



DAVIS GRAHAM

THERESA WARDON BENZ PARTNER

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303.892.7388

EXPERTISE

Appellate, Class & Consolidated
Actions, Commercial Litigation, Mass
Torts, Personal Injury Defense,
Products Liability

EDUCATION

Northwestern University School of Law, J.D.,
magna cum laude, Order of the Coif, 2008
Boston College, B.A., *summa cum laude*,
2003 (Scholar of the College & Phi Beta
Kappa)

ADMITTED IN

Colorado

Theresa Wardon Benz is a partner in the Trial Group at Davis Graham & Stubbs LLP, where she leads the firm's appellate practice. She has represented leading companies in complex commercial litigation, construction disputes, class actions, and tort cases, both in trial courts and high-stakes appeals. With nearly 40 weeks of trial experience in her practice, Theresa has skillfully managed appellate monitoring, examining witnesses, and arguing motions and jury instructions.

An adept and perceptive leader and storyteller, Theresa has briefed and argued winning appeals for clients in the manufacturing, healthcare, and energy sectors, among others, over disputes involving commercial transactions, products liability, professional malpractice, class action litigation, and environmental clean-up in federal and state courts across the country, but with particular emphasis on Colorado and the Tenth Circuit. Because she was also trained as a trial lawyer, Theresa has unique experience in appellate monitoring from case inception through appeal, which includes strategic advice on issues throughout the course of the case, on preserving a trial record for appeal, participating in trials as monitoring counsel, drafting appellate briefs, and presenting oral arguments in both federal and state appellate courts.

Theresa received her J.D. *magna cum laude* and Order of the Coif from Northwestern University Law School and earned her B.A. *summa cum laude* in History from Boston College. Following law school, she clerked for Judge Neil M. Gorsuch of the Tenth Circuit Court of Appeals (now a U.S. Supreme Court Associate Justice). As a Richard Marden Davis Award recipient, her commitment to excellence in the legal community extends beyond the courtroom through her civic and community involvement. Theresa maintains an impactful pro bono practice from her representation of previously pro se plaintiffs in constitutional challenges to partnering with the ACLU to challenge unreasonable searches and infringements on constitutional rights. She has also previously served as a long-time board member for The Gathering Place, Denver's only daytime shelter for women, children, and transgender individuals experiencing poverty. In addition, she is a mentor for Law School . . . Yes We Can, which is the first law school pipeline program in Colorado to target high-achieving first-year college students from diverse backgrounds and provide them access to the legal profession. Theresa was also a fellow for the Leadership Council for Legal Diversity (LCLD) and serves as the co-chair of the Davis Graham Women in Leadership Lecture Series (WILLS).

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Theresa is admitted to practice before the U.S. Supreme Court, U.S. Court of Appeals for the Tenth Circuit, U.S. Court of Appeals for the Eighth Circuit, U.S. Court of Appeals for the Seventh Circuit, U.S. District Court for the District of Colorado, and U.S. District Court for the Northern District of Illinois.

OTHER COMMITMENTS & ACCOMPLISHMENTS

- Benchmark Litigation, Top 250 Women in Litigation (2025)
- *Benchmark Litigation*, "Litigation Star" (2026)
- *Benchmark Litigation* "Future Star" (2025)
- *5280 Magazine*, Top Lawyers: Appellate (2023-2026)
- *Benchmark Litigation*: Local Litigation Star (2020-2022); 40 & Under National Star (2019); Under 40 Hotlist (2017-2018, 2020-2021)
- *Colorado Super Lawyers*: Super Lawyer, Civil Litigation Defense (2022-2025); Rising Stars, Civil Litigation Defense (2012-2021)
- Denver Bar Association, Richard Marden Davis Award (2019)
- "On the Rise," American Bar Association (2017)
- "40 Under 40," *Denver Business Journal* (2016)
- "Top Litigators," *Law Week Colorado* (2016); "Up-and-Coming Lawyers," (2012)

APPELLATE EXPERIENCE & SUCCESSES

- Obtained Tenth Circuit affirmance denying qualified immunity to a Colorado law enforcement officer for unconstitutional search, reinforcing established Fourth Amendment limits on officer safety searches and allowing civil rights claims to proceed
- After successfully obtaining interlocutory appeal, obtained reversal of summary judgment

extinguishing claim worth over \$100 million on statute of limitations grounds, establishing new law in the Tenth Circuit on the statute of limitations for certain CERCLA contribution claims

- Drafted and argued post-trial motions resulting in district court reversing \$60 million jury verdict against her client and granting a new trial
- Obtained affirmance of dismissal of putative class action on issue preclusion grounds in the Tenth Circuit
- Securing wins in the Colorado Supreme Court on issues of first impression, including the jury instruction for product defect and the rate of prejudgment statutory interest
- Obtained reversal of multi-million-dollar verdict and judgment entered in client's favor at the Colorado Appeals Court, as well as defending the constitutionality of the caps applying to medical malpractice claims in Colorado
- Obtained affirmance of jury verdict for defendant in case where the plaintiff sought over \$100 million in damages
- Serve as appellate counsel for major manufacturer on cases across the West, including advising trial teams from case inception, providing strategy advice and drafting major pre-trial motions, participating in trial as appellate monitoring counsel, and drafting and arguing post-trial motions and appeals
- Briefed and argued appeal in tort case involving two issues of first impression before the Colorado Court of Appeals
- Served as appellate monitoring counsel and lead appellate counsel in challenge to multi-

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million-dollar judgment in commercial dispute

- Appellate counsel in Nebraska case concerning challenge to the constitutionality of the caps applying to medical malpractice judgments

PUBLICATION

- Co-authored with Erin Gust, "SCOTUS considers indirectly regulated entity redressability: Diamond Alternative Energy LLC v. EPA", for the American Bar Association