

## Andrew G. Cooley

Shareholder

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### Bio

Andy Cooley has been with the firm since 1990. He was previously an Assistant Attorney General in the Tort Claims Division. He is past-President of the Washington Defense Trial Lawyers and has lectured extensively in Washington and throughout the country. His practice focuses on trial work, emphasizing Federal Civil Rights cases, highway design litigation, and commercial cases. He has tried more than 50 cases to jury verdict in state and federal court.

Andy is married with two children. His younger daughter attends the Sun Valley Ski Academy where she is a competitive alpine ski racer. In the summers, he and his family enjoy fly fishing in Ketchum, Idaho. He serves on the board of directors of the Sun Valley Ski Team and the Rotorun Ski Area in Hailey, Idaho.

In June of 2018, Andy was appointed to a position on the National Committee on Uniform Traffic Control Devices (NCUTCD). The National Committee is the body which drafts and promulgates the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is the standard for signs, markings and signals on public roads, and is a critical document in road design liability cases. Andy's appointment marks the first time a practicing attorney has been appointed to this important committee.

### Representative Cases

#### Recent Trial Success:

- Defense verdict for City of Kent in police pursuit matter. Plaintiff claimed significant injuries. Jury returned a defense verdict in 15 minutes.
- Defense result for City of Issaquah in crosswalk fatality. Plaintiff husband and wife sued the City for the death of their 4-year old son. Jury voted for defense verdict for city and began to deliberate damages against driver, when case settled.
- Defense verdict for Harborview Medical Center and University of Washington in Paramedic Training accident. Plaintiff was a firefighter engaged in advanced paramedic training at UW. She suffered a trimalleolar fracture of the ankle during a training exercise, rendering her unable to continue working as a firefighter.
- Defense verdict for University of Washington Police Department and two officers in false arrest and excessive force case. Plaintiff alleged rotator cuff shoulder tear with surgical repair. Unanimous defense verdict.
- Defense verdict for Bellevue Police Department in an employment discrimination trial where the plaintiff alleged a theory of hostile work environment retaliation.

- Defense verdict for Port of Seattle in 2 week gender and disability discrimination trial in Federal Court.
- Defense verdict for Harborview Medical Center in race discrimination case.
- Defense verdict for City of Kent in 4-week, \$3 Million road design case involving marked crosswalk.
- Defense verdict for University of Washington in Employment Discrimination Case filed in Federal Court. Six Plaintiffs sued UW claiming various forms of employment discrimination.
- Defense verdict for City of Bellevue in Civil Rights Case filed in Federal Court, involving claims of excessive force with Taser.
- Defense verdict for City of Puyallup in road design lawsuit where plaintiff's counsel sought \$20 Million in opening statement. 25 year old Plaintiff suffered massive close head injury and needed lifetime care, with \$8.5 million life care plan. After 5 week trial, jury found no liability on City.
- Defense verdict for University of Washington Athletic Department and Football Team in Title IX Sex Discrimination Case
- Defense verdict for Kitsap County in discrimination case in Federal Court seeking \$20 million in damages
- Co-counsel with Stewart Estes and Kimberly Waldbaum in defense verdict for City of Pullman and several police officers in civil rights class action lawsuit seeking over \$30 Million in damages on behalf of 160+ plaintiffs.
- Defense verdict for University of Washington in Race Discrimination case, seeking over \$650,000 in damages.
- Defense verdict for City of Kent in \$16 million double wrongful death following police pursuit.
- Defense verdict for City of Kent in ADA case.
- Defense verdict for City of Puyallup in \$1.2 Million water main failure case.
- Defense verdict for City of Auburn in Civil Rights case involving jail suicide.
- Defense verdict for University of Washington in premises liability case.
- Defense verdict for City of Auburn in Civil Rights case involving police misconduct.
- Defense verdict for City of Bainbridge Island in road design liability case.
- Defense verdict for City of Burien in landslide case.
- Defense verdict for Harborview Medical Center in employment discrimination case.
- Defense verdict for City of Enumclaw in Eighth Amendment case.
- Defense verdict for City of Tukwila in excessive force case.
- Defense verdict for City of Kent in road design liability case.
- Successful resolution of Federal Class Action case involving prisoners rights.
- Defense verdict for Cities of Tukwila and Auburn in Multi-City SWAT Team Civil Rights case.

