



BEST IN SHOW

Congratulations to this year's Barrister's Choice winners. Find the complete list, with the winners of our readers' People's Choice selections inside.

Supreme Court Justice

Barrister's Choice: Nathan Coats

Court of Appeals Judge

Barrister's Choice: Neeti Pawar

State Trial Court Judge

Barrister's Choice: Morris Hoffman, 2nd Judicial District

Arbitrator

Barrister's Choice: Maria Berkenkotter, JAG

Mediator

Barrister's Choice: Joe Epstein, Conflict Resolution Services

Overall Litigator

Barrister's Choice: Michael Burg, Burg Simpson

Commercial Litigator

Barrister's Choice: Ellie Lockwood, Snell & Wilmer

Civil Litigator

Barrister's Choice: Jennifer O'Connell, Queener Law

Lawyer-turned-Legislator

Barrister's Choice: U.S. Rep. Diana DeGette

Public Sector Lawyer

Barrister's Choice: George Brauchler, 18th Judicial District Attorney

Government Lawyer

Barrister's Choice: Phil Weiser, Colorado Attorney General

Lobbying Firm

Barrister's Choice: Brownstein Hyatt Farber Schreck

Family Law Lawyer

Barrister's Choice: Megan Sherr, Sherr Puttmann Akins Lamb

Private Equity Lawyer

Barrister's Choice: Keith Trammell, WilmerHale

Real Estate Lawyer

Barrister's Choice: Jay Kamlet, Kamlet Law

Banking Lawyer

Barrister's Choice: Christian Otteson, Shapiro Bieging Barber Otteson

Tax Lawyer

Barrister's Choice: Greg Berger, Brownstein Hyatt Farber Schreck

Securities Lawyer

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Antitrust Lawyer

Barrister's Choice: Todd Seelman, Lewis Brisbois Bisgaard & Smith

M&A Lawyer

Barrister's Choice: Pat Linden, Linden Law Partners

Healthcare Lawyer

Barrister's Choice: Kevin Kuhn, Wheeler Trigg O'Donnell

Environmental Lawyer

Barrister's Choice: Jim Spaanstra, Faegre Drinker Biddle Reath

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Barrister's Choice: Joe Dischinger, Fairfield and Woods

Renewable Energy Lawyer

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Agricultural Lawyer

Barrister's Choice: Wayne Forman, Brownstein Hyatt Farber Schreck

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Barrister's Choice: Abe Hutt, Recht Kornfeld

Marijuana Law Lawyer

Barrister's Choice: Rachel Gillette, Greenspoon Marder

Criminal Defense Lawyer

Barrister's Choice: Pam Mackey, Haddon Morgan Foreman

Criminal Defense – White Collar Crime Lawyer

Barrister's Choice: Patrick Ridley, Ridley McGreevy & Winocur Sports Lawyer
Barrister's Choice: Craig Umbaugh, Hogan Lovells

Communications/Media Law Lawyer

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Entertainment Lawyer

Barrister's Choice: David London, Hogan Lovells

Immigration Lawyer

Barrister's Choice: Catherine Chan, Chan Immigration

Trust/Estates Lawyer

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Nonprofit Lawyer

Barrister's Choice: Betsy Fordyce, Rocky Mountain Children's Law Center

Corporate Law Lawyer

Barrister's Choice: Rehan Hasan, Hasan Legal

In-House Counsel

Barrister's Choice: Jennifer Jaskolka, Xcel Energy

Appellate Lawyer

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IP Lawyer (Non-litigator)

Barrister's Choice: Tom Franklin, Kilpatrick Townsend

IP Litigator

Barrister's Choice: Aaron Bradford, Bradford LTD

Employment Lawyer - Plaintiffs

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Employment Lawyer - Defendants

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Disability Law Lawyer

Barrister's Choice: Steven Earl, Apex Disability Law

Personal Injury Law Lawyer

Barrister's Choice: David Woodruff, Denver Trial Lawyers

Medical Malpractice Lawyer – Plaintiffs

Barrister's Choice: Jim Leventhal, Leventhal Puga Braley

Medical Malpractice Lawyer – Defendants

Barrister's Choice: Scott Nixon, Nixon Shefrin Ogburn Drew

Construction Defects Lawyer – Plaintiffs

Barrister's Choice: Jeff Kerrane, Kerrane Storz

Construction Defects Lawyer – Defendants

Barrister's Choice: Jonathan Pray, Brownstein Hyatt Farber Schreck

Class Action/Mass Tort Lawyer – Plaintiffs

Barrister's Choice: Dave Hersh, Burg Simpson

Class Action/Mass Tort Lawyer – Defendants

Barrister's Choice: Michael Williams, Wheeler Trigg O'Donnell

Insurance Lawyer --Plaintiffs

Barrister's Choice: Stephen Shapiro, Shapiro Bieging Barber Otteson

Insurance Lawyer - Defendants

Barrister's Choice: John Palmeri, Gordon & Rees

Education Lawyer

Barrister's Choice: Jack Robinson, Spies Powers & Robinson

LAW WEEK COLORADO



Denver might be a small legal community, but it's bursting with top-tier attorneys. We recognize the best attorneys from around the state, according to our readers, in our annual Barrister's Best list.

PG. 7

INSIDE SCOOP

LAW WEEK COLORADO

**AN AWARD-WINNING
INDEPENDENT NEWSPAPER**

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features

04/USE IT OR LOSE IT
This week, the Colorado Supreme Court is considering a case that questions whether an employee working under a "use it or lose it" vacation policy was entitled to her vacation time payout after she was fired.

05/OFFICIAL MISCONDUCT
A Colorado DA pleaded guilty last week to drug possession and official misconduct charges related to a drug transaction at her office. Now, she's subject to attorney regulation review.

06/ DA RACE REVIEW
Every vote mattered in Colorado's biggest district attorney race last week. And other districts around the state saw a blue shift with Democrats winning many races for the top prosecutor positions.

coming up

SPECIALTY BAR ROUNDTABLE
NOVEMBER 16

BEST LAW FIRMS
NOVEMBER 23

BIG DEALS Q3*
NOVEMBER 30

COLORADO 200*
DECEMBER 7

*These issue features are based on survey information. Upcoming surveys can be found at LawWeekColorado.com

from the editor

We've long heard that Denver is a big city with a small legal community. It seems that everyone generally knows one another, and that's certainly true among Denver's larger firms. We leverage this tight-knit community each year when we ask our readers to write in to let us know who the top attorneys and judges are across the state in dozens of practice areas. This week, we provide the rundown of all of those top attorneys in our list, which begins on page 8.

contact us

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ON THE COVER

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Colorado's most trusted medical malpractice and personal injury law firm.

Congratulations to Leventhal Puga Braley P.C. founder Jim Leventhal for being selected as Barrister's Choice Best Medical Malpractice Lawyer - Plaintiffs.

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Armstrong Teasdale Names Diversity Officer

Denver partner Meshach Rhoades to serve in firmwide role

STAFF REPORT LAW WEEK COLORADO

Armstrong Teasdale announced Nov. 2 that the firm has created a dedicated diversity, equity and inclusion department and named partner **Meshach Rhoades** chief diversity officer.

Rhoades is a complex commercial litigator and will continue to maintain an active legal practice in addition to her new role.

She has long been a champion of inclusion efforts both professionally and personally and has been involved with local and national organizations such as the Center for Legal Inclusiveness, Leadership Council on Legal Diversity, Colorado Hispanic Bar Association and Latinas First Foundation.

Rhoades previously served as co-chair of Armstrong Teasdale's inclusion

committee, alongside St. Louis partner **Sarah Sise**, who will maintain her role as chair of that committee.

Denver legal secretary **Stephanie Hendrickson** will serve as executive assistant to the diversity, equity and inclusion department.

JUDICIAL ANNOUNCEMENTS

The 18th Judicial District Nominating Commission has nominated three candidates for an Arapahoe County Court judgeship created by the appointment of Judge **Don Toussaint** to the District Court. The vacancy will occur on Jan. 12.

Nominees **Melina Hernandez** of Denver, **Phelicia Kossie-Butler** of Aurora and **Joseph Whitfield Jr.** of Aurora were selected in a videocon-

ference meeting on Oct. 30.

Under the Colorado Constitution, the governor has 15 days from Nov. 2 to appoint one of the nominees as county court judge for Arapahoe County.

Comments regarding any of the nominees may be sent via e-mail to the governor at gov_judicialappointments@state.co.us

GOOD FOR YOU

Brownstein Hyatt Farber Schreck announced Thursday that **Justin Bubenik**, an associate in its Denver office, has joined the board of directors of The Urban Farm, a nonprofit farm promoting youth and community education.

As part of his two-year term, Bubenik will assist TUF through his participation in board meetings, planning committees, improvement projects and fundraising efforts. •



MESHACH RHOADES



Congratulations to The 2020 Barrister's Best Barrister's Choice- Best Family Law Lawyer **Megan M. Sherr**

We could not be more proud of our friend and partner on this remarkable and well-deserved award. We see the skill and attention Megan brings to her clients' needs and we cannot think of a more deserving recipient.

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State Supreme Court Considers “Use-It-Or-Lose-It” Vacation Policies

Attorneys hope high court will clear up conflict between court rulings and CDLE guidance

JESSICA FOLKER
LAW WEEK COLORADO

The Colorado Supreme Court will hear oral arguments Monday in a case that could bring much-needed clarity on whether “use-it-or-lose-it” vacation policies are allowed under state law.

The case, *Nieto v. Clark’s Market*, involves former grocery store employee Carmen Nieto, who claims she was entitled to pay for her unused vacation days upon her termination from Clark’s Market. However, the grocery chain denied Nieto the payout, pointing to a policy in its

handbook that says employees “forfeit all earned vacation pay benefits” if they are dismissed for any reason or fail to give two weeks’ notice.

Nieto alleges the grocer’s forfeiture policy violates the Colorado Wage Claim Act, which says that when an employee is discharged, wages or compensation “earned, vested, determinable and unpaid at the time of such discharge” is due and payable immediately.

Under the CWCA, vacation pay is considered wages or compensation if “earned in accordance with the terms of any agreement” and if “earned and determinable in accordance with the

terms of any agreement between the employer and the employee.”

Citing these provisions, Clark’s Market argues the plain language of the CWCA allows employers and employees to enter into agreements that determine when or if vacation time becomes “earned, vested or determinable.” Under its policy, Clark’s Market argues, Nieto’s vacation time didn’t vest or “become determinable” because she was terminated.

In June 2019, the Court of Appeals upheld a lower court’s decision siding with Clark’s Market. The court said in its opinion that Nieto’s right to vacation pay hinged on the

employment agreement, which “unambiguously says the vacation pay she seeks wasn’t vested given the circumstances under which she left the Market’s employ.” The employer-friendly decision was seen as a clear green light for “use-it-or-lose-it” vacation policies following years of what attorneys say had been confusing or conflicting guidance from the Colorado Department of Labor and Employment.

But months after the Court of Appeals’ Nieto decision, CDLE adopted new Wage Protection Act rules that

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Heartfelt congratulations to all the recipients of the 2020 Barrister’s Best

DA Pleas Guilty in Drug Possession and Misconduct Case

Brittney Lewton, 13th Judicial District DA and former lead drug prosecutor, used painkillers from an employee in her office

AVERY MARTINEZ
LAW WEEK COLORADO

Brittney Lewton, the 13th Judicial District Attorney, pleaded guilty on Nov. 2, to added count each of possession of a controlled substance, unlawful conduct on public property and second-degree official misconduct. Earlier this year, she was indicted by a grand jury on three drug counts and official misconduct offenses related to a drug transaction that occurred in her office in Sterling in 2019.

“The abuse of an official position is a serious cause for concern,” said Colorado Attorney General Phil Weiser in a statement. “In today’s plea, Ms. Lewton takes responsibility for her actions and is held accountable for them.”

According to the redacted grand jury indictment, Lewton was observed by one of her employees to discuss prescription painkillers with a new employee, who had a bag of pills and pill bottles on her desk. Later that day, she took pills from the new employee’s bag.

According to redacted grand jury documents, an employee referred to as M.R. saw Lewton then drop the bottle into her purse. M.R. immediately reported the incident to Chief Deputy District Attorney Anthony Gioia, who asked her whether “a drug deal just went down in the office.” She said yes, and proceeded to tell Gioia that “everybody thinks that DA Lewton’s been

clean, and she hasn’t been.” M.R. later called DA investigator Mike Jones, who then informed the Colorado Bureau of Investigation.

According to Jones’s testimony, several days later, Lewton called ask-

ing that three days before the incident, Lewton filled a prescription for a 12-day supply of hydrocodone and had already received a lawfully prescribed controlled substance.

Lewton has been sentenced to two

“We support Ms. Lewton in her efforts to recover and recognize that her experience is just one example of how the opioid epidemic is impacting lives, families and communities,” said Weiser.

According to the 13th District Attorney’s website, Lewton joined the 13th District as an intern before becoming full-time in 2005. She spent eight years as the “lead drug and sexual assault prosecutor” before her promotion to chief deputy and then assistant DA. Lewton has also been involved with several organizations such as the executive committee for the Colorado District Attorneys’ Council.

“Every person — including public officials — should be held accountable for violating the law,” said Colorado District Attorneys’ Council Executive Director Tom Raynes. “We not only appreciate the attorney general’s investigation and prosecution of this matter, but we support the recognition of the ongoing impact and breadth of opioid addiction which has devastated individuals, families and communities across Colorado.”

The AG’s office asked the court to dismiss the original drug and first-degree official misconduct charge in exchange for the guilty plea. The case was prosecuted by attorneys from the Special Prosecutions Unit in the Criminal Justice Division of the Department of Law, according to the release. •

— Avery Martinez, AMartinez@circuitmedia.com

“We support Ms. Lewton in her efforts to recover and recognize that her experience is just one example of how the opioid epidemic is impacting lives, families and communities,”

— Colorado Attorney General Phil Weiser

ing why CBI agents were investigating and threatened to suspend him for not answering. During an in-person meeting the next day between Jones and Lewton about his suspension, Lewton admitted she had ingested the pills, according to the indictment.

According to the indictment, Lewton also said she realized taking the prescription pills was a criminal act. The grand jury also found evidence

years supervised probation and must undergo a substance abuse evaluation and successfully complete a drug treatment course.

If she violates her probation, she may serve jail time, according to a release from Weiser’s office. Lewton is subject to review by the Office of Attorney Regulation Counsel for alleged professional misconduct and must perform 48 hours of public service.

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Election Brings Changes to DAs' Offices

Amy Padden elected in 18th District nail-biter

HANK LACEY
LAW WEEK COLORADO

Election Day 2020 brought a blue tint to district attorney offices around the Front Range as the state's voters chose Democrats in three judicial districts and set up a close battle going down to the wire in the state's largest.

The electorate also fired a district court judge in the north metro area — an unusual outcome since Colorado adopted a system of judicial retention elections in 1966 — and retained two Supreme Court justices and two Court of Appeals judges.

The 18th Judicial Teeters

Amy Padden has a chance to become the first Democratic district attorney to serve in the 18th Judicial District since the 1960s. Caught in a tight race against Republican John

Kellner, she would likely face an automatic recount in her quest to succeed the GOP's George Brauchler.

"This has been an incredible campaign overall and a rollercoaster since Tuesday night," Kellner said Friday. "I'm feeling very confident at this point, and right now I'm focused on ensuring every vote counts."

The 18th Judicial District, established by the voters in the 1962 general election, has not had a Democratic DA since Martin Miller, who served as the district's first DA, left office in 1969.

Michael Miller, an attorney at Miller & Steiert, Martin Miller's son, said his dad would be thrilled by Padden's possible victory.

"He would be, is, tickled to death, wherever he is."

Martin Miller, a disabled World War II veteran, died in May 2007 at the age of 84.

Democratic Woman Wins in 1st Judicial District

Alexis King, a former Denver County Court magistrate and deputy DA in the 1st Judicial District, handily defeated her GOP opponent to take the top prosecutor's job in Gilpin and Jefferson counties. King gained at least 34,000 more votes, out of about 357,000 cast, than did Republican Matthew Durkin. King will be the first Democratic woman ever elected DA in the district and the first Democratic DA elected in the district since 1996. She will succeed Republican Peter Weir.

Mason Wins in the 17th District

Democrat Brian Mason defeated his GOP opponent Tim McCormack for the chief prosecutor slot in the 17th judicial district, which includes Adams and Broomfield counties. Ma-

son, currently the district's chief trial deputy DA, earned a 55.6%-44.5% margin of victory in a race where more than 264,000 votes were cast.

8th Judicial District Will Have First Democratic DA Since 1970s

In the 8th Judicial District, which includes Jackson and Larimer counties, Gordon McLaughlin will be the first Democratic DA since January 1973. The district has had three Republican DAs since then, including one who served for 32 years before term limits were mandated. McLaughlin, a veteran deputy DA in the district, defeated the GOP's Mitch Murray by a six percentage-point margin in the first contested DA race in the district since 1992.

McCann Easily Reelected in Denver

CONTINUED ON PAGE 22...

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Our annual Barrister's Best list relies on a poll of our readers as well as the "Barrister's Choice," taking into account reader votes and independent review to answer the question: Who's Colorado's Best...

SUPREME COURT JUSTICE

Barrister's Choice: Nathan Coats
Chief Justice Nathan Coats has served on the Colorado Supreme Court for more than 20 years. The chief's public service began during law

school, when he took a break to serve in the U.S. Army for several years. Coats was an assistant attorney general and a deputy district attorney, too, before putting on the robe in 2000. During his tenure as chief justice the Supreme Court has coped with both the worst pandemic in a century and

wildfires that affected the operation of courts in several judicial districts. Coats will leave the bench in January.

People's Choice: Willam Hood
Justice Will Hood received the votes from our readers. He's been on the Supreme Court bench since

2014, after serving seven years on the Denver District Court and a long career as a litigator in private practice and prosecutor in Colorado's 18th Judicial District.

CONTINUED ON NEXT PAGE...



Congratulations to

Lorraine Parker

on the 2020 Selection

People's Choice
Best Medical Malpractice Lawyer -
Plaintiffs

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COURT OF APPEALS JUDGE

Barrister's Choice: Neeti Pawar

Neeti Pawar has only been on the Court of Appeals bench for little more than a year, but she had already made a name in Colorado's legal community through 25 years of experience as a family lawyer, criminal defense practitioner, employment law investigator and mediator before becoming the first Asian-American appellate judge in the state's history.

People's Choice: Terry Fox

Judge Terry Fox is no stranger to our Barrister's Best list. Fox is a leader in efforts to diversify the state's judiciary and in mentoring lawyers, including two of the state's supreme court justices before they took the bench. Fox is the first Latina judge to sit on Colorado's Court of Appeals.

TRIAL COURT JUDGE

Barrister's Choice: Morris Hoffman, 2nd Judicial District

Morris Hoffman has served on the bench for nearly 20 years. He's also an adjunct professor of law at the CU Law School and the DU Sturm College of Law, and judge-in-residence at the

Gruter Institute for Law and Behavioral Research.

People's Choice: Ben Leutwyler, 18th Judicial District

Judge Ben Leutwyler was appointed to the 18th Judicial District Court in 2016. Since then, he has earned high marks from attorneys and jurors on his diligence, demeanor and communication, consistently outperforming the average for district judges on performance evaluations. Leutwyler mostly handles criminal cases.

ARBITRATOR

Barrister's Choice: Maria Berkenkotter, JAG

Maria Berkenkotter received a significant number of votes from our readers, and we agree with their assessment. Berkenkotter, a former 20th Judicial District chief judge, has handled high-profile cases on the bench and through JAG.

People's Choice: Bill Meyer, JAG

Former judge Bill Meyer finds himself on our list once again. It seems that his 20 years of experience as an arbitrator, on top of 16 years on the bench has earned him a reputation among Colorado's lawyers. In addition to being the managing arbiter at JAG, Meyer

is a nationally recognized expert on evidence and is a senior judicial fellow for the National Drug Court Institute

MEDIATOR

Barrister's Choice: Joe Epstein, Conflict Resolution Services

Joe Epstein wins the Barrister's Choice nod for the fifth time. He stands out for the thousands of cases he has handled, the high value of settlements his mediations have achieved, and a generally emotionally intelligent approach to mediation.

People's Choice: Robbie Barr, Barr ADR Mediators, by definition, must be able to bring two sides together. Robbie Barr has shown that she has a special ability in that area, due to her experience resolving cases from both sides of the bench. She touts having a 95% settlement rate in her trial experience as well as top-knotch trial management experience as a judge.

OVERALL LITIGATOR

Barrister's Choice: Michael Burg, Burg Simpson

Mike Burg is one of Colorado's household name lawyers. He has won more than \$1 billion in verdicts, judgments and settlements over the course of his 43 year career and is a former

Law Week Colorado Lawyer of the Year, member of the Trial Lawyer Hall Fame and a winner of the Clarence Darrow Award. His memoir, Trial by Fire: One Man's Battle to End Corporate Greed and Save Lives, was published in 2016.

People's Choice: Gina Rodriguez, WilmerHale

Gina Rodriguez, a 30-plus year veteran of the courtroom, has represented companies in a broad array of industries. Her work has even included representing the Colorado Rockies. Rodriguez is also an alumna of service in the U.S. Department of Justice, where she spent seven years as an assistant U.S. attorney.

COMMERCIAL LITIGATOR

Barrister's Choice: Ellie Lockwood, Snell & Wilmer

Ellie Lockwood, named one of Law Week's Top Women Lawyers earlier this year, has seen recent acclaim for her involvement in "jail wait" litigation and efforts to secure more rapid evaluation of mentally ill pre-trial detainees. Approaching a decade of experience as a litigator, Lockwood handles major business tort, fraud, RICO and unfair trade practice cases.

People's Choice: John Walsh,



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2020 Barrister's Best

"Best Mediator"

Joe Epstein, Esq.

Vice President of Mediation Services

E: joe@crs-adr.com

2020 Barrister's Best People's Choice

"Court Reporter/Videographer Service"



Joe has enjoyed a distinguished career as a litigator, a legal educator, and as a mediator. He has mediated over 4000 cases during a full-time mediation career spanning over 20 years. Joe handles a variety of ADR case types with an emphasis on complex and high value mediations.

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WilmerHale

John Walsh is known for serving as U.S. attorney for the District of Colorado, experience that saw him lead prosecutions against Citibank, GlaxoSmithKline and McKesson. Since returning to the private sector he's seen success representing companies in the aerospace, construction, defense, education, industries among others.

CIVIL LITIGATOR

Barrister's Choice: Jennifer O'Connell, Queener Law

Jennifer O'Connell is a newcomer to Law Week's Barrister's Best list. A Tennessee native who was a trial lawyer in the Volunteer State for more than a decade, O'Connell is quickly making a name for herself as a litigator against pharmaceutical companies, trucking companies and major insurers.

People's Choice: Charles Steese, Armstrong Teasdale

Chuck Steese has made his name as a go-to litigator for Fortune 500 cases, with more than 50 successful outcomes in disputes around the country, particularly in the telecommunications space. He can tout his impact on government regulation as an expert in "traffic pumping" cases. Steese came to Armstrong Teasdale after founding his own firm in Denver and serving as in-house counsel at a major telecommunications company.

LAWYER-TURNED-LEGISLATOR

Barrister's Choice: U.S. Rep. Diana DeGette

Diana DeGette is one of several attorney-legislators who was reelected in last week's election. DeGette has represented Colorado's 1st Congressional District since 1992 and won her recent race by more than 50 points.

People's Choice: U.S. Rep. Jason Crow
Jason Crow has been many things in his life: soldier, attorney, U.S. Representative. His time representing the

state's 6th Congressional District has shown him to be a reformer, with his work focused on protecting DREAMers, enacting comprehensive immigration reform and gun violence prevention laws. Crow, a Bronze Star winner, was a partner at Holland & Hart before his election to Congress in 2018.

PUBLIC SECTOR LAWYER

Barrister's Choice: George Brauchler, 18th Judicial District Attorney

People's Choice: George Brauchler, 18th Judicial District Attorney's Office
Term-limited DA George Brauchler is leaving office as the 18th Judicial District Attorney in January after eight years as a criminal justice leader and making headlines for his work in the James Holmes prosecution. Brauchler has also served as a special assistant U.S. Attorney and military prosecutor. He might be leaving the prominent post, but we think we'll be hearing more from Brauchler.

GOVERNMENT LAWYER

Barrister's Choice: Phil Weiser, Colorado Attorney General

People's Choice: Phil Weiser, Colorado Attorney General

Phil Weiser has had a storied career in the law, and he's still going. He started his career as a clerk to a federal appellate judge and two U.S. Supreme Court justices, worked as a U.S. Department of Justice lawyer, and became an innovative academic leader as professor and dean at CU Law School. Weiser has since gained national recognition as Colorado's state attorney general, active in the fight against Trump administration policies on the environment, health, immigration and the Postal Service.

LOBBYING FIRM

Barrister's Choice: Brownstein Hyatt Farber Schreck

People's Choice: Brownstein Hyatt Farber Schreck
Outside Colorado, Brownstein

might be viewed more as a "D.C. firm" than a Denver one. It has long been a top player in the lobbying world and, in 2019, found its way to the number one spot on the list of lobbying firms..

FAMILY LAW LAWYER

Barrister's Choice: Megan Sherr, Sherr Puttmann Akins Lamb

Megan Sherr is founding shareholder of her namesake family law firm. Sherr, the daughter of a philanthropist and a long-time Denver lawyer, is known for her efforts to give back to the community. Her firm's Friday Denim Day routine leads to donations to different charities each month.

People's Choice: Suzanne Griffiths, Griffiths Law

Suzanne Griffiths is a family lawyer, but the firm she helped found continues to grow its civil litigation practice, too. A graduate of the University of Cape Town, South Africa, her legal experience spans two continents and four decades. She's previously received Law Week's Lawyers of the Year, Top Women and Barrister's Best awards.

PRIVATE EQUITY LAWYER

Barrister's Choice: Keith Trammell, WilmerHale

Keith Trammell is one of the few attorneys who appears on our Barrister's Best list twice. He was also selected by our readers as Best Securities Lawyer, highlighting his impressive work in Colorado's legal community.

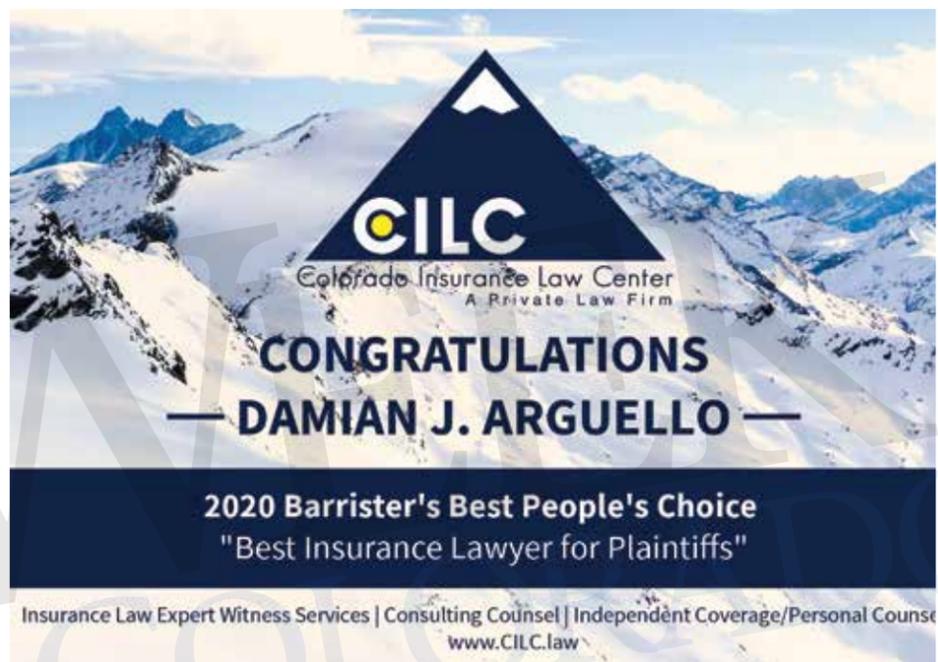
People's Choice: Marty Walsh, Armstrong Teasdale

As co-founder of Armstrong Teasdale's technology transactions group, Marty Walsh is often sought out for his advice on acquisitions involving technology-related companies and serving as outside general counsel for software and tech companies as well as for those in other industries. His transactional experience has involved clients around the world.

REAL ESTATE LAWYER

Barrister's Choice: Jay Kamlet, Kamlet Law

From an outside perspective, Jay Kamlet seems like the kind of lawyer who just doesn't slow down. In addition to founding attorney coworking space LawBank, Kamlet focuses his practice on the negotiation and structuring of complex real estate developments, acquisitions, dispositions, and leasing transactions for all types of developments. He has negotiated deals



Barrister's Best 2020
Best Immigration Lawyer
Catherine Chan

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worth more than \$15 billion in Colorado and elsewhere.

People's Choice: Eric Nesbitt, The Law Offices of Eric Nesbitt

Colorado's real estate world has been shaken up through 2020 — with house prices skyrocketing, commercial real estate opening up and the Gallagher Amendment repeal sure to bring further changes, Eric Nesbitt's combination of real estate, commercial litigation and business practices is useful experience these days. Nesbitt's firm handles both residential and commercial real estate matters. Since 1991 Nesbitt has represented Wells Fargo Bank, the Federal Deposit Insurance Corporation, Denver's RTD, and the City and County of Denver. He is also a licensed real estate broker and founded Nesbitt Commercial Group.

BANKING LAWYER

Barrister's Choice: Christian Otteson, Shapiro Biegling Barber Otteson

Christian Otteson is a regular on our Barrister's Best list, earning the recognition for the fifth straight year. He directs his firm's financial services practice and is outside counsel for an array of banks. Otteson also has experience as in-house counsel for a public

regional bank.

People's Choice: Ed Adkins, Armstrong Teasdale

Ed Adkins has broad experience with structuring, negotiating and closing single-lender transactions and senior and subordinated debt facilities. His key work includes representing businesses in organizational, operational and acquisition/divestiture matters, which included a \$25 million share exchange transaction between a consumer technology company client and a financial technology company serving prospective home buyers using a technology-enabled real estate platform.

TAX LAWYER

Barrister's Choice: Greg Berger, Brownstein Hyatt Farber Schreck

Greg Berger, chair of Brownstein's corporate and business department and co-chair of its tax group, is recognized for his expertise on the national level. He represents clients before Congress and the U.S. Department of the Treasury on policy and legislative issues.

People's Choice: Rehan Hasan, Hasan Legal

Rehan Hasan made our list for tax

law, but he does a little bit of everything in his solo business law practice, including acting as outside general counsel and handling M&A and real estate transactions. Hasan has also left his mark on the tech and start-up world, having helped found Denver-based Galvanize, InCubate — the first incubator in Cuba — and Kenzie Academy, a design and coding school.

SECURITIES LAWYER

Barrister's Choice: Luke Ritchie, Moye White

Luke Ritchie earned our recognition through his work coordinating multi-firm efforts in defending claims involving federal and state securities laws, fraud and other business torts. And he's a prominent writer and presenter on securities topics as well.

People's Choice: Keith Trammell, WilmerHale

Keith Trammell is one of the few attorneys who appears on our Barrister's Best list twice. He was also selected by our readers as Best Securities Lawyer. A big name in Colorado's legal community for his work with private and public companies and private equity funds in M&A transactions, Trammell has also been busy this year partnering with other attorneys in Colorado-

COVIDRelief.org, an organization that offers legal help in business issues, bankruptcy and eviction through the pandemic.

ANTITRUST LAWYER

Barrister's Choice: Todd Seelman, Lewis Brisbois Bisgaard & Smith

Tod Seelman is the national chair of the antitrust and competition practice for his firm and managing partner in the Denver office as well as an adjunct professor of antitrust and unfair competition law at the University of Denver Sturm College of Law. He provides strategic advice to general counsel and corporate executives, simplifying the complexities of U.S. antitrust laws.

People's Choice: Katie Reilly, Wheeler Trigg O'Donnell

Katie Reilly is once again recognized by our voters for her work representing clients in matters involving monopolization, conspiracy, price fixing, exclusive dealing, and other competition-related disputes. Among her significant matters was winning a preliminary injunction for a health and wellness franchisor against competing studios that had stolen trade secrets, infringed on its trademarks, and breached non-compete obligations. She has represented companies in the

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Michael S. Burg
Barrister's Choice,
Best Overall Litigator



David P. Hersh
Barrister's Choice, Best Class Action/Mass
Tort Lawyer – Plaintiffs



Mari K. Perczak
People's Choice, Best Construction-Defects
Lawyer – Plaintiffs

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aviation, healthcare, manufacturing, real estate, and sports sectors.

M&A LAWYER

Barrister's Choice: Pat Linden, Linden Law Partners

Pat Linden founded his own firm in 2015, but he brings BigLaw experience to his work with companies and entrepreneurs in early stage and venture capital financings.

People's Choice: Rochelle Rabeler, Holland & Hart

Rochelle Rabeler has appeared on our Barrister's Best list each year since 2014. Her focus on renewable energy involves counseling developers, investors and independent power producers with energy projects throughout the U.S. Rabeler's robust experience in power purchase agreements has made her a leading attorney in M&A and a regular on our attorney recognition list.

HEALTHCARE LAWYER

Barrister's Choice: Kevin Kuhn, Wheeler Trigg O'Donnell

Kevin Kuhn appears again on our list as Best Medical Malpractice Lawyer – Defense. And the former JAG offi-

cer's double-recognition this year only adds to his list of recognitions and credentials.

People's Choice: Andrew Lopez, Sequoia Legal

Andrew Lopez is the founder and managing partner of Sequoia Legal. His practice focuses on transactional law for domestic and foreign companies, organizations and individuals. Lopez also has extensive experience advising health care practitioners and companies on Stark law, anti-kickback and other medical laws and regulations.

ENVIRONMENTAL LAWYER

Barrister's Choice: Jim Spaanstra, Faegre Drinker Biddle Reath

Jim Spaanstra has experience working in the public and private sector to find solutions in complex local, state and federal regulatory environments.

People's Choice: Michelle DeVoe, DeVoe Law

In her broad experience in environmental law, Michell DeVoe has worked in Georgia as general counsel for the Upper Chattahoochee Riverkeeper for four years. In Denver, DeVoe has built

a practice anchored on assisting the regulated community under the gamut of federal environmental laws. In all instances, she's shown to be a stand-out attorney in environmental law.

OIL AND GAS LAWYER

Barrister's Choice: Ghislaine Bruner, Polsinelli

Law Week recognized Ghislaine Torres Bruner as a Top Litigator earlier this year. She's receiving another recognition for her representation of energy industry clients in complex regulatory issues.

People's Choice: Karen Kishbaugh, Kishbaugh Law Firm

Karen Kishbaugh has experience in oil and gas issues up and down the figurative pipeline, including midstream, distribution and others. She's worked with companies like DCP Midstream, Caliber Midstream, CH2MHill, TAB International, Vail Corporation and Sunco. Kishbaugh's depth of experience in contract negotiations has allowed her to remain a versatile and competitive attorney in this area..

WATER LAW LAWYER

Barrister's Choice: Joe Dischinger, Fairfield and Woods

Water law in the West is serious

business, and Joe Dischinger has practiced in the area for more than 35 years. He's experienced in the legal as well as scientific and policy issues that go along with water issues.

People's Choice: Kent Holsinger, Holsinger Law

Kent Holsinger's practice might deal with clients' issues involving land and water, but he loves the air. A licensed pilot, Holsinger is known for flying around the state to meet with those he represents. Now he'll be known, too, for winning his colleagues' recognition as the state's best water lawyer. Holsinger, a former Department of Natural Resources official and staffer for two members of Colorado's Congressional delegation, has a boutique practice that also focuses on water quality and endangered species law issues and conservation easements.

RENEWABLE ENERGY LAWYER

Barrister's Choice: Rochelle Rabeler, Holland & Hart

We know Rochelle Rabeler's name from its multiple appearances on our quarterly Big Deals lists. Rabeler is already receiving recognition as the People's Choice for Best M&A lawyer, but



JAY TIFTICKJIAN

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she is receiving the double-distinction for her transactional work for renewable energy industry clients.

People's Choice: Ken Salazar, WilmerHale

Ken Salazar might be as close to a household name as any lawyer in the state. A former chief counsel to the governor, leader of Colorado's Department of Natural Resources, state attorney general, U.S. senator and secretary of the Interior, Salazar's practice at WilmerHale broadly extends to energy, environmental compliance and natural resources issues.

AGRICULTURAL LAWYER

Barrister's Choice: Wayne Forman, Brownstein Hyatt Farber Schreck

Wayne Forman's practice covers water law, land use, environmental and remediation, and public lands, but the votes he received in our Agricultural category drew our attention to his experience in high-profile cases that seemingly touch everything involving land, water and air.

People's Choice: Meshach Rhoades, Armstrong Teasdale

Meshach Rhoades assists business-

es in enforcement actions and works to ensure compliance with the Food and Drug Administration, Federal Trade Commission, U.S. Department of Agriculture and other regulatory agencies. Rhoades, who was previously featured in Law Week's 2017 Top Women issue, leverages her experience with federal and state agricultural regulations to counsel clients on product distribution, safety and risk management, labeling and general supply chain issues.

DUI LAWYER

Barrister's Choice: Abe Hutt, Recht Kornfeld

Judging by our past Barrister's Best lists, you'd think there are only a couple DUI lawyers in Colorado. Abe Hutt has landed on our list year after year for his work representing high-profile clients in DUI, criminal defense, civil and professional license cases since 1984.

