



## Larry Pozner, Partner

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### Contact Information

- [lpozner@rplaw.com](mailto:lpozner@rplaw.com) (E-Mail)
- 303.893.6100 (Main)
- 866.730.6438 (Toll Free)
- 303.893.6110 (Fax)

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### Professional Summary

- 40 years of trial experience in criminal defense and complex commercial cases.
- Awarded the Colorado Criminal Defense Bar's Jonathan Olom Award (2015).
- Elected President of the National Association of Criminal Defense Lawyers (1998).
- Named 2015 Denver Criminal Defense White Collar "Lawyer of the Year" by The Best Lawyers in America®.
- Listed in The Best Lawyers in America since 1987 (Bet-the-Company Litigation, Criminal Defense: Non-White Collar and Criminal Defense: White Collar).
- Ranked in Colorado Super Lawyers® Top 10 (2015).
- Listed in Chambers USA®, Band 1 (Colorado, Litigation: White-Collar Crime & Government Investigations) and rated AV® Preeminent by Martindale-Hubbell®.
- Co-Author of Cross Examination: Science and Techniques (Lexis Law Publishing 1993; 2nd edition 2005; law student edition 2010).
- Experienced lecturer on trial

### About Larry:

With 40 years experience in courtrooms and before juries, Larry Pozner is a founding partner of the firm. Larry focuses his practice on complex civil and criminal litigation—as well as the lecture circuit. He is litigation counsel for the Denver Broncos Football Club.

In the area of complex commercial litigation, Larry represents both plaintiffs and defendants in cases involving fraud (including healthcare fraud), professional malpractice, breach of contract, litigation against trustees, environmental matters, theft of trade secrets, and copyright and trademark infringement.

In the criminal arena, Larry began his career as a public defender—and continues his high profile criminal defense work as a private practitioner. In 1998, he was elected president of the 10,000 member National Association of Criminal Defense Lawyers.

Larry supplements his civil and criminal practice with publishing, television and radio legal commentary, and lecturing on trial practice. He is well-known among fellow trial attorneys as the co-author of *Cross-Examination: Science and Techniques*—America's best-selling publication on the subject of cross-examination. He has presented his full-day CLE program on this subject to state bar associations, plaintiff and defense organizations and governmental agencies more than 250 times.

When a trial attracts national attention, the national news media often seek Larry's perspective. He was a NBC News legal analyst for the Jon Benet Ramsey case and the Oklahoma City bombing trials. He has provided legal analysis for such shows as the NBC Nightly News, The Today Show, Keith Olbermann, Fox News, CNN, NPR and Court TV.

In recognition of his skills and accomplishments at trial, Larry is regularly listed in *Colorado Super Lawyers*® (Top 10, Top 50 and Top 100 lawyers in the state). He was named the 2015 Denver Criminal Defense: White-Collar "Lawyer of the Year" and the 2013 Denver Criminal Defense: Non-White Collar "Lawyer of the Year" by *The Best Lawyers in America*® and has been listed in that publication for twenty-eight consecutive years. For many years, he served on the adjunct faculty of the University of Denver Sturm College of Law where he was voted "Best Professor."

Larry's colleagues in the legal profession value his courtroom skills and experience—and flock to attend his presentations. He has traveled to 48 states (as well as Canada and Puerto Rico) to deliver more than 400 lectures on subjects relating to trial skills, and has served on the faculty of several trial practice institutes. For the last seven years, he and partner Dan Reilly have been invited to address judges attending the annual Colorado Judicial Conference. Their annual presentation deals with some unusual aspect of trial evidence ranging from courtroom demonstrative aids to electronic evidence.