Inquest Practice:

- Successful representation of City of Kent and 3 officers who fired on armed man during search warrant service.
- Successful representation of 6 Kent Police Department officers in shooting of armed subject high on methamphetamine.
- Successful representation of City of Federal Way in shooting of armed and dangerous felon.
- Successful representation of Multi-Agency SWAT Team in shooting of barricaded armed subject.
- Successful representation of City in jail suicide.
- Successful representation of City in Coroners Inquest Jury Trial following fatal shooting of suspected drug dealer.
- Successful representation of City in Coroners Inquest Jury Trial following suicide by suspect in patrol car.
- Successful representation of City in Coroners Inquest Jury Trial following fatal shooting of intoxicated motorist who rammed other vehicles.
- Successful representation of City in Coroners Inquest Jury Trial following suicide of inmate at City Jail.
- Successful representation of City in Coroners Inquest Jury Trial following death by fatal overdose of jail inmate.
- Successful representation of City in Coroners Inquest Jury Trial following fatal shooting of felony warrant suspect.

## Presentations

Selected Lectures and Invited Presentations:

Crosswalk Liability in Washington

National Committee on Uniform Traffic Control Devices

Washington D.C. (2018)

Jail Risk Management

Washington Association of Sheriffs and Police Chiefs

Chelan, WA (2017)

Intermediate Discovery

Washington Association of Prosecuting Attorneys

Chelan, WA (2017)

Preserving Error in Federal Court

Washington Association of Prosecuting Attorneys Spring Conference

Spokane, WA (2016)



Handling High Profile Incidents

Washington Association of Municipal Attorneys Spring Conference

Skamania, WA (2016)

Public Communications During Emergency Events

Association of Washington Cities/Washington Association of Counties, Elected Officials Training

Wenatchee, WA (2016)

Interviewed in September 2013 by National Public Radio about his federal class action suit over the adequacy of public defender systems in Washington. <http://www.npr.org/2013/09/03/216809388/justice-dept-tackles-quality-of-defense-for-the-poor>

The Business of Sports - 2008 CLE

Title IX and Liability and Risk Management Issues relating to Sex Discrimination in Sports

March 17, 2008 at Foster Pepper PLLC.

Washington Defense Trial Lawyers

Defending Government Agencies

October 30, 2007

International Municipal Signal Association (IMSA)

NW Section 2007 Conference

Presentation on roadway liability risk management, June 11, 2007

American Public Works Association

Liability Aspects of Pedestrian Traffic Engineering

Vancouver, WA, Spring 2006

Washington State Bar Association

Anatomy of a Motor Vehicle Case, September 2004

Washington Defense Trial Lawyers Trial Academy

Taking and Defending Depositions (2004)

Washington Defense Trial Lawyers Government Liability Seminar

Supervising Criminals (2003)

Wyoming Defense Lawyers

Ethics Issues for Defense Lawyers

Yellowstone, WY (July 2000)

American Board of Trial Advocates

Ethics and Audits

Los Angeles, CA (1999)

Northern California Association of Defense Counsel

Ethical Concerns of Defense Lawyers

San Francisco, CA (1998)

Society of Automotive Engineering, Low Speed Rear-End TOPTEC

Los Angeles, CA (1994)

International Personnel Management Association

Employment Litigation in the 90's.

Seattle, WA (1994)

Washington Cities Insurance Authority

"Heading Your Bicyclists Down the Right Path"

Yakima, WA (1995)

Bicycle Federation of Washington

Bicycle Litigation Risk Management

Bellevue, WA (1995)

Washington State Bar Association

Defending Public Officials in Tort Litigation

Kirkland, WA (1996)

Washington State University/WSDOT

34th Annual Road and Street Maintenance School

Spokane and Seattle, WA (1997)

Police Law Institute

Coroner's Inquest Practice

Bellevue, WA (1997)

Court T.V.

Chavez v. City of Kent

June 1997

Publications:

- Cooley, Andrew; Gavery, Brock. "Scott v. Harris: A Car, A Chase, A Videotape." Municipal Lawyer (International Municipal Lawyers Association): November/December, 2007: 18-21.

- Cooley, Andrew. "Liability and Risk Management Associated with At-Grade Pedestrian Crossings." Institute of Transportation Engineers Journal 76(2006): 38-40.
- Cooley, Andrew and Steven Thorsrud, Police Pursuits: the rest of the story, Guest Editorial, The Seattle Times, September 21, 2006
- Cooley, Andrew, and Brock Gavery. "Police Pursuits and High Speed Driving Lawsuits: Lessons Learned From Actual Litigation." The Police Chief (International Association of Chiefs of Police) October, 2006: 26 - 35.
- Cooley, A.G., et al, Washington Civil Trial and Evidence Manual: Voir Dire to Verdict (Litigation Section, Wash. State Bar Assoc. 5th ed. 2004)
- Cooley, Andrew, "Inquest Reform Not Needed", Guest Editorial, The Seattle Times, August 29, 2001.
- Cooley, Andrew, "Arbitration Reform Threatens Civil Rights", Guest Editorial, The Seattle Times, February 3, 2000.
- Cooley, A.G., Fee Audits: Coming Full Circle and Looking Down the Road, For the Defense, (Defense Research Institute June 1999).
- Cooley, A.G., "Audits of Attorney's Bills" For the Defense, (Defense Research Institute, February 1998).
- Cooley, A.G., Risk Management Principles of Transportation Facility Design, Journal of Transportation Engineering, (American Society of Civil Engineering, May, 1996).
- Cooley, A.G., Risk Management During the Forensic Engineering Investigation of Bicycle Accidents, Chapter 21 in Bicycle Accident Reconstruction: A Guide for the Attorney and Forensic Engineer (3rd Ed.), James M. Green, Lawyers and Judges Publishing Co. (1994).
- Cooley, A.G., Bulzomi, S., "Pedaling to the Courthouse - A Primer on Bicycle Litigation," For the Defense, November, 1993

## Professional and Community Activities

- Board of Directors, Crystal Mountain Alpine Club
- Member Washington Pattern Jury Instruction Subcommittee on Road Design Civil Jury Instructions.
- Designated a Civil Litigation "Super Lawyer" by peer poll in Washington Law & Politics magazine (2000; 2001; 2002; 2003; 2004; 2008; 2009; 2010; 2011)
- Rated AV by Martindale-Hubbell
- Special Disciplinary Counsel, WSBA (2002)
- Past President - Washington Defense Trial Lawyers - (1999-2000)
- Member - Defense Research Institute
- Member - Northwest Defense Leaders

- Member- Washington Assoc. of Technical Accident Investigators
- Past Legal Advisor - WSDOT ISTEIA - Safety Management Systems Implementation Subcommittee
- Associate Member - Washington Association of Chiefs of Police
- Former Assistant - Attorney General - Tort Claims Division
- Former Advisor - American Society of Civil Engineering, Subcommittee on Human Powered Transportation

## Education, Recognition, and Honors

### Education:

- University of Washington - B.A. Accounting - 1982
- Seattle University - J.D. Degree - 1985
- Washington State Patrol Collision Reconstruction School: Graduate and Certified - 1990
- Washington State Patrol Advanced Accident Investigation: Graduate - 1988

### Licensed:

- State of Washington - 1985

### Admitted:

- All Washington Courts (Federal and State)
- United States Court of Appeals, Ninth Circuit
- United States Supreme Court