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TOP

LITIGATORS



Trip DeMuth

*Photo provided by Faegre
Drinker Biddle & Reath*

2024 Top Litigators: Trip DeMuth

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Faegre Drinker Biddle & Reath attorney [Trip DeMuth](#) was simply meant to be in a courtroom.

According to DeMuth, he had a lot of family members who were lawyers while he was growing up. He said what really attracted him to the profession was a sense of collegiality he detected.

DeMuth attended University of Colorado Law School, but had no clue what kind of practice he wanted to pursue. He eventually joined the legal aid and defender program doing criminal defense work and helped people with DUI cases.

“They were small cases, but I just fell in love with the opportunity to help people that were facing criminal charges,” said DeMuth.

After leaving law school, DeMuth looked for district attorney jobs and eventually became a deputy DA at the Boulder County District Attorney’s Office and was there for 17 years.

“I was really, really lucky because the leadership that I practiced under was all about doing the right thing,” said DeMuth.

DeMuth explained how fulfilling it was to work with victims at the DA’s office, guiding them through the justice system to eventually provide them with some sense of justice.

“And that was the part that I most fell in love with,” added DeMuth.

He later ran for DA in 2000 and lost. But DeMuth knew that whether he won or lost, running for office was going to get his name out there. And it did.

The name recognition enabled him to join a small Boulder firm with 30 people and it eventually merged with Faegre & Benson, which at the time was around 500 lawyers. Then the firm merged with Faegre Baker Daniels LLP and grew to around 800 lawyers. Finally, it merged with Drinker Biddle & Reath and now consists of more than 1,200 lawyers, with locations across the U.S., and in London and China, explained DeMuth.

According to DeMuth’s nomination, his primary accomplishment in the last year occurred in December 2023. After a four-week jury trial, a cross-office and cross-group team of Faegre Drinker trial and appellate lawyers, led by DeMuth, secured a favorable verdict for Xcel Energy, explained Briant. Xcel Energy is the majority owner and operator of Comanche 3, the largest coal-fired power plant in Colorado, and is responsible for its operations and maintenance.

“In 2021, CORE Electric Cooperative — a co-owner of Comanche 3 — sued Xcel in Denver County court,” wrote Briant. “CORE alleged that Xcel had repeatedly breached its contractual duty to operate Comanche 3 prudently and breached the contract by agreeing before the Colorado Public Utilities Commission to retire the coal plant in 2031.”

At trial, the team argued CORE’s lawsuit wasn’t about the operation of the plant, but an attempt by CORE to recoup its investment in the plant after it saw the regulatory winds changing direction, explained Briant. The Xcel trial team argued Xcel had operated the plant properly, promptly cured any errors and Comanche 3 was being retired early for environmental reasons.

“The Comanche 3 case [stands out to me] because we faced very difficult facts with enormous exposure that took all my years of experience to overcome,” wrote DeMuth via email to Law Week.

“The jury agreed with Xcel. It rejected CORE’s claim for a forced buyout. It rejected CORE’s claim that Xcel was to blame for Comanche 3’s early retirement and awarded \$0 in diminished-value damages,” wrote Briant.

But recent wins in the courtroom weren’t the only reason for DeMuth’s nomination. According to Briant, DeMuth’s “passion and devotion to his pro bono cases and members of the Colorado community speak volumes.”

“Trip leverages his experience as a former prosecutor to try to obtain justice for wrongfully convicted individuals,” wrote Harris.

“I have tried with all my heart to be a good trial attorney who helps people by seeking justice within the legal system.”

- Trip DeMuth

“How in the world did this little country prosecutor end up in an international law firm?” asked DeMuth. “Well, that’s how it happened.”

“I just kept doing my job and it kept growing around me,” added DeMuth.

“Since 2000, Trip has made a name for himself as a leading litigator through complex commercial, construction and real estate, energy and environmental, and white-collar cases,” wrote Faegre Drinker partner Jared Briant in DeMuth’s nomination.

“Trip is hard working and likes to be busy,” wrote [Colin Harris](#), partner at Faegre Drinker, to Law Week via email.

DeMuth noted Harris specializes in oil and gas and brings him on to co-counsel big pieces of litigation. “It’s introduced me to [this] growing area of litigation over climate change,” explained DeMuth.

DeMuth has continued to find success through hard work, obsessing over trial strategy and techniques over decades of practice.

“I spend so much time because I’m dedicated to my clients,” said DeMuth.

“The clients come first; the cases come first. They’re very demanding and challenging. They require a tremendous amount of time,” continued DeMuth. “And that’s just always the way I’ve been.”

“You have to make sure that the ultimate outcome is the right outcome,” noted DeMuth.

For example, DeMuth worked on a case involving Matthew Mirabal and the murder of his wife Natalie, a young mother at the time of her death.

“And I was able to convict Matthew Mirabal of first-degree murder and get that justice for not just Natalie, but her whole family who loved her dearly,” said DeMuth. DeMuth was able to help bring closure to her family in New Mexico. In turn, he noted the family essentially adopted him.

“It just meant the world to me, and it meant the world to them,” said DeMuth.

“Trip has compiled an impressive winning trial record, including securing millions of dollars in judgments and damages for his clients and favorable verdicts on a range of complex matters,” wrote Briant.

DeMuth is a member of the Boulder District Attorney’s Conviction Integrity Unit that reviews claims of injustice. This group was established by Boulder’s current DA, explained Harris, “to create a transparent, effective, and thorough review of legitimate claims of actual innocence, and to advance and uphold integrity and trust in our justice system.”

“Bobby Kennedy said ‘Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance,’” wrote DeMuth. “My mission/passion is to live those words.”

For six years DeMuth led the investigation into the innocence of Clarence Moses-EL, who eventually had his sexual assault conviction overturned and the state compensated him for the decades that he spent in prison.

“After that [case] ... arrangements were made for me to have dinner with Clarence in downtown Denver as a free man,” said DeMuth. “I walked in the room. I said ‘Hi, Clarence.’ He said ‘Hi, Trip.’ And then we just started smiling at each other because neither one of us could believe that we were talking to each other in a restaurant in downtown Denver.”

DeMuth is currently working with a team that’s trying to overturn the death penalty sentence of a young woman who was convicted of murder in Texas.

“Trip has spent several decades trying over 100 jury trials, beginning with 17 years as a prosecutor,” wrote Briant. “His years of experience, encountering many judges and juries, has given him the tools to be successful in the courtroom.”

“Trip is a great lawyer and colleague, known for his exceptional civil trial record and dedication to the practice of law,” wrote Harris.

“I have tried with all my heart to be a good trial attorney who helps people by seeking justice within the legal system,” said DeMuth.