

## MICHAEL J. GALLAGHER

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DAVIS  
GRAHAM &  
STUBBS



### EXPERTISE

Coal Industry, Environmental Law, Litigation, Arbitration & Trial, Mining, and Products Liability

### EDUCATION

Duke University School of Law, J.D., *with Distinction*, 1977

University of Colorado, B.A., 1974

### ADMITTED IN

Colorado

Mike Gallagher has a broad range of experience in litigation in state and federal courts throughout the Western U.S. and Alaska and before various arbitration forums. He is a trial lawyer who has handled and tried cases in many substantive areas. In recent years, he has focused his practice on litigation involving commercial and environmental issues impacting natural resources companies. For the oil and gas industry, he has handled major criminal environmental cases, royalty disputes, partnership disputes and surface owner disputes. For the metals mining industry, he has handled Superfund litigation, contract disputes, and a variety of environmental cases. For the coal industry, he has handled numerous long-term coal contract and contract mining disputes. He has also served as an arbitrator in coal industry cases.

Mr. Gallagher is a fellow of and has served on the Colorado State Board of the American College of Trial Lawyers. He is also a member of the Bars of the State of Colorado, U.S. District Court for the District of Colorado, and U.S. Courts of Appeals for the Ninth and Tenth Circuits. He has taught numerous continuing legal education courses concerning the trial practice in general and the trial of natural resources matters in particular. Mr. Gallagher has been recognized as a BTI Client Service All-Star, *Chambers USA* "Leader in Their Field" in Litigation: General Commercial, Benchmark Litigation Local Litigation Star, and named among *The Best Lawyers in America*® in Bet-the-Company Litigation, Commercial

Litigation, and Litigation: Environmental. He has also been selected for inclusion in *Colorado Super Lawyers*, *Who's Who Legal: Environment*, and *5280 Top Lawyers*. In 2020, Mr. Gallagher was named a Top Litigator by *Law Week Colorado*. He has served on the board and as board chair of Escuela de Guadalupe, a dual-language school in Denver. He is an Ex Officio member of the Colorado Judicial Institute and formerly served on the Law Alumni Board at the Duke University School of Law.

### ARTICLES & PRESENTATIONS

- Moderator of "Winning Trial Tactics." November 2012 Denver, Colorado. Colorado Bar Association with American College of Trial Lawyers.
- "Straight Talk with Judges." October 2012, Denver Colorado. Colorado Bar Association with Colorado Judicial Institute.
- "The Accommodation Doctrine Applied to Land in Transition: The Colorado Example." October 2010 Houston, Texas. 9th Annual Litigation Conference, Energy Litigation Committee of the ABA Section of Litigation.
- "Selected Developments: Surface Owner Rights in Colorado and the Rocky Mountain West." Anadarko Petroleum Corporation and Texas CLE. 2008 Woodlands, Texas.
- "Arbitration and the Price Term in Long-Term Coal Supply Contracts: Law, Practice and Getting the Right Answer." July 2007 Vancouver, British

Columbia. 53rd Annual Rocky Mountain Mineral Law Foundation Proceedings.

## REPRESENTATIVE MATTERS

- Represented the successor to a major mining company before both the Ninth Circuit Court of Appeals and the U.S. Supreme Court in a Superfund case involving the historic copper mining district located in and near Globe, Arizona.
- Served as local counsel for Microsoft in a putative antitrust class action case arising from *United States v. Microsoft*.
- Represented the successor to a major mining company in a Superfund case involving responsibility for environmental conditions at the Berkeley Pit Site located in Butte, Montana.
- Served as lead defense counsel for an oil and gas operator in a class action brought by overriding royalty owners under the Wyoming Royalty Payment Act.
- Represented a major oil company in a series of civil and criminal cases arising from a Prudhoe Bay oil spill in 2006 brought by the Department of Justice, the Environmental Protection Agency, and the State of Alaska.
- Served as lead defense counsel for oil and gas operators in a series of state court class action cases brought by royalty owners concerning Colorado gas production.
- Represented an oil and gas company in a putative class action case concerning gas flaring in the Bakken oil field of North Dakota.
- Represented a major oil company and other defendants in a putative class action pending in the federal district court for the Western District of Washington arising under the securities laws.