### Representative matters include:

- In 1984, Edgar Kaiser sold his share of the Denver Broncos Football Club to our client Pat Bowlen—retaining a "right of first refusal" on any future sale of a portion of the team. Fifteen years later, after Bowlen had offered a stake in the club to former Broncos quarterback, John Elway, Kaiser sued Bowlen for breach of contract in both federal and state courts. The federal case progressed to the U.S. Court of Appeals for the Tenth Circuit,



tactics and cross examination on more than 400 occasions in 48 states and Canada.

**Practice Areas:**

Criminal Defense  
Complex  
Commercial  
Litigation  
Fiduciary Litigation  
Class Actions



Criminal Defense: White-Collar



where our client won. As a result, the state district court granted summary judgment in favor of our client. When Kaiser appealed that decision, the Colorado Court of Appeals affirmed the district court’s ruling—and our client maintained control of the team.

- In 2009, Reilly Pozner began representing multiple plaintiffs in highly complex litigation against several bank trustees and numerous other defendants, leading to significant recoveries through settlements and a jury verdict of \$391 million against PNC Bank. The litigation arose out of a multi-state fraud scheme involving National Prearranged Services, Inc. (a Missouri-based preneed funeral contracts seller) and its two related insurance companies domiciled in Texas. RP was retained by 35 state life and health insurance guaranty associations, NOLHGA, and the Texas Special Deputy Receiver to seek recoveries from over 40 defendants, including multiple bank trustees, an accounting firm, and the former officers and directors of NPS and the insurance companies. Plaintiffs’ claims included negligence and breach of fiduciary duty against the bank trustees for allowing the preneed trust funds to be looted, accounting malpractice, and RICO (Racketeer Influenced and Corrupt Organizations Act) claims against the former officers and directors. RP negotiated settlements with most defendants before trial, resulting in large recoveries for the clients. A five-week trial was held in federal court in Missouri in early 2015, where RP attorneys secured a jury verdict of \$391 million (including a punitive damages award) against PNC Bank.
- When The Variable Annuity Life Insurance Company (VALIC) noticed that its financial advisers (and their contact being aggressively recruited by the competition in what looked like coordinated campaigns, VALIC retained Reilly Pozner as national counsel to protect its trade secrets and enforce its non-competition agreements in courts around the country. Thanks to the firm’s skillful use of temporary restraining orders and preliminary injunctions, VALIC has seen a significant decrease in unfair competition by its former employees and a significant decrease in competitor recruitment.
- Reilly Pozner has been approved by the Lehman Brothers bankruptcy court to act as Lehman’s national coordinating and lead trial counsel in prosecuting claims against mortgage loan originators that sold Lehman defective loans. Larry is part of the ten-lawyer team in this significant representation – involving more than 100 cases in 26 states.
- A group of automobile dealerships were facing a purported class action claiming that new cars were equipped in violation of the Colorado Consumer Protection Act and hired Reilly Pozner to defend its interests. After winning landmark reversals at the Colorado Court of Appeals and Supreme Court of the trial court’s initial approval of class treatment, RP team members were called on once again to defend against Plaintiffs’ renewed attempt at certification of two different proposed consumer classes. This five year battle for class certification recently culminated in an extensive four-day evidentiary hearing. Agreeing with Reilly Pozner and its client that individual examinations of each car purchase file were necessary and class wide inferences could not be made, the Jefferson County District Court (Tidball, J.) denied Plaintiffs’ Second Motion for Class Certification on Rule 23 superiority and predominance grounds.

*“Each case is really a detective story. From the first day we get a case, we start to work on this story—and how the various pieces fit together—so we can tell our client’s story to a jury and a judge. At our trials, no one ever gets bored and loses interest! Preparation is the be-all and end-all. This behind-the-scenes work (when no one is watching) is what lets you be good in the courtroom (when everyone is watching). This realization is a wonderful, magical moment in the life of any courtroom attorney!”*



**REILLY POZNER** LLP  
A LITIGATION & TRIAL PRACTICE

1700 Lincoln Street, Suite 3400, Denver, Colorado 80203 [rplaw.com](http://rplaw.com)

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