



*Clients trust Ken to advance their business goals and rely on his experience for perspective on complex legal challenges.*

Ken Rossman helps clients resolve business disputes in trial and appellate courts. He has experience litigating cases involving a broad range of areas, including antitrust, securities law/breach of fiduciary duty, and legal malpractice allegations. Although he has handled everything from small- to multibillion-dollar litigation cases, Ken is often brought in on complex, high-stakes cases where experience and results matter most. Ken is also chair of the firm's pro bono committee.

## Personal Approach

Ken understands what unforeseen risks and costs can mean to a client. His clients rely on him to receive frank advice and to manage situations that produce the best outcomes. Whether it's a minor business dispute or a multimillion-dollar dispute, Ken continues to be a trusted resource for his clients. He enjoys the strategic component of his practice and is a natural problem solver.

## Practices

- Antitrust
- Appellate
- Class Actions
- Litigation and Disputes
- Professional Liability and Discipline
- Securities Litigation and Enforcement
- Securities Litigation Broker Dealers

During his free time, Ken enjoys being outside. He enjoys living in the western United States, likes to hike, and is an avid reader of fiction and nonfiction books.

## Education

- J.D., with distinction, George Mason University School of Law, Dean's Scholar, 1996
- B.A., University of Virginia, 1990

## Bar Admissions

- California, 2005
- Colorado, 1998
- Washington, D.C. 1997

## Court Admissions

- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Federal Claims
- U.S. District Court, District of Colorado
- U.S. Supreme Court
- Colorado State Judicial District Courts
- Colorado Supreme Court
- Colorado Court of Appeals

## Community

- George Mason University School of Law, Adjunct Professor, 2000-2001
- American Bar Association Sections on Antitrust Business Law and Litigation, Member

## Representative Matters

### Appeals

Ken started his career working for a Tenth Circuit judge and has since represented clients in dozens of appeals in the Tenth Circuit, the Colorado Court of Appeals, and other appellate courts, including the U.S. Supreme Court. His representative appellate experience includes:

- Successfully defending against an appeal in an antitrust class action in the Tenth Circuit, obtaining a complete victory for the clients.
- Successfully overturning a jury verdict against his clients in the Colorado Court of Appeals, turning a \$3 million loss for his clients into a complete win.
- Successfully representing on appeal several pro bono clients in the Colorado Court of Appeals.

### Antitrust Litigation

Ken has represented health care entities, airlines, financial institutions, municipalities, and other clients in antitrust actions. To help clients avoid litigation, he also performs antitrust audits and compliance counseling. His representative antitrust litigation experience includes:

- Defending sheep ranches against allegations of wage fixing in violation of Section 1, winning a motion to dismiss.
- Defending a healthcare institution against allegations of violations involving Sections 1 and 2 of the Sherman Act, winning a motion to dismiss.
- Defending an airline in multiple class action cases involving allegations of antitrust violations, and in a U.S. government lawsuit alleging violations of the Clayton Act.
- Litigating federal antitrust claims on behalf of a major financial institution against credit card networks and various financial institutions.
- Counseling a large telecommunications provider and a national brewing company on audit and compliance issues to identify areas of risk.

### Securities Litigation and Fiduciary Duty Defense

Ken represents companies and company leaders facing securities class actions, opt-outs, and shareholder lawsuits. He also has a strong track record defending directors and officers in alleged breach of fiduciary duty cases, often in the financial services context. His representative securities litigation and fiduciary duty defense experience includes:

- Defending a major telecommunications company in a series of class action and opt-out securities fraud cases in federal and state courts.

- Defending CEO of publically traded company in SEC investigation.
- Defending former CEO of publically traded company in series class action cases and derivative cases, winning motion to dismiss.
- Representing investment advisors and advisor representatives in multiple SEC and state investigations.
- Litigating state court class action fraud case on behalf of investors against managers of a Ponzi scheme.
- Defending an investment company and related individuals in state court fraud case.
- Litigating a state court breach of fiduciary duty and fraud case against members of board of directors of state-regulated bank on behalf of trustee; obtained favorable settlement for estate.
- Defending members of a board of directors on behalf of a private equity investor in an action for breach of fiduciary duty.
- Prosecuting breach of fiduciary duty and fraud claims for members of LLC in real estate business.
- Defending individual and related trust in international dispute involving breach of fiduciary duty claims filed in US federal court, winning a motion to dismiss.

## Legal Malpractice Litigation

Ken routinely defends law firms and lawyers in legal malpractice and professional liability cases. His representative experience includes:

- Defending a large Denver law firm and an individual lawyer at trial in a \$180 million dispute arising from legal advice provided by lawyers in a branch office. Obtained a complete defense verdict and judgment against plaintiffs for lawyers' fees and costs.
- Defending a large Denver law firm and an individual lawyer at jury trial in a \$1 million dispute over tax advice. Obtained a complete defensive verdict.
- Representing a regional law firm in a series of lawsuits arising from relationships between a former partner and individuals who participated in tax-advantaged transactions.
- Defending a large national law firm in multimillion-dollar dispute arising from representation of venture capital group and a related business.
- Representing individual lawyer against malpractice and breach of fiduciary duty claims in case brought by former client over representation in defective construction lawsuit.

## Other Litigation Matters

Ken also regularly represents clients in commercial disputes. His representative experience includes:

- Prosecuting complex breach of contract case at trial for a Fortune 500 company in health care industry.

- Defending complex breach of contract case at trial for Fortune 500 company in oil and natural gas industry.
- Defending company and individuals at trial in theft of trade secret case.
- Defending telecom company in breach of contract case filed by Fortune 500 company, winning a motion to dismiss and obtaining costs and fees.
- Prosecuting breach of contract case for telecom company against municipal entity, winning multimillion-dollar judgment.
- Prosecuting breach of contract and fraud case for winery against wine makers.

## Honors & Recognitions

- Colorado Super Lawyers, Business Litigation, 2021-2022

## Clerkships

- Honorable Diane Weinstein, U.S. Court of Federal Claims
- Honorable Wade Brorby, U.S. Court of Appeals for the Tenth Circuit

## News

- Lewis Roca Lawyers Recognized as 2022 *Colorado Super Lawyers*<sup>®</sup> and *Colorado Rising Stars*<sup>®</sup>  
Honors & Recognitions | 03/4/2022
- Lewis Roca Lawyers Named 2021 *Colorado Super Lawyers*<sup>®</sup> and *Colorado Rising Stars*<sup>®</sup>  
Press Release | 03/9/2021
- DeWald, Freeman Share John P. Frank Pro Bono Attorney of the Year Award  
59 attorneys earn recognition for providing more than 50 pro bono hours in 2016  
Press Release | 04/4/2017