

RESUME

JEAN E. DUBOFSKY

Employment:

The Dubofsky Law Firm, P.C. (formerly Jean E. Dubofsky, P.C.)
Boulder, Colorado September 1991 to present

Of Counsel, Williams, Trine, Greenstein & Griffith
Boulder, Colorado April 1990 to August 1991

Of Counsel, Kelly/Haglund/Garnsey & Kahn
Denver, Colorado August 1987 to April 1990

Adjunct professor, Women's Studies Department, University of Colorado
Boulder, Colorado Fall 1988

Visiting adjunct professor, University of Colorado Law School
Boulder, Colorado August 1987 to June 1988

Justice, Colorado Supreme Court
Denver, Colorado July 16, 1979 to June 9, 1987

Of Counsel, Kelly/Haglund/Garnsey & Kahn
Denver, Colorado July 1, 1977 to July 15, 1979

Deputy Attorney General, State of Colorado
Denver, Colorado January 14, 1975 to July 1, 1977

Partner, Kelly/Dubofsky/Haglund & Garnsey
Denver, Colorado August 1973 to January 1975

Attorney, Legal Aid Society of Metropolitan Denver
Denver, Colorado April 1972 to August 1973

Attorney, Colorado Rural Legal Services
Boulder, Colorado 1969 to 1972

Legislative assistant to U.S. Senator Walter F. Mondale
Washington, D.C. 1967 to 1969

Education:

Legal: Harvard Law School, LL.B. 1967

College: Stanford University, A.B. 1964

Appellate practice

Since 1989, I have represented litigants in state and federal courts -- primarily appellate courts -- in tort, commercial, criminal, civil rights and family law cases; I also have consulted with numerous attorneys about cases on appeal. I was lead counsel for the plaintiffs in the successful constitutional challenge to Amendment 2 to the Colorado Constitution; the case, Romer v. Evans, is the first time -- 1996 - that the United States Supreme Court recognized gay rights. In 1998, I wrote a model brief and presented a model argument at the ABA's Appellate Practice Institute in Washington D.C.

Bar Admissions: Colorado (state and federal courts); United States Supreme Court

Current Professional Memberships:

Colorado Bar Association
Boulder County Bar Association

Organization or Board memberships:

American Academy of Appellate Lawyers, 2004 to present
The American Law Institute, 2000 to 2011
The Bell Policy Center, founding board member, 2000 to present; chair, 2008-10
Boulder Community Hospital Board, 2008 to present
Center for Native Ecosystems board, 2010 to present
Colorado Center on Law and Policy, 2001 to present; chair, 2003-08

Awards:

ABA Margaret Brent Women Lawyers of Achievement Award, 1994
ACLU Carle Whitehead Memorial Award for "exceptional commitment and dedication to civil liberties and the state of Colorado," 1993
Boulder County Bar Association, President's Award of Merit, 1992-93, and Award of Merit, 1994
Boulder Daily Camera Lifetime Achievement Pacesetter Award, 2008
Colorado Anti-Defamation League Civil Rights Award, 1994
Colorado Lesbian and Gay Law Association Award, 1995
Colorado Women's Bar Association, Mary Lathrop Trailblazer Award for "dedication to public service and public interest law," 1993
Colorado Women's Bar Foundation, Raising the Bar, 2011
Colorado Women's Hall of Fame, 2008
Equality Colorado, Ally for Justice Award, 1999

Human Rights Campaign, Community Service Award, Denver, 1997
National Gay and Lesbian Law Association Allies for Justice Award, 1996
National PFLAG Flag Bearer Award, 1996
Penfield Tate Humanitarian Award, 2006
Rocky Mountain Conference of the United Church of Christ, Just Peace Award,
1997
The Best Lawyers in America, 2011 (2011 Administrative Lawyer of Year Denver
Region)
University of Colorado, Honorary Degree, Doctor of Humane Letters, 1996
YWCA of Boulder County, Woman of Valor Award, 1998

Cases of Interest litigated by Jean E. Dubofsky:

represented mining company in Hecla Min. Co. v. New Hampshire Ins. Co., 811 P.2d 1083 (Colo. 1991) in which Colorado Supreme Court held that comprehensive general liability insurance policies cover CERCLA superfund site clean-up costs

represented families of miners killed in mine explosion who sought recovery from federal mine inspection agency for failure to adequately inspect mine; federal appellate court ruled in favor of plaintiffs on procedural issues, Ayala v. United States, 980 F.2d 1342 (10th Cir. 1992)

represented developer in successful challenge to county's use of regulations to deprive developer of property without just compensation, Jafay v. Board of County Commissioners, 848 P.2d 892 (Colo. 1993)

represented woman with whom priest engaged in sexual relations in her successful lawsuit against Episcopal Church, Moses v. Diocese of Colorado, 863 P.2d 310 (Colo. 1993)

represented mentally ill person of Egyptian ancestry in his successful challenge to insurer's denial of coverage under his disability insurance policy because he did not "co-operate" with insurer, Hock v. New York Life Ins. Co., 876 P.2d 1242 (Colo. 1994)

lead counsel, challenge to constitutionality of Amendment 2 to Colorado Constitution, preventing gays and lesbians from obtaining any governmental redress for discrimination on basis of sexual orientation, Evans v. Romer, 854 P.2d 1270 (Colo. 1993); Evans v. Romer, 882 P.2d 1335 (Colo. 1994); and Romer v. Evans, 517 U.S. 620, 116 S.Ct. 1620 (1996)

represented numerous workers in challenges to constitutionality of Colorado's Workers' Compensation law, adopted in 1991, that dramatically reduced workers' compensation benefits, e.g., Duran v. Industrial Claim Appeals Office, 883 P.2d 477 (Colo. 1994); Allison v. Industrial Claim Appeals Office, 884 P.2d 1113 (Colo. 1994); Romero v. Industrial Claim Appeals Office, 912 P.2d 62 (Colo. 1996); and in interpretations of 1991 statute, Metro Moving and Storage Co. v. Gussert, 914 P.2d 411 (Colo. App. 1995); Mountain City Meat Co. v. Oqueda, 919 P.2d 246 (Colo. 1996); Askew v. Industrial Claim Appeals Office, 927 P.2d 1333 (Colo. 1996); Gonzales v. Advanced Component Systems, 949 P.2d 569 (Colo. 1997); also represented claimant undocumented worker who was entitled to temporary total disability benefits; Champion Auto Body v. Gallegos, 950 P.2d 671 (Colo. App. 1997) (undocumented worker entitled to temporary total disability benefits); represented claimant awarded permanent total disability benefits based on lack of suitable employment within commutable labor market, Brush Greenhouse Partners v. Godinez, 955 P.2d 550 (Colo. 1998); represented claimant who prevailed in case setting standards for termination of temporary total disability, Bestway Concrete v. Industrial Claim Appeals Office (Ramirez), 984 P.2d 680 (Colo. App. 1999); represented claimant entitled to temporary disability benefits after claimant left modified employment, Anderson v. Longmont Toyota Inc., 102 P.3d 323 (Colo. 2004).

represented computer software developer in obtaining successful result in dispute over division of profits after contract rescission, EarthInfo, Inc. v. Hydrosphere Resource Consultants, Inc., 900 P.2d 113 (Colo. 1995)

represented developer of retirement community, City of Boulder and University of Colorado in obtaining successful result in dispute over compliance with city land use regulations, Neighbors for Community v. City of Boulder, et al., 94CA874 (Colo. App. August 10, 1995)

represented injured plaintiff in successful case against driver of vehicle who was held jointly liable with non-party tortfeasor, Pierce v. Wiglesworth, 903 P.2d 656 (Colo. App. 1995)

represented seller of auto dealership in successful breach of fiduciary duty claim against firm that brokered sale, Nelson v. Aspen Brokerage Co., 94CA1461 (Colo. App. February 29, 1996), but purchaser of dealership not liable, Nelson v. Elway, 908 P.2d 102 (Colo. 1995)

represented defendant in successful challenge to prosecution outside speedy trial time requirement, People v. Rosdivito, 940 P.2d 1038 (Colo. App. 1996)

represented insured in case where court held that district court has jurisdiction to issue preliminary injunctive relief ordering payment of insurance benefits for

emergency medical treatment when insurance coverage is subject to mandatory arbitration, Hughley v. Rocky Mountain HMO, 927 P.2d 1325 (Colo. 1996)

represented insurance company in dispute over coverage where court set standard for filing declaratory judgment before resolution on merits of underlying dispute, Constitution Associates v. New Hampshire Ins. Co., 930 P.2d 556 (Colo. 1996)

represented state (as special assistant attorney general appointed by governor) in case where court denied preliminary injunction to highway contractor claiming affirmative action program for federal-state highway construction funds was unconstitutional, Adarand v. Romer, 97K1351 (D.Colo. July 25, 1997)

represented plaintiff where court held that thin skull instruction may be given in PIP case when insurer emphasizes plaintiff's pre-existing condition, State Farm Mutual Ins. Co. v. Peiffer, 955 P.2d 1008 (Colo. 1998)

represented plaintiff where court held that ski lift operator must exercise highest degree of care commensurate with practical operation of lift, Bayer v. Crested Butte Mountain Resort, Inc., 960 P.2d 70 (Colo. 1998), aff'd, 153 F.3d 726 (10th Cir. June 30, 1998)

represented contractor where court held that lessor not unjustly enriched by contractor performance of contract with lessee, D.C.B. Construction Co., Inc., v. Central City Development Co., 965 P.2d 115 (Colo. 1998)

represented plaintiff where court held that neuropsychologist may testify as expert on causation of organic brain injury, Huntoon v. TCI Cablevision of Colorado, 969 P.2d 681 (Colo. 1998)

represented plaintiff where court held that appellate court mandate did not preclude trial court from considering claim of aiding and abetting breach of fiduciary duty, Nelson v. Elway, 971 P.2d 245 (Colo. App. 1998)

represented insurance company in dispute with another insurance company over whether damages should have been awarded for breach of fiduciary duty by employees of second company who had been claims agents of first company, Guaranty National Ins. Co. v. Scottsdale Ins. Co., 97CA1571 (Colo. App. Aug. 26, 1999)

represented plaintiff in PIP case where appellate court held that insurer could not apportion benefits based on insured's pre-existing condition, Allen v. State Farm, 96CA1985 (Colo. App. Sept. 30, 1999)

represented attorney who was suspended from practice of law for three months for conflict of interest when attorney was trustee for client trust that loaned money to client's father, In re Matter of Cohen, 8 P.3d 429 (Colo. 1999);

represented attorney in appeal of verdict in legal malpractice case where appellate court reversed verdict because plaintiff failed to provide medical records and then cross-examined defense expert witness on his failure to review those records, Arellano v. Losavio, 98CA1325 (Feb. 3, 2000);

represented successful plaintiff who recovered damages from manufacturer of sterilizer for injury sustained from workplace exposure to ethylene oxide that leaked from sterilizer, Salazar v. American Sterilizer Co., 5 P.3d 357(Colo. App. 2000);

represented successful plaintiff in medical malpractice case where court held unconstitutional portion of statute that prevented incompetent person from electing lump sum payment for damages for economic loss, Rodriguez v. HealthOne, 98CA2173, May 25, 2000; supreme court affirmed portion of judgment holding that defendant doctor proximately caused plaintiff's injury; HealthOne v. Rodriguez, 50 P.3d 879 (Colo. 2002);

represented agent-owned reinsurance company in dispute over its valuation under Colorado Dissenter's Rights law, M Life Insurance Co. v. Sapers & Wallack Insurance Agency, 962 P.2d 335 (Colo. App. 2001);

represented Town of Erie in successful injunction against storage facility for failure to obtain building permit, Erie v. Eason, 18 P.3d 1271 (Colo. 2001);

represented successful plaintiff in suit to recover attorney fees paid to attorney not licensed to practice law in Colorado, Koscove v. Bolte, 30 P.3d 784 (Colo. App. 2001);

district court could release grand jury report that concerned matters of public interest even though no indictments returned, In re The 2000-2001 District Grand Jury, 22 P.3d 922 (Colo. 2001);

represented defendant convicted for violation of Colorado Hazardous Waste Act; defendant's conviction for hazardous waste disposal vacated, People v. Thoro Products, 70 P.3d 1188 (Colo. 2003);

represented major construction company in dispute over concrete used to construct runways at Denver International Airport, in U.S. Court of Appeals for 10th Circuit, Bangert Bros. v. Kiewit Construction Co., 2000-2001;

argued for successful plaintiff in suit to include physical deformity as separate category of recoverable damages under medical malpractice statute, Preston v. DuPont, 35 P.3d 433 (Colo. 2001);

represented buyer of real property; court of appeals upheld trial court order of specific performance of contract requiring seller to convey property to buyer, Eddy v. Al-Zahid, 00CA1167 (Colo. App. 2001);

represented State Democratic Party in Beauprez v. Avalos, 42 P.3d 642 (Colo. 2002) (congressional redistricting), and in In re Reapportionment of the Colorado General Assembly, 45 P.3d 1237 (Colo. 2002) (legislative reapportionment);

represented attorneys who had been disqualified from representing client; disqualification vacated, Stone v. Satriana, 41 P.3d 705 (Colo. 2002);

represented plaintiff who brought defamation action against neighbor who put up signs around plaintiff's property, claiming that county had not approved building permit; neighbor argued that her protest was protected by First Amendment; court of appeals affirmed verdict for plaintiff, Baer v. Burdick, 01CA1129 (Colo. App. 2002);

represented plaintiff for whom court of appeals upheld award of punitive damages as result of defendant's assault, Adams v. KLC Management Co., 2002 WL 1839269 (Colo. App. 2002);

represented plaintiff vendor of real property; court of appeals ruled that vendor could not extend time period for closing under previous contract, A. Everett Williams 1963 Trust v. Sandstone Investments, 53 P.3d 687 (Colo. App. 2002);

represented husband in dissolution of marriage case who successfully overturned maintenance award to wife on basis that antenuptial agreement waived increased value of retirement accounts, In re Marriage of Bryan and Alschuler, 01CA0519 (Colo. App. 2002);

represented defendant convicted of intentional child abuse resulting in death whose conviction was overturned based on juror misconduct, People v. Wadle, 277 P.3d 764 (Colo. App. 2003); 97 P.3d 932 (Colo. 2004);

argued that state insurance commissioner has power to award attorney fees for challenge to Blue Cross Blue Shield conversion, and court so held, Hawes v. Colorado Division of Insurance, 65 P.3d 1008 (Colo. 2003); court of appeals overturned insurance commissioner's refusal to award fees, Colorado Center on Law and Policy v. Dean, 2006 WL 561782;

represented defendant sentenced to death for first degree murder, whose conviction was vacated by Colorado Supreme Court based on U.S. Supreme Court decision, People v. Martinez, 64 P.3d 256 (Colo. 2003);

represented children who had been sexually assaulted by man who lived with adult daughter; daughter's liability for damages for failure to warn parents of father's pedophilic tendencies affirmed, M.C. v. Lind, 2003 WL 1889058 (Colo. App. 2003);

represented defendant sheriff of Jefferson County in suit brought by families of students killed or injured in Columbine High School shootings, Ireland v. Jefferson County, 02-1372 (10th Cir.);

represented defendant convicted of intentional child abuse resulting in death for child's "rebirthing death" during attachment therapy for adopted child, People v. Watkins, 2003 WL 22019765 (Colo. App. 2003);

represented husband in dissolution of marriage action where court ruled in favor of husband with respect to enforceability of post-nuptial agreement, In re Marriage of Lafaye, 2003 WL 22097675 (Colo. App. 2003);

represented The Bell Policy Center in Colorado Supreme Court ballot title challenges, In the Matter of the Ballot Title for Proposed Measure 97, 04SA115, and In the Matter of the Ballot Title for Proposed Measure 126, 04SA142;

represented husband in dissolution of marriage action where court ruled in favor of husband on division of property, In re Marriage of Ritchey, 02CA1084;

represented insurer where court ruled that recovery of future insurance benefits is contract remedy, not remedy for bad faith breach of insurance contract, Royal Maccabees Life Ins. Co. v. Choren, 393 F.3d 1175 (10th Cir. 2005);

represented county that contested award of attorney fees to property owner in land use dispute; court overturned award and set standards for attorney fees in similar cases, Boulder County Commissioners v. Kraft Building Contractors, 2005 WL 550375 (Mar. 10, 2005);

represented wife where court ruled that husband's promise to pay for child's college is not limited to amount in child support guidelines, In re Marriage of Chalot, 112 P.3d 47 (2005);

represented plaintiff where court held that employer not liable for negligent hiring of employee with bad driving record when employee caused accident while

driving personal vehicle (that employee used on the job) on way home from work, Raleigh v. Performance Plumbing and Heating, 130 P.3d 1011 (Colo. 2006);

represented plaintiff where court upheld use of spoliation instruction when records of accident maintained by railroad were missing and railroad called expert witness who maintained that missing evidence would not have assisted his evaluation of cause of accident, Aloi v. Union Pacific Railroad, 129 P.3d 999 (Colo. 2006); court of appeals ruled against railroad on remaining issues, 2006 WL 1580253;

represented plaintiffs when Denver District Court preliminarily enjoined enforcement of Amendment 41 (voter initiated ethics in government constitutional amendment) on ground that it violates First Amendment, Developmental Pathways v. Ritter, 07CV1353, May 31, 2007; Colorado Supreme Court affirmed in part and reversed in part, 178 P.3d 524 (Colo. 2008);

represented one set of plaintiffs in challenge to Amendment 54 (voter initiated restriction on campaign contributions constitutional amendment); the Denver District Court enjoined enforcement of the amendment and the Colorado Supreme Court affirmed, purging the amendment from the state constitution, Dallman v. Ritter, 225 P.3d 610 (Colo. 2010);

chaired panel appointed by mayor of Denver to investigate Denver Police Department intelligence bureau's files on protest groups ("spy files"), 2002; wrote panel's recommended solution that was adopted by city;

member of Independent Investigation Commission concerning University of Colorado football recruiting, spring 2004;

at request of legislature in 2008, provided legal opinion that general assembly could repeal Arveschoug-Bird limit on general fund appropriations without violating TABOR (Colorado constitutional provision limiting government taxation and spending);

at request of PERA (Public Employees Retirement Association) in 2009, provided legal opinion that general assembly could repeal automatic 3% cost-of-living adjustment for retirees without violating their vested rights; and

at request of Western Resource Advocates in 2010, provided legal opinion that two members of Public Utilities Commission, who had worked on drafting legislation to expedite the conversion of coal-fired generating units owned by Public Service Company in order to reduce emissions, did not need to disqualify themselves from the rate-making proceeding that implemented the provisions of the legislation.

