

■ ■ Litigation

Jones & Keller has represented clients in state and federal trial and appellate courts and in administrative agencies across the nation. Our attorneys also represent clients in alternative dispute resolution techniques, ranging from arbitration and mini-trials to sophisticated third-party mediations. We encourage our clients to explore alternative methods of dispute resolution before attempting to resolve a matter in court. By avoiding litigation, we often can fashion a remedy which is more satisfactory than that mandated by a judge or jury and which may be more timely and cost effective.

We work with our clients throughout the litigation process, from initial investigations and settlement efforts through trial and any appeals, and where necessary or appropriate we work with local counsel in other jurisdictions to maximize efficient use of our client's resources.

Our attorneys are experienced in many types of commercial litigation, including:

- Antitrust
- Aviation
- Civil Rights and Constitutional Law
- Class Actions
- Construction
- Contract and Tort
- Corporate and Securities
- Creditors' Rights
- Eminent Domain and Inverse Condemnation
- Environmental
- Employment and Labor
- Franchise
- Health Care
- Indian Law
- Insurance
- Mining and Oil and Gas
- Public Utility
- Real Estate
- Tax
- Transportation
- Trusