survey, (July 28, 2017).
- Presenter, "Dealing with Collusion and Fraud in Property Loss Litigation, Litigation Management in a New York Minute - 2016 Edition," The Network of Trial Law Firms, New York, NY, (August 5, 2016).
- Presenter, "Dollars and \$ense Negotiating the Pay Raise - Practical Advice from the Decision-Makers," The Association of Corporate Counsel Colorado Chapter CLE and reception, (May 12, 2016).
- "Association of Corporate Counsel: Negotiating the Pay Raise," (May 12, 2016).
- Presenter, "Settling Strategies for MDLs: Getting Started, Setting Values, and Overcoming Obstacles," The Mass Torts Judicial Forum in New York City, (April 15, 2016).
- Presenter, "The Defense Perspective: How Loss Prevention and Firm Management Practices Can Impact Malpractice Claims," Ethics CLE at Wheeler Trigg O'Donnell, (November 19, 2014).
- Presenter, "Managing a Large Casualty Claim," The Advisen Casualty Insights Conference in New York City, (March 27, 2014).
- Presenter, "Avoiding Missteps in Handling Litigation and Other Disputes," Association of Corporate Counsel Colorado Chapter, (December 5, 2012).
- Presenter, "The Trial of a Legal Malpractice Case," The Aon Law Firm Symposium, (October 12, 2012).
- Presenter, "Unique Issues in Mass Torts," University of Denver Sturm College of Law, (November 7, 2011).
- Presenter, "Negotiation," MBA students at McGill University, (October 12, 2011).
- "The Nuts and Bolts of Successor Liability," presented to CAN, (February 10, 2011).

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- "Ethics CLE: Avoiding Malpractice," University of Denver Alumni Weekend, (October 14, 2010).
- "Settlement Negotiation Strategies," Continuing Legal Education Seminar, (May 2010).
- "Strategic Management," University of Colorado at Denver MBA Program, (February 2010).
- Presenter, "Deposition Strategy 101," Colorado Defense Lawyers Association CLE Seminar, (December 4, 2009).
- Presenter, "Leadership and Strategic Management," University of Colorado MBA Students, (December 1, 2009).
- "Leadership," University of Colorado at Denver MBA Program, (December 1, 2009).
- Presenter, "Preventing Legal Malpractice, Potential Pitfalls and How to Avoid Them," Colorado Bar Association Continuing Legal Education Seminar, (2009-2013).
- Presenter, "Alternative Dispute Resolution," CAN, (March 2008).
- Presenter, "Appellate Update on Colorado Law," Colorado State Court Trial and Appellate Judges, (September 2007).
- Presenter, "What In-House Counsel Want and How to Give It to Them," The Network of Trial Law Firms, (April 20, 2007).
- Presenter, "Selecting Outside Trial Counsel," Association of Corporate Counsel Colorado Chapter, (March 21, 2007).
- Presenter, "Selection of Outside Counsel," The Network of Trial Law Firms, (April 29, 2006).
- Presenter, "Pharmaceutical Torts Cases in Colorado," Colorado Bar Association and Denver Bar Association CLE Ethical Consideration for Practitioners, (November 3, 2005).
- Presenter, "Punitive Damages," The Network of Trial Law Firms, (October 23, 2004).
- Presenter, "Punitive Damages," 27th Annual Conference of Colorado Defense Lawyers Association, (August 20, 2004).
- Presenter, "Campbell v. State Farm," The Network of Trial Law Firms' Meeting, (Apr. 2003).

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- Presenter, "Colorado Civil Justice League Legislative Panel," In conjunction with the American Tort Reform Association Annual Legislative Conference for State Coalition Leaders and Citizens Against Lawsuit Abuse, (November 14, 2002).
- Presenter, "Non-Liability to Non-Participants: A Manufacturer's Duty Should End at the Playing Field, and Not Extend to Criminal Acts," Mealey's Prod. Liab. & Risk, (August 29, 2002).
- Presenter, "Behold the Future: Emerging Areas Including Mold, Cellular Phones, MTBE, Chromium 6, and More," The Future of Mass Tort Litigation in America, (March 23, 2002).
- Presenter, "Ethics and Professionalism in Client Relations," University of Denver Law School, (November 12, 2001).
- Presenter, "Challenging the Admissibility of Medical Causation Opinion Derived From 'Differential Diagnosis - Application of *Daubert* and Amended FRE 702', The Network of Trial Law Firms, (October 26, 2001).
- Presenter, "Winning by Disqualifying Plaintiff's Experts," The Network of Trial Law Firms, (October 25, 2001).
- Presenter, "Preventing Legal Malpractice," Colorado Bar Association CLE Seminar and Torts Update, (October 9, 1998).
- Presenter, "Colorado Legal Malpractice," The Colorado Bar Association Tort Law Update, (1998).
- Presenter, "Winning the Battle of the Experts," Professional Education Systems Inc., (December 16, 1996).
- Presenter, "Discovery," Colorado Defense Lawyers Association, (August 27, 1994).
- Presenter, "Depositions: Strategies, Tactics and Mechanics," Professional Education Systems Inc., (November 11, 1992).

Newsletters

- Value Challenge: Alternative Fee Agreements May Create Financial and Ethical Risk

PERSONAL INTERESTS

- Family, golf, reading, travel