

Nicole Westbrook

SHAREHOLDER

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Clients want to know, is my case worth fighting? After reviewing the facts of your case, Nicole will let you know. Her insights are hard-fought in 20+ years of litigating business matters and achieving outcomes that improve her clients' lives. From defamation to breach of fiduciary duties to fraud, complex contract disputes, commercial real estate litigation, and all else between, Nicole tries and argues matters from both sides of the aisle, plaintiff and defendant, in federal and state courts and arbitration venues throughout the United States.

A former federal law clerk in the busiest trial court in the United States, Nicole's trial practice focuses on one thing: the success of her clients. She works with dedication, tenacity and commitment to prevail in significant, high-stakes business disputes that others won't try. Past successes in underdog cases of IP theft and trade secret litigation have restored claimant property to the rightful owners and defended against millions of dollars in claimed damages.

She is also an MLM trial attorney with experience defending network marketing companies and distributors in private litigation against multi-level marketers. Nicole brings a highly developed understanding of the laws-statute and case-regulations, and self-regulatory restraints in place to prevent fraud, securities violations, and FTC complaints. She handles all aspects of litigation from injunctions to investigations, discovery, mediation, arbitration, litigation and settlement in matters of conflict between distributors, breaches of policies and procedures by distributors, misleading sales tactics, shareholder disputes and privacy issues, and other areas of legal controversy involving MLMs.

Putting the client first also means giving clients greater access to talented and skilled attorneys. Nicole is an instructor for the National Institute for Trial Advocacy (NITA), where she builds up skills of fellow litigators. She's been named a Martindale Hubble AV-Preeminent Attorney and to Super Lawyers as well as designated a Super Lawyers "Rising Stars", recognized as an "Up and Coming Lawyer" and a "Compleat Lawyer" by Law Week Colorado. Nicole was also nominated "Forty Under Forty" by The Denver Business Journal.

[Engage Nicole Westbrook to Speak](#)

Experience

COMPLEX COMMERCIAL LITIGATION - SELECT AREAS OF FOCUS

- Breach of fiduciary duty in actions between business partners, corporate shareholders or LLC unitholders and the business, corporation, or LLC, principal and agent, trustee and beneficiary, and derivative actions
- Cannabis/hemp representation or litigation, including breach of contract, breach of fiduciary duty, fraud, landlord/tenant, real estate and related issues
- Civil conspiracy or collusion
- Commercial real estate litigation from acquisition and financing to development and construction to management and leasing, tenant hold-over issues and other disagreements
- Contract litigation for businesses and individuals in all forms, including licensing agreements, buy-sell agreements, loan agreements, and employment contracts, and inducement to breach a contract
- Defamation and internet defamation litigation
- Fraud, including securities fraud, embezzlement, tortious interference, omission of material facts, negligent misrepresentation, and fraudulent misrepresentation
- Multi-level marketing litigation, including cross recruiting, non-compete violations, and policy & procedure violations
- Probate and wills litigation, such as challenges to the validity or provisions of a will or trusts, power of attorney disputes, trust modification or reformation lawsuits, trust termination, disinheritance issues, and undue influence
- Tort litigation related to business issues, such as tortious interference with prospective business advantage and tortious interference with business
- Trade Secrets
- Unjust enrichment claims where there is no written contract

Significant Representations

- Successfully arbitrated large commercial real estate case, winning a complete defense verdict in one day of arbitration; all five claims brought by plaintiff found to be unsubstantiated.
- Successfully defended a trade secret and civil conspiracy case in which the plaintiff, a nutraceutical company, sought millions of dollars from my client for allegedly stealing proprietary information and engaging in a competing business.
- Successfully stopped the HOA of an exclusive Colorado mountain resort facility from modifying the fractional interest calendar, which would have removed the Thanksgiving and Christmas holiday ownership period from the client's penthouse.
- Successfully represented an oil and gas company in a complicated breach of contract case with declaratory relief to obtain shares of the company wrongly sold by a unitholder of the company in violation of a right of first refusal contained in the LLC Agreement.
- Represented a minority holder in a closely held company that was subject to a complex merger that resulted in significant devaluation to the client's interest in the company.
- Represented party running for Colorado State public office in defense of a character trying to defame and extort money from the candidate.
- Represented the purchaser of a resort property near the Royal Gorge in a breach of contract and tortious interference with business case against the sellers of the property who destroyed or damaged numerous buildings and other critical resources of the resort before leaving; removed vehicles from the property that

were to remain on the property; failed to disclose material defects on the property; and tried to prevent vendors from supplying the new owners.

- Sued a major television syndicate for defamation against a Colorado individual.

Recent Publications, Engagements & Announcements

- Effective Depositions with Nicole Westbrook, an interview for The Litigation War Room (podcast)
- [Minding Litigation: Strategies for Document Drafting](#), Nicole Westbrook and Cash Parker, February 2022
- “Civil” Proceedings: Elevating the Legal Profession at Trial, Nicole Westbrook and Al Sahlstrom for LawPracticeCLE
- Drafting Business Contracts: Guiding Business Clients to Better Outcomes, Nicole Westbrook and Cash Parker for LawPracticeCLE
- [Nicole Westbrook on IT House Calls, Managing Clients and Subpoena Power](#), Nicole Westbrook interview for [Online Litigation](#) (podcast)
- [Fishy MLM Contract Provisions to Watch For](#), Nicole Westbrook and Al Sahlstrom
- [A Rookie Mistake and Cooperation in the Courtroom](#), Nicole Westbrook (Ed Lyons) for the National Institute for Trial Advocacy
- [Remote Arbitration Trial Skills with Nicole Westbrook](#), National Institution for Trial Advocacy instruction
- [Jones & Keller Attorneys Named to Super Lawyers and Rising Stars](#)
- [GameStop, Overstock and Barry Minkow: Justice in the Short Sale Squeeze?](#) Nicole Westbrook
- [Judge Alia Moses and Litigator Nicole Westbrook on Women in Law – On The Record](#), an interview spotlighting women in the legal field (podcast)
- [State of the Colorado Courts: What the Backlog Means for Trials in the Pipeline](#), Nicole Westbrook for the National Institute for Trial Advocacy
- [Women in Law with Judge Alia Moses and Nicole Westbrook](#), National Institute for Trial Advocacy (podcast)
- [Insights: It’s Time to Address the Gender Divide in Law](#), by Judge Alia Moses and Nicole Westbrook, as featured in Bloomberg Law
- Drafting Business Contracts: Advice From Litigators to Prevent Ambiguity, hosted by Nicole Westbrook and Cash Parker for Strafford Publishing, August 2020
- [Insights: Fighting the Equalizing Effects of Remote Arbitration](#), by Nicole Westbrook, as featured in Bloomberg Law
- Business Document Drafting from a Litigation Perspective, a webinar for drafting contracts that will stand up in the court. Hosted by Nicole Westbrook and Cash Parker for the Colorado Bar Association, May 2020
- “CO Hemp Clone Farm, “National Hemp Exchange”, Used Client’s Money for Own Investment Purposes,” Nicole Westbrook quoted based on litigation, [Cannabis Law Report](#)
- [“Winning In Arbitration: From Agreement to Trial,”](#) Bloomberg Law, January 2020
- “Rocky Mountain Deposition Skills,” National Institute for Trial Advocacy, December 2019, December 2018
- [“This New Colorado Law Champions Free Speech”](#), ColoradoBiz, June 2019
- “Trial Skills with the Catholic Legal Immigration Network,” National Institute for Trial Advocacy, July 2019

HONORS & DISTINCTIONS

- Fellow of the Litigation Counsel of America
- Best Lawyers® in America – Litigation – Real Estate Law, 2024, 2025

- Super Lawyers®, 2021-2024 (Rising Stars®, 2009-2017)
- Martindale Hubble AV-Preeminent
- Instructor, National Institute for Trial Advocacy (NITA)
- Colorado Rising Star 2009-2017
- Compleat Lawyer by Law Week Colorado 2010
- Up and Coming Lawyer by Law Week Colorado 2009
- Nominated Forty Under Forty by Denver Business Journal 2010

PROFESSIONAL & COMMUNITY AFFILIATIONS

- Colorado Bar Association
- Faculty of Federal Advocates
- Denver Metro Chamber of Commerce, LD Class 2008

ADMISSIONS

- Tenth Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court for the District of Colorado
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- U.S. District Court for the Eastern District of Wisconsin

LICENSED IN

Colorado

EDUCATION

Vanderbilt University Law School, J.D.

University of Wyoming, B.S., with honors

PRACTICE AREAS

Litigation

BADGES



NICOLE WESTBROOK

2024

RECOGNIZED BY
Best Lawyers

Martindale-Hubbell



PREEMINENT

Peer Rated for Highest Level
of Professional Excellence

2024

RATED BY

Super Lawyers

Nicole A. Westbrook

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RISING STARS

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Westbrook

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