People's Choice: Jay Tiftickjian, Tiftickjian Law

Appearing on our list for the ninth time, Jay Tiftickjian is a go-to authority on DUI defense in Colorado, and he has authored and edited multiple books on DUI and drug law. He's also an expert in emerging areas in drug and criminal defense related to cannabis, such as marijuana DUI laws and

marijuana cultivation charges.

MARIJUANA LAW LAWYER

Barrister's Choice: Rachel Gillette, Greenspoon Marder

Rachel Gillette was one of the first attorneys to carve out a space in the emerging regulated cannabis industry, and she's shown that she has staying power as an expert over her 10 years in the practice area.

People's Choice: Josh Amos, McDermott Stuart & Ward

Josh Amos is a seasoned trial lawyer proficient in marijuana law and other drug crime defense efforts. His practice often focuses on marijuana enforcement issues including cultivation, conspiracy, DUI and Colorado Organized Crimes Act charges.

CRIMINAL DEFENSE LAWYER

Barrister's Choice: Pamela Mackey, Haddon Morgan Foreman

Pam Mackey has gained a reputation as a top criminal defense attorney through her work with high-profile clients like Kobe Bryant, but she got there through success in countless cases as a private practice attorney and as a public defender.

People's Choice: Iris Eytan, Eytan Nielsen

Iris Eytan is an experienced Colorado criminal defense attorney and has tried more than 50 cases to date. She's making her second appearance in a row on Barrister's Best, but she's been in the pages of Law Week many times for her work. Eytan's defending clients who have been charged with serious criminal offenses including homicide, assault, sexual violence and Title IX offenses.

CRIMINAL DEFENSE – WHITE COLLAR LAWYER

Barrister's Choice: Patrick Ridley, Ridley McGreevy & Winocur

Patrick Ridley has handled cases involving white collar crimes and public corruption in his criminal defense practice. And his impressive work has landed him on our list for six years running.

People's Choice: Ken Eichner, The Eichner Law Firm

Ken Eichner is a former prosecutor and public defender and remains one of Colorado's most successful trial lawyers. With more than 30 years of experience and over 140 jury tri-

GRIFFITHS LAW PC

Family Law, Civil & Business Litigation



From L to R: Joseph M. Maher, Jaycey DeHoyos, Jamie Paine, Eliza Steinberg, Ann Gushurst, Sheila Gutterman, Duncan Griffiths, Suzanne Griffiths, Christopher Griffiths, Leslie Hansen, Danielle N. Contos, Jennifer Holt, Kim Newton, Jennifer Schaffner

Congratulations to Suzanne Griffiths!

Griffiths Law is excited to announce that for the 7th year, Suzanne Griffiths has been named 2020 Barrister's Best, People's Choice-Best Family Law Lawyer. When your family, finances, or business are on the line, our unrivaled team of attorneys is here.

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als, Eichner is accustomed to winning and is said to have not lost a domestic violence case since 1998.

SPORTS LAWYER

Barrister's Choice: Craig Umbaugh, Hogan Lovells
Hogan Lovells's global head of the Sports, Media and Entertainment Group, as one might expect, has handled financing, design and naming rights for public venues in professional sports around the country. Close to home, Umbaugh has advised on naming rights for Empower Field at Mile High.

People's Choice: Caleb Durling, Fox Rothschild

Caleb Durling has won his colleagues' recognition as best sports lawyer for the second time. He previously received the award in 2017. The Fox Rothschild partner has represented the Denver Broncos and, in 2018, investors in a planned U.S. rugby league. He began his career as a law clerk to former state Supreme Court Justice Mary Mullarkey and was one of three founders of Rollin Braswell Fisher, which merged with Fox Rothschild in 2018.

COMMUNICATIONS/

MEDIA LAWYER

Barrister's Choice: Steve Zansberg, Ballard Spahr

Within the media, Steve Zansberg is a household name for his work spanning two decades in nationally known cases as well as his pro bono representation of media outlets.

People's Choice: Niki Tuttle, Hogan Lovells

Niki Tuttle has won her second Barristers Best award for her specialty, having first achieved this recognition from her peers in 2016. A key player in efforts by professional sports organizations to secure broadcast opportunities, Tuttle has represented professional sports teams across leagues, including the Colorado Rockies. Tuttle has represented the largest cable television operators in the U.S. and has assisted the Oprah Winfrey Network.

ENTERTAINMENT LAWYER

Barrister's Choice: David London, Hogan Lovells

David London's practice is focused on media and intellectual property disputes. As he negotiates content distribution for major Hollywood studios, movie theaters and classical theater companies, his accolades have been

piling up since 2007.

People's Choice: Max Hass, Hass Law

Max Hass not only represents musicians, he is one. The Louisianan is a bassist, drummer and guitarist. Now he's a Barristers Best winner, too. Hass started his career as a manager for New Orleans-based musical groups. In 2017 he and a partner launched an entertainment firm in the Crescent City and then, in 2019, Hass relocated his practice to Denver. He is also a frequent speaker on copyright law around the nation, and his clients extend beyond music to visual artists and writers.

IMMIGRATION LAWYER

Barrister's Choice: Catherine Chan, Chan Immigration

Catherine Chan prides herself on taking on immigration cases that others have lost or are deemed "impossible." And in that work, she has litigated cases at every state and federal court and administrative agency level in Colorado.

People's Choice: Christine Hernandez, Hernandez Law Firm

In addition to being an author and lecturer, Christine Hernandez has been working in immigration for over a decade. Her practice works in a devel-

oping area of law — "crimmigration" — where individuals can face both immigration and criminal charges simultaneously. Christine offers a holistic approach to crimmigration defense, where the stakes can be high, all the while working on immigration cases ranging from removal defense, asylum and family-based immigration.

TRUST/ESTATES LAWYER

Barrister's Choice: Marco Chayet, Chayet Danzo

While he was in law school, Marco Chayet's grandmother was involved in one of the most controversial and public elder law cases in the state. He credits that event with driving him in his long career in the practice area, where he has now seen decades of success

People's Choice: Justin Bertron, The Bertron Law Firm

Justin Bertron's practice is focused on guiding clients through the difficult process of estate planning. His approach starts with educating his clients about complex legal rules by forgoing the typical and complex legal jargon and using plain language.

NONPROFIT LAWYER

Barrister's Choice: Betsy Fordyce, Rocky Mountain Children's Law Center



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Congratulations to our partner Amy L. Miletich on being selected

2020 Barrister's Best "Employment Lawyer for Defendants"

Amy L. Miletich is listed in Best Lawyers in America and has been selected as a Colorado Super Lawyer every year in employment defense since 2007. She has also been named one of the Top 50 Women Colorado Super Lawyers. She is a Board of Director of the National Foundation for Judicial Excellence and a Board of Director of the Federation of Defense and Corporate Counsel. Ms. Miletich is Preeminent AV-rated by Martindale-Hubbell. She was a National Director of DRI from 2014 to 2017 and is the former Chair of DRI's Employment and Labor Committee.

717 17th Street, Suite 1510
Denver, Colorado 80202
303.825.5500
303.515.6655 fax
miletichpc.com
















Betsy Fordyce has spent her career advocating for youth, especially those in the child welfare and juvenile justice systems and those affected by homelessness. Earlier this year, she was named executive director of the Rocky Mountain Children's Law Center, a nonprofit dedicated to serving abused, neglected and at-risk children.

People's Choice: John Snow, Hackstaff & Snow

John Snow's practice includes non-profit tax advice, renewable energy project development, estate planning, corporate law and real estate, among others. With more than 15 years of experience, Snow offers non-profit clients his extensive experience with nonprofit organizations law.

CORPORATE LAW LAWYER

Barrister's Choice: Rehan Hasan, Hasan Legal

As noted in Rehan Hasan's other Barrister's Best recognition, his legal work spans many practice areas. Hasan assists companies as a general outside counsel practicing in all areas of business/corporate law, tax, securities and financing.

People's Choice: Aubyn Krulish, Armstrong Teasdale

Aubyn Krulish's corporate law practice is focused on mergers and acquisitions, financing, transactions and restructuring. Krulish counsels business clients on corporate law matters, balancing risk management with various other business and profit concerns.

IN-HOUSE COUNSEL

Barrister's Choice: Jennifer Jaskolka, Xcel Energy

People's Choice: Jennifer Jaskolka, Xcel Energy

Blending legal experience and health and safety expertise, Jennifer Jaskolka serves as Xcel Energy's assistant general counsel and manager of corporate safety and industrial hygiene. But she's equally well known in Denver as an advocate for diversity and inclusion at work and in the legal community, having served as president of the Colorado Pledge to Diversity and as a member of the Colorado Association of Corporate Counsel Inclusiveness and Leadership Committee.

APPELLATE LAWYER

Barrister's Choice: Anne Whalen Gill, Gill & Ledbetter

Anne Whalen Gill lands on our

list again for her four decades of legal work, which includes an extensive list of appeals in major cases that have shaped Colorado law.

People's Choice: Sean Connelly, Connelly Law

Sean Connelly brings experience from both sides of the bench to his appellate practice. Connelly served as a Colorado Court of Appeals judge from 2008 to 2011. Before that, he received the DOJ's highest award for his work as lead appellate prosecutor in the Oklahoma City bombing cases. Now back in private practice, Connelly has won victories for clients ranging from Denver Public Schools to a Supermax inmate fighting for the right to practice group prayer.

IP LAWYER (NON-LITIGATOR)

Barrister's Choice: Tom Franklin, Kilpatrick Townsend

People's Choice: Tom Franklin, Kilpatrick Townsend

Tom Franklin leverages 20 years of experience to focus his practice on patent prosecution, licensing and intellectual capital management. He is experienced in intellectual property audits, due diligence and strategic

planning processes to leverage intangible assets with intellectual property.

IP LITIGATOR

Barrister's Choice: Aaron Bradford, Bradford LTD

Aaron Bradford has been recognized by just about every local publication with a list to put him on. But his trial-focused practice crosses several states, and the clients he works with have IP issues around the world.

People's Choice: Kris Reed, Kilpatrick Townsend

Kris Reed serves as Managing Partner of Kilpatrick Townsend in China. His practice is focused on intellectual property and he works with clients in a wide variety of fields and industries. Reed is also certified as a National Advisory Expert in China for Overseas Intellectual Property Dispute Settlement. Familiar with industry recognition, he's been featured before in Law Week's 2018 Top Litigators issue.

EMPLOYMENT LAWYER – PLAINTIFF'S

Barrister's Choice: Mari Newman, Killmer Lane & Newman

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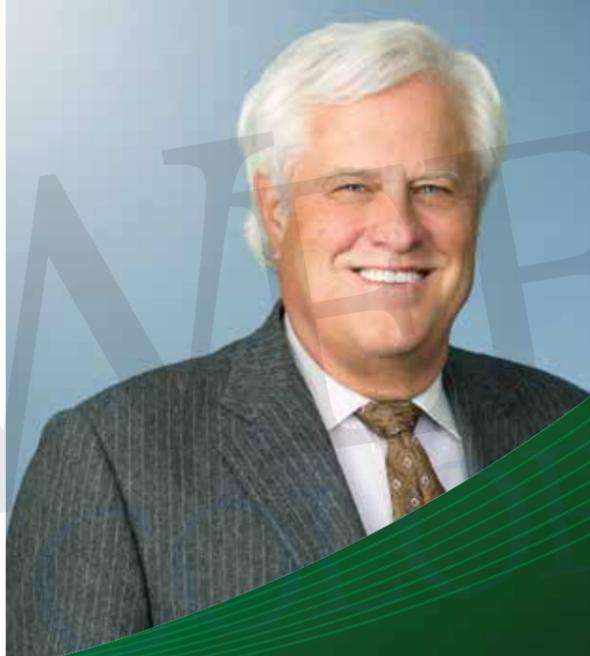
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Faegre Drinker congratulates Jim Spaanstra for his well-deserved selection as Barrister's Choice: Best Environmental Lawyer in *Law Week Colorado's* Barrister's Best 2020.

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Killmer Lane & Newman are often behind the biggest civil rights cases that bubble up in Colorado. In employment law, she has recently been involved in ongoing class action litigation involving exotic dancers who challenged their worker classification at clubs.

People's Choice: Steven Murray, Murray Law

Earlier this year, Steven Murray of Murray Law won a settlement for a Wyoming woman who alleged her employer had forced Scientology teachings on her. Murray has also been a frequent contributor to publications, including this one, on the topic of race-based harassment following this summer's Black Lives Matter protests. Whether he's fighting religious discrimination, sexual harassment or racism in the workplace, Murray has earned a reputation as a fierce advocate for the civil rights of workers.

EMPLOYMENT LAWYER – DEFENSE

Barrister's Choice: Amy Miletich, Miletich PC

Amy Miletich has more than 20 years of experience in litigation and, with her namesake firm, focuses on representing employers in employ-

ment law matters and providing trainings to company management groups.

People's Choice: Vance Knapp, Armstrong Teasdale

Armstrong Teasdale partner Vance Knapp boasts more than two decades of experience representing employers in federal and state court. Knapp advises management on hiring and firing, drug testing and accommodating employees with disabilities and has become an authority on the effects of marijuana legalization on the workplace.

DISABILITY LAW LAWYER

Barrister's Choice: Steven Earl, Apex Disability Law

In his Social Security disability-focused practice, Steven Earl has represented clients in over 1,000 hearings before ALJs and in appeals, earning him a top recognition in the practice area.

People's Choice: Shawn McDermott, McDermott Law

The last thing anyone who has experienced a disabling injury or illness wants to do is fight with an insurance company. That's where Shawn McDermott comes in. McDermott and his team have handled thousands of short- and long-term disability claims,

life insurance denials and insurance bad faith cases. And he still manages to make time for skiing, fly fishing and golfing.

PERSONAL INJURY LAW LAWYER

Barrister's Choice: David Woodruff, Denver Trial Lawyers

David Woodruff has long been recognized as one of Colorado's top trial lawyers, receiving seven-figure jury verdicts for his clients each year for nearly a decade. Noteworthy in his recent work, he is currently serving as lead counsel in the Porter Adventist Hospital infection litigation, in which he represents 271 out of 280 infection plaintiffs and also serves as class co-counsel for 3,000 class members.

People's Choice: Jim Chalot, Chalot Law

Over his four decades in the law, Jim Chalot has become synonymous with "ski law" in Colorado. But his personal injury practice expands far beyond that through his representation of countless individuals in auto and pedestrian accidents, slip-and-fall cases, complex medical and legal malpractice cases, and animal liability and dog bite cases.

MEDICAL MALPRACTICE LAWYER – PLAINTIFF'S

Barrister's Choice: Jim Leventhal, Leventhal Puga Braley

Jim Leventhal isn't just one of the top med-mal attorneys in Colorado but in the country. He is one of only 100 lawyers to be a part of The Inner Circle of Advocates, an invitation-only group of the best plaintiff's lawyers in the country.

People's Choice: Lorraine Parker, Parker Lipman

"Being a trial lawyer is hard work," said Lorraine Parker when accepting a lifetime achievement award earlier this fall. But with nearly three decades of experience in medical malpractice and personal injury law, Parker makes it look easy. Parker cut her teeth as a prosecutor in Houston before moving to Colorado and turning her attention to civil law and plaintiff work in the early '90s.

MEDICAL MALPRACTICE LAWYER – DEFENSE

Barrister's Choice: Scott Nixon, Nixon Shefrin Ogburn Drew

With his success in the defense of medical professionals and institutions,

Gill & Ledbetter, LLP

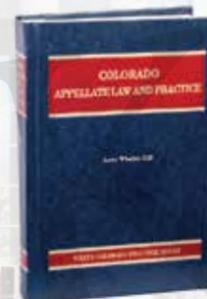


H.J. "Jay" Ledbetter

40 years of practice in litigation and appeals
 Judge, DU Law School trial and appellate competitions
 Judge, Colorado State Mock Trial Championship
 Lecturer and Presenter on Attorney Ethics
 Arbitrator and Mediator

Anne Whalen Gill

Super Lawyer Selectee
 5280 Top Lawyer
 Barrister's Choice "Best Appeals Lawyer"
 Author, Colorado Appellate Law
 and Practice, 3rd Edition



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It is an honor and a privilege to practice law and to represent our clients. With that privilege comes the responsibility to be competent, diligent, knowledgeable, and skilled. Jim Chalat, named People's Choice Best Personal Injury Lawyer, thanks his clients, partners, staff, colleagues, and friends.

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- Ski & Snowboard Accidents
- Catastrophic Injuries
- Wrongful Death
- Premises Liability
- Defective Products
- Professional Negligence



CONGRATULATIONS JIM CHALAT

Barrister's Best 2020

People's Choice - Best Personal Injury Law Lawyer



Scott Nixon has been designated special assistant attorney general for the State of Colorado and a member of the American Board of Trial Advocates.

People's Choice: Kevin Kuhn, Wheeler Trigg O'Donnell

Specializing in high-stakes medical malpractice and professional liability defense, WTO partner Kevin Kuhn has tried more than 135 cases to verdict. His recent wins include the reversal of a \$15 million jury verdict by the Colorado Court of Appeals for a surgery center accused of negligence. Kuhn argued the case remotely due to the pandemic, proving he's as effective on webcam as he is in the courtroom.

CONSTRUCTION DEFECTS LAWYER – PLAINTIFF'S

Barrister's Choice: Jeff Kerrane, Kerrane Storz & Nelson

Jeff Kerrane has more than 20 years of experience in construction defect litigation spanning multiple states. In addition to his legal work, he's a frequent writer and speaker on the topic in California and Nevada.

People's Choice: Mari Perczak, Burg Simpson

Mari Perczak is one of a few big names in the construction defects space in Colorado. She has repeatedly appeared on our Barrister's Best list as a testament to her 30 years of experience in the space. She's received countless favorable arbitration awards, settlements and verdicts for her clients.

CONSTRUCTION DEFECTS LAWYER – DEFENSE

Barrister's Choice: Jonathan Pray, Brownstein Hyatt Farber Schreck

When it comes to construction law, Jonathan Pray does it all. He handles both litigation and transactions and represents clients from all corners of the real estate and construction world – from developers and landlords to lenders and municipalities.

People's Choice: Brad Shefrin, Nixon Shefrin Ogburn Drew

Brad Shefrin is already known around Colorado as one of the top construction defects lawyers – he's received that recognition elsewhere, and this year received the recognition from his peers on our Barrister's Best list. In addition to his construction defects practice, Shefrin also practices in

employment law, construction defense litigation and insurance defense.

CLASS ACTION/MASS TORT LAWYER – PLAINTIFF'S

Barrister's Choice: Dave Hersh, Burg Simpson

Dave Hersh and his firm, Burg Simpson, don't shy away from big companies in mass tort litigation. Hersh has handled a number of "toxic torts," and was class counsel for more than 65,000 residents of Colorado Springs in a contaminated groundwater case.

People's Choice: Greg Bentley, Zonies Law

Greg Bentley's mass tort practice would have already been enough to earn recognition on our Barrister's Best list, but as class counsel for thousands alleging injury in the Porter Adventist Hospital case, Bentley is gaining even more attention.

CLASS ACTION/MASS TORT LAWYER – DEFENSE

Barrister's Choice: Michael Williams, Wheeler Trigg O'Donnell

People's Choice: Michael Williams, Wheeler Trigg O'Donnell

Mike Williams has been ranked among the top 10 class action defense attorneys in the country, and it's not hard to see why. Just this year, he has defeated class certification in two separate cases involving major appliance makers. He has also been helping a real estate client protect its constitutional rights against government overreach related to the pandemic.

INSURANCE LAWYER – PLAINTIFF'S

Barrister's Choice: Stephen Shapiro, Shapiro Bieging Barber Otteson

Stephen Shapiro has won millions of dollars for policyholders in insurance disputes, including construction defect liability, professional liability, builder's risk and property and casualty claims. He has also expanded the rights of policyholders in the state by convincing the Colorado Su-

preme Court that the Colorado Consumer Protection Act should apply to insurers

People's Choice: Damian Arguello, Colorado Insurance Law Center

Damian Arguello knows insurance inside and out. He's worked "in and around" the industry since high school, including as a claims manager at a top-20 brokerage. As an attorney, he's won more than \$30 million in insurance recoveries. In addition to negotiating and litigating insurance disputes, Arguello trains businesses and insurance professionals on insurance matters and is a sought-after expert witness.

INSURANCE LAWYER – DEFENSE

Barrister's Choice: John Palmeri, Gordon & Rees

While he made this year's list for insurance law, John Palmeri has also racked up awards and honors for his work in medical malpractice, health care law, professional liability and business litigation.

People's Choice: Terence Ridley, Wheeler Trigg O'Donnell

Terence Ridley's work in civil litigation in the insurance industry, especially class action and defense of bad faith claims, has had impacts across Colorado.

Last year, he was part of a team of attorneys who won a case in the Colorado Supreme Court requiring loss appraisers to be impartial, rather than favoring one side.

In addition to his practice, he has held positions in the CBA, the Federation of Defense & Corporate Counsel and is a fellow at the American College of Coverage Counsel.

EDUCATION LAWYER

Barrister's Choice: Jack Robinson, Spies Powers & Robinson

People's Choice: Jack Robinson, Spies Powers & Robinson

Jack Robinson's practice focuses on special education and disability law, among other practice areas. His legal advocacy for the rights of children with disabilities and their parents has taken him to the U.S. Supreme Court – resulting in changes to existing standards. •

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LAW WEEK COLORADO

Editor's Note: Law Week Colorado edits court opinion summaries for style and, when necessary, length.

COLORADO COURT OF APPEALS

NOV. 5, 2020

Gomez v. JP Trucking, Inc.

JP Trucking, Inc. appealed the trial court's judgment in favor of former employees Leonel Gomez, Francisco Gonzalez, Ebarardo Sanchez and Nathan Abbott, following a limited remand ordered by a division of Colorado Court of Appeals for additional factual findings. JP Trucking asked the court to reject division's holding from Brunson v. Colorado Cab Co. and urged the court to read "interstate drivers" under the Wage Order harmoniously with the Motor Carrier Act exemption. JP Trucking also challenged the damages awarded.

A division of the Colorado Court of Appeals interpreted the "interstate drivers" exemption to the Colorado Wage Order's over-

time requirements harmoniously with the MCA exemption. The division declined to follow the holding in Brunson, which concluded that the interstate drivers exemption applied "only to drivers whose work takes them across state lines." The trial court correctly found that the employee truck drivers were subject to the MCA exemption, and then correctly applied the Brunson holding pursuant to another division of this court's remand order.

But, because the division believed Brunson was wrongly decided, it reversed the trial court's judgment under the Wage Order and remanded the case with directions to vacate the damages award.

People in Interest of A.A.

After both parents in this case had their parent-child legal relationship terminated, a division of the Colorado Court of Appeals held that where the juvenile court completely cuts off visitation between the parents and the children, without any showing that entirely prohibiting such visitation is necessary to protect the children, there have not been reasonable efforts to reunify the family. The division further noted a potential conflict in the standard of review language found in two

Supreme Court cases and urged that court to clarify the standard to be applied in reviewing termination of parental rights cases.

Peak Billing v. Mountain Sleep Diagnostics

Following a contract dispute between two companies, a division of the Colorado Court of Appeals considered when an arbitration award should be vacated because it was procured by fraud, corruption or undue means under the Colorado Revised Uniform Arbitration Act.

The division adopted a three-part test widely used in federal and other state courts to determine when such an award should be vacated, but held that in this case the award should stand.

The division adopted a three-part test widely used in federal and other state courts to determine when such an award should be vacated and held that in this case the award should stand.

TABOR Foundation v. Colorado Department of Health Care Policy and Financing

A division of the Colorado Court of Appeals considered whether two foundations and two of their members have standing to contest the constitutionality of

two Colorado statutes under the Taxpayer's Bill of Rights, and on other grounds.

The division concluded the two member plaintiffs do not have taxpayer standing or individual standing. The division also concluded the foundations lack associational standing because they have not identified any members who have standing.

Begley v. Ireson

Following property damage caused by construction on an adjoining property, a division of the Colorado Court Appeals affirmed the district court's judgement based on application of the litigation privilege under the standard set forth in Begley v. Ireson. Begley I established that the litigation privilege may immunize an attorney's prelitigation statement if the statement is related to prospective litigation and the prospective litigation is contemplated in good faith.

Applying the litigation privilege as articulated in Begley I, the division affirmed the entry of summary judgment. However, because the district court did not conduct a hearing, it reversed the award of costs to Gibbs, the attorney of one of the property owners, and remanded the case for further proceedings solely on that issue. •



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THIS WEEK IN HISTORY

Navigating Prejudicial Pretrial Publicity

People v. McCrary

JESS BROVSKY-EAKER
LAW WEEK COLORADO

The news media often covers sensationalized cases involving serial killers, but rarely does that coverage backfire for prosecutors. Colorado Attorney General John Moore and his team of prosecuting attorneys learned pretrial publicity could endanger their hopes of a 1976 conviction for the kidnapping and murder of a local waitress.

Leora Looney on Aug. 20, 1971 was reported missing as patrons and management found the small Lakewood donut shop where she worked was unattended.

Her purse was found open and her car remained parked in the lot, but Looney was not found for three days. Her nude body was discovered in a field miles away, in Weld County, and coroners reported gunshot wounds and strangulation marks on her body.

Witnesses identified Sherman McCrary and his son-in-law Carl Taylor as the most recent patrons of the shop before Looney's disappearance. According to statements McCrary made to police, Taylor orchestrated a kidnapping and robbery at the shop while McCrary and his wife sat in the car outside. But as prosecutors were building a case against the McCrary family, the news media took the story and began running various articles prior to trial indicating that McCrary may have been involved in more than 20 killings across the country.

McCrary contended, among



Pretrial publicity was a notable issue in the 1994 murder case against O.J. Simpson. While that case resulted in a highly unusual halt to grand jury inquiries, many others with similar pretrial coverage are unsuccessful. / **LAW WEEK FILE**

other objections, that a change of venue was needed to mitigate any negative press coverage circulating in the area. The trial court disagreed with his assertions, and he was convicted and sentenced to life in prison with a consecutive sentence of 30 years for the kidnapping charge.

McCrary appealed, arguing the trial court erred by denying his motion for change of venue and his motion to appoint a public opinion pollster to determine the effect of the publicity as well as for failing to dismiss several jurors because of their exposure to pretrial publicity. He also objected to the use of a photo of Looney's strangulation marks that showed her face.

ney's strangulation marks that showed her face.

"Some of the cumulative factors to be considered by a trial court in determining whether there is such massive, pervasive and prejudicial pretrial publicity as to bias a community are: the size and type of the locale, the reputation of the victim, the revealed sources of the news stories, the specificity of the accounts of certain facts, the volume and intensity of the coverage, the extent of comment by the news reports on the facts of the case, the manner of presentation, the proximity to the time of trial and the publication of highly incriminating facts not admis-

sible at trial," stated the 1976 court opinion.

Because the court ruled the pretrial publicity was not prejudicial, it ruled public opinion pollsters were not needed and the trial judge handled juror dismissals appropriately. As for the photo of Looney's strangulation marks, the court ruled it was admissible and probative in nature.

The Colorado Supreme Court concluded no reversible error existed and affirmed the trial court's judgments. *People v. McCrary* has been cited more than 65 times in cases with similar elements. •

— Jess Brovsky-Eaker,
jess@circuitmedia.com

PEOPLE V. MCCRARY

REPORTER'S
NOTEBOOK

DICTA

ENTERTAINING THE EXTRANEOUS

Welcome Hank Lacey

Law Week Colorado welcomed Hank Lacey to the reporting team in October. His name has already appeared on our masthead for several weeks, and we are overdue in introducing him to our readers.

Lacey, who joined Law Week Colorado in October, is a veteran journalist who has covered Colorado politics and government, science and environmental policy since 2007. He holds undergraduate and law degrees from Arizona State University and a master's degree from Montana State University.

During his legal career, Hank worked for a U.S. Senate committee, served as a law clerk to Judge Cecil Poole of the U.S. Court of Appeals for the Ninth Circuit, and was a teaching and research fellow at Lewis & Clark Law School. He also held an adjunct appointment at Northern Arizona University's School of Forestry. Hank has published several articles in the legal academic literature. During law school he spent one semester as a part-time clerk for Judge Thomas Kleinschmidt of the Arizona Court of Appeals judge and another as a part-time intern for then-U.S. Rep. John McCain.

While in practice, Hank specialized in environmental and natural resources law, commercial litigation, consumer law and general business matters. He was in-house counsel to a Pacific Northwest environmental group. While in private practice he represented individuals, small businesses, and public interest advocacy organizations.

Hank, 56, is an Air Force brat who mostly grew up in New Mexico. He graduated from Sandia High School, where he first grew his love of journalism as sports editor and assistant sports editor of *The Sandian*. He well remembers being fired by the school principal after exposing a grade inflation scandal involving the football team.

A foster child during adolescence, Hank feels strongly about helping those who are disadvantaged. In his spare time, he tutors teenagers. He has also volunteered as a museum docent and informal science educator. Hank was once elected to public office, serving briefly as a town council member in Castle Rock and learning that, in fact, politics ain't beanbag.

Father of two teenage daughters, Hank is divorced and lives in Centennial. He is a baseball fan and is opposed to league-wide adoption of the designated hitter and expanded wild card teams. In his spare time Hank enjoys hiking, bicycling, photography and reading. He considers music, dogs, coffee, pie and beer to be among humanity's greatest treasures.

VACATION BY ANY OTHER NAME

While the Supreme Court's decision in *Nieto v. Clark's Market* is likely to bring clarity on forfeiture of vacation pay, it's less certain what it will mean for employers who offer vacation, sick and personal days under an umbrella PTO policy. "I think that's something that'll be resolved through future litigation," said Holland & Hart's Brad Williams. "Until it is resolved, I think the safest approach is to not assume that

vacation time is the same as paid time off.

PAGE 4**POSSIBLE PUNISHMENT**

The 13th Judicial District Attorney pleaded guilty last week to official misconduct and possession of a controlled substance. The Center for Public Integrity said in a report that common punishment follows a progression: private admonition or reprimand, public reprimand, suspension or disbarment. With her plea, the 13th DA will

face other punishments.

PAGE 5**DOWN TO THE WIRE**

The 18th Judicial District Attorney race went down to the wire, with Amy Padden appearing to lead by a slim margin only to see the votes flip to favor her opponent John Kellner and go to a recount. The race wasn't resolved by press time.

PAGE 6

UPCOMING EVENTS

**NOV
11****WHAT:**

The CWBA is hosting a virtual Cooking for Justice event to benefit charity.

WHEN:

6:30 – 8:30 p.m.

WHERE:

Register at cwba.org

**NOV
12****WHAT:**

Silicon Flatirons for two days in November will present a series of 30-minute classes covering topics related to technology policy and advocacy.

WHEN:

Nov. 12 and Nov. 13, all day

WHERE:

Register at siliconflatirons.org

**NOV
16****WHAT:**

The Silicon Flatirons Center will hold an Entrepreneurship Initiative Conference focused on private-public innovation Amid the pandemic.

WHEN:

2 – 6 p.m.

WHERE:

Register online at siliconflatirons.org



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VACATION POLICY

CONTINUED FROM PAGE 4...

conflicted with the court's ruling. According to the 2019 rules, the law doesn't allow forfeiture of earned vacation pay but does permit employment agreements that cap accrual of vacation pay as well as agreements that define how much vacation pay is allowed and how often it accrues.

POTENTIAL CLARITY

In Nieto, the Supreme Court will consider whether the CWCA allows an employment agreement to forfeit an employee's accrued but unused vacation pay upon separation of employment. Employment law attorneys hope the high court's ruling will finally clear up the confusion over whether to follow the Court of Appeals' ruling or CDLE guidance.

"When the Court of Appeals decision in Nieto came out, on the one hand, I was thrilled by the prospect that my clients might have more flexibility with their vacation policies," said Sherman & Howard member Brooke Colaizzi.

"But the decision itself seemed directly at odds with the way the CDLE has always interpreted the wage act and our understanding of what happens with vacation time," Colaizzi said, adding she has remained "very cautious" when advising employers because she has "not been confident" the Court of Appeals' reasoning will hold up.

In her opening brief to the Supreme Court, Nieto argues the Court of Appeals' interpretation of the CWCA "contravenes clear legislative

intent." According to Nieto, legislative history shows the legislature had intended to create a "substantive and non-waivable right" for employees to be compensated for unused vacation.

Even if the Court of Appeals got it right, Nieto argues, the CDLE has since abrogated the court's decision through the rules it finalized in late 2019. But Clark's Market argues that the new rules don't apply to Nieto because her employment at the grocery chain ended more than two years before the rules were enacted. Clark's Market also claims that "serious concerns exist about the legality of the Wage Protection Act rules" because they put unwarranted restrictions on which topics employment agreements can address.

The Supreme Court could decide to issue a narrow ruling that does not address the validity of the Wage Protection Act rules since they weren't in place at the time of Nieto's employment.

"Employers could very well end up, even after Nieto, with the same uncertainty they had going into it — namely, whether to follow the courts or the agency with respect to interpreting the statute," said Holland and Hart employment attorney Brad Williams.

Williams said he thinks that scenario is "a real possibility," noting that the Court of Appeals declined to address the CLDE's new rules in a similar case he litigated this year, Blount Inc. v. CDLE, because the rules were not in effect when his client and the client's employee parted ways.

Other questions that could remain unanswered following a very narrow ruling include whether vacation time must also be "vested," in addition to "earned" and "determinable," before requiring a payout, according to Williams, and whether unused time is ever "vested" if a forfeiture policy is in place.

But Williams added he "would be surprised if that happens," since it's not that often that litigants are willing to spend the time and money fighting these cases up to the Supreme Court. "I would imagine that ... the Supreme Court would issue a comprehensive decision that would address the 'earned' argument and the 'vested' argument and the outstanding regulations and resolve all of this once and for all," he said.

Colaizzi was also hopeful for a relatively broad ruling from the high court. "Given the specific question in front of them, it certainly would lend itself to some fairly substantial analysis of the scheme as a whole," she said. "And that will certainly provide more clarity to employers and employees."

WAITING FOR NIETO

In the absence of clarity over "use-it-or-lose-it" policies, Colaizzi said, employment lawyers have tried to come up with policies in which earned and accrued vacation days would be limited or non-existent.

One solution could be to not offer any vacation time at all, she said, but that could negatively impact employee morale and recruiting.

Some employers, especially tech companies, start-ups and others with

less traditional workplace cultures, have adopted open-ended policies in which there is no defined amount or cap on vacation time. Employees simply request time off when they want it, she said, and the employer lets them know if the request can be accommodated. "The theory there is that if you never promised any specific vacation time, it's never really earned and accrued," Colaizzi said, but she added that not many employers are able to adopt such loose policies.

According to Colaizzi, the most common approach has been for employers to adopt a cap on the amount of time that can be accrued. The Wage Protection Act rules also addressed this approach, specifying that an employment agreement may cap the amount of vacation pay to be paid upon termination, but that the amount to be paid must be at least a year's worth of vacation pay.

By adopting a cap, employers at least know their maximum payout, Colaizzi said, calling it the "best compromise" between unspecified amounts of vacation time and "use-it-or-lose-it" policies whose legality remains in question.

For employers that offer PTO rather than vacation time, Williams said, "it may make more sense for employers to clearly define buckets of vacation time versus sick time versus other time — in part because they are all going to be potentially subject to different rules." These include new rules under Colorado's paid sick leave law, which was enacted in July. •

—Jessica Folker, JFolker@CircuitMedia.com

DA RACES

CONTINUED FROM PAGE 6...

Denver district attorney Beth McCann easily outpaced her Libertarian opponent, William Robinson III, to win another term as lead prosecutor in the 2nd judicial district. McCann, a former state representative, is the first woman ever to serve as DA in the district.

Judge Tomee Crespin Not Retained

Seventeenth Judicial District Judge Tomee Crespin, lost her retention election and will be replaced on the bench by Gov. Jared Polis. The district's Commission on Judicial Performance Standards found that Crespin fell short of those standards. The commission accused Crespin of failing to "treat those appearing before her with respect."

Crespin, whom former Gov. John Hickenlooper appointed in 2016, told the Denver Post in October that the negative performance evaluation is the result of bias.

A sole practitioner before taking the bench, Crespin becomes one of the few judges in Colorado history who have lost a retention election. Ironically, the judge she replaced was also rejected by the district's voters.

Supreme Court, Court of Appeals Judges Keep Offices

Coloradoans kept state supreme court justices Melissa Hart and Carlos Samour, Jr., as well as state Court of Appeals judges Ted Tow III and Craig Welling, on the job. Each gained more than 70% "yes" votes on the retention question. •

—Hank Lacey, HLacey.circuitmedia@gmail.com

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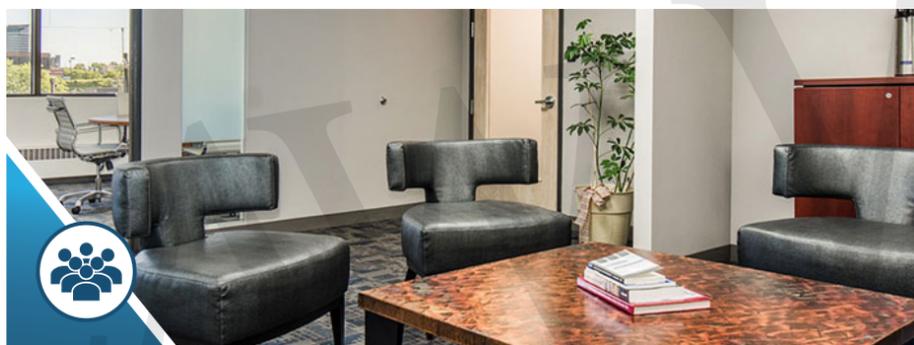
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