

LAW WEEK

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YEAR

Michael Burg

Plaintiff's lawyer who fights for consumers, after fighting to start his own career

BY TONY FLESOR
LAW WEEK COLORADO

When Michael Burg began his legal career in 1976, he was quickly “forced out” into solo practice — an ungraceful start that shaped the plaintiff’s lawyer who this year earned recognition for his involvement in two pieces of litigation with major effects beyond the millions of dollars they are each worth.

Nearly four decades ago, as a first-year attorney, Burg found himself without a job within 60 days of beginning practicing as a lawyer. He was asked to leave his job after a dispute over his first paycheck.

After searching unsuccessfully for work, he was told he wouldn’t get an interview at any of the large firms in the area and that he was best off hanging up his own shingle. That meant taking just about any work that came along — low-end collection work, traffic tickets, writing wills, even reaching as far from the law as modeling and acting in TV commercials.

Thankfully, through an office sharing arrangement, he met attorney Jerry Dunn, now of counsel at Burg Simpson, who sent collection work his way in the early days of his practice. He credits others for sending him work and helping him during rough

— and asking for a record the second time around — the judge reversed himself and ruled in Burg’s favor.

His ability to persevere and learn from mistakes shows through in the high-profile cases he now works on around the country. As an attorney, he comes across as a scrapper who is willing to fight to succeed — in making a name for himself early in his career and for winning for his clients. In 2015, he closed two major cases that involved a good deal of perseverance.

In September, he and a team of four attorneys reached settlements on behalf of their client, Pursuit Partners, a hedge fund that squared off against Moody’s rating agency and investment bank UBS in what is commonly known as the “crap and vomit case.” According to the claims in the case, the defendants had been downgrading collateral debt obligations and selling them off just before the 2007-2008 economic collapse. The off-color name stems from the terms insiders used to describe the securities, according to documents collected in discovery.

Over the proceeding eight years since taking the case, Burg Simpson worked on the case alone against a collection of about 20 attorneys from the two defendants, Burg said, describing them as a “legion of law-



MICHAEL BURG'S 2015 HIGHLIGHTS INCLUDE TWO MAJOR SETTLEMENTS.

PHOTO: TONY FLESOR, LAW WEEK

John Blawie in 2009 entered a prejudgment remedy ordering UBS to set aside \$36 million for the case.

Several other copycat cases have been taken up in pursuit of similar claims. Burg said his client believed that if the CDO downgrades continued, the world economy could have lost between \$4 billion and \$7 trillion.

“In my career, this was one of the most rewarding successes because of the circumstances of having been dismissed and also doing it alone,” Burg said. “We did this alone.”

Also this year, Burg continued as co-lead counsel in a group of seven law firms at the forefront of 300 others representing about 20,000 women in a lawsuit against Bayer, the producer of Yaz birth control. Across all cases, Bayer settled for close to \$2 billion to the plaintiffs.

The plaintiffs in the case suffered strokes and blood clots that they claimed were side effects of the drug. According to Burg, Bayer presented two studies showing that the birth control was safe, but he said seven other studies from around the world showed that women who used Yaz were up

to three times more likely to have a blood clot than those who took comparable birth control.

His description of the possible injuries was being given the choice of getting on two planes with a low chance of either plane crashing, but one three times more likely to crash. “Which one would you get on?” he planned to ask the jury in closing arguments — Bayer opted to settle, though.

Burg said he often hears other attorneys wondering how a little firm in Denver can work on some of the cases they take on. In April, Burg will be inducted into the Trial Lawyer Hall of Fame at Temple University.

He plans to discuss the value of persevering and fighting through difficult cases. “I lecture about this so young lawyers understand that if they work hard and they persevere and they dedicate themselves and they have some luck — because I had a lot of luck along the way — you can do it.” •

— Tony Flesor, TFlesor@circuitmedia.com

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Michael Burg, plaintiff's attorney

times, such as attorney Dale Coplan, who now works at Burg Simpson.

“I learned the hard way about being in court and taking testimony and making many mistakes along the way,” Burg said. In one instance, he found himself in front of a judge and, after not asking for a record, lost a motion he thought would be an easy win. After asking for a reconsideration

yers.” And though the case went in front of four different judges and bounced back from a 21-month-long dismissal for lack of standing, the Burg Simpson attorneys eventually settled with one defendant after voir dire and the other the night before opening statements.

Although the terms of the settlement are confidential, Connecticut Court Judge

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