

ATTORNEY PROFILES



James W. Hubbell

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Jim Hubbell came on board at KGHL in 1983. His practice emphasizes commercial, employment, intellectual property litigation, and alternative dispute resolution. He litigates and counsels clients on substantive legal matters including media law, partnership issues, executive employment issues and constitutional law, and serves as an arbitrator on commercial and employment cases. Jim is particularly proud to have represented many area lawyers on personal legal issues.

Prior to joining KGHL, Jim was an associate at Arnold & Porter for two years. He graduated from Stanford Law School in 1981, where he was Senior Note Editor for the Stanford Law Review. Jim completed his undergraduate work at the University of Kansas in 1977, where he graduated with highest distinction and honors.

Jim is well regarded by lawyers that he has practiced with and against. He has been named in *The Best Lawyers in America* every year since 1997 and listed in *Colorado Super Lawyers* from its inception. In the past, he has served as Chair of the Colorado Lawyers Committee and Co-Chair of Colorado Rural Legal Services, and other legal and charitable organizations. He is currently on the boards of Renaissance Housing, a low-income housing developer, and the Colorado Coalition for the Homeless.

Jim has been consulted often by the media. He has appeared on the *CBS Morning News* to discuss a copyright issue, been quoted in the *Wall Street Journal* on issues of director and officer liability, and interviewed in regional and local newspapers on issues ranging from the First Amendment to employment law to the judicial system itself. He has conducted seminars on such topics as employment law, pretrial practice, brand protection, and liability insurance.

Jim has two sons of which he is immensely proud. In another life, Jim was a professional musician. He remains an avid fan.

Representative Commercial Cases

Sanders v. Id Software, Inc. (U.S. District Court, Colorado). Defense of class action against video game manufacturer involving products liability, intellectual property and First Amendment issues.

Catholic Charities of the Archdiocese of Colorado and Colorado Homeless Coalition v. Lowry Redevelopment Authority (Denver District Court). Obtained multimillion dollar settlement and real property in contract dispute.

Broadway Sites Limited Partnership v. Koelbel and Company (Denver

District Court). Represented prominent Colorado attorney in claims arising out of joint venture real estate dispute.

Shiedeler, et al. v. FIMSA, Inc. (Denver District Court). Defended major financial institution against multimillion dollar lender liability claims. Cross examination of plaintiff led to the voluntary dismissal of the plaintiff's claims on the second day of a three-week trial.

Lodge South Condominium Association v. Lodge Properties, Inc. (Colorado Court of Appeals). Represented condominium association in appeal of judgment forfeiting association's ownership of Lodge Tower at Vail.

Stone v. Professional Rodeo Cowboys Association, et al. (U.S. District Court, Colorado). Successfully defended directors of professional sports association against multimillion dollar antitrust claims.

Representative Employment and Intellectual Property Cases

Bennett v. M&M/Mars, Inc. (U.S. District Court, Colorado). Defense of gender bias, ADA, FMLA, and retaliation claims.

Future Beef Operations, L.L.C. et al. v. Microbeef Technologies Inc., et al. (Denver District Court; U.S. District Court, Colorado). Represented investment entity in complex multidistrict action involving trade secrets, breach of fiduciary duty, patent, and other issues.

Siegesmund v. Carik, Inc. (Judicial Arbitrator Group, Inc.). Obtained million dollar judgment for executive in arbitration of breach of employment contract claim.

Moskal et al. v. Molycorp, Inc. (U.S. District Court, Colorado). Defense of class action alleging pattern and practice of sexual harassment and gender bias in multiple facilities.

MCSi v. Hoffman, et al. (U.S. District Court, Colorado). Defense of trade secrets and fiduciary duty claims brought by employer against employees who joined competitor.

Clean Technologies, Inc. v. Aleia (Denver, Colorado). In preliminary injunction proceeding, established that software and procedures were not trade secrets.

Other employment law experience. In addition to litigating employment claims, I have substantial experience negotiating and drafting executive employment and severance agreements, intracorporate investigations of alleged breach of duty or discrimination, analyzing trade secret issues and covenants not to compete, media law, insurance coverage issues, and preventive law.

Integral Corporate Investigations

Investigating attorney in matters involving indemnification, alleged breaches of duty, claims of employment, discrimination and other employment issues.

Representative ADR Experience

Ongoing service as arbitrator in employment and commercial disputes.

Employment History

- Kelly Garnsey Hubbell + Lass LLC (Denver, Colorado): Member, 1986-present; Associate, 1983-1986
- Arnold & Porter (Denver, Colorado): Associate, 1982-1983

Education

J.D., Stanford Law School, 1981

Associate Editor and Senior Note Editor,
Stanford Law Review.

B.A., University of Kansas, 1977, with highest distinction and honors in English Literature.

Honors: Phi Beta Kappa; Phi Kappa Phi;
Summerfield Scholar; James B. Kennedy
Scholar.

Licensure

Admitted to practice in Colorado, United States District Court for the District of Colorado, Tenth Circuit Court of Appeals, and United States Supreme Court.

Civic and Professional Activities and Recognition

- Listed in *The Best Lawyers in America*, 1997-1998 and all subsequent editions.
- Listed as a *Colorado Super Lawyer* since inception.
- Colorado Lawyers Committee: Board Member. Member, Vice-Chair, and Chair of board of coalition of major Denver law firms providing pro bono legal assistance.
- Renaissance Housing Development Corporation: Board of Directors; 1995-1999, 2001-present. Board member of corporation formed to create and manage housing for homeless and low-income individuals.
- Colorado Homeless Coalition: Current board member.
- Colorado Bar Foundation: Fellow, 1994-present.
- Martindale-Hubbell "AV" rating.
- Denver, Colorado, and American Bar Associations.

Presentations

Conducted seminars on intellectual property litigation, arbitration and mediation, employment law, insurance law, deposition practice, and other topics.

Publications

"Arbitrating Employment Disputes After Gilmer," 28 *The Colorado Lawyer* 42 (1998).

"Defending Lender Liability Suits," 19 *The Colorado Lawyer* 2409 (1990).

"Retaliatory Discharge and the Economics of Deterrence," 60 *Colo. L. Rev.* 91 (1989).

"Emerging Issues In Directors' and Officers' Liability Insurance Coverage," 17 *The Colorado Lawyer* 1031 (1988).

"Discovery of Internal Corporate Investigations," 32 *Stan. L. Rev.* 1163 (1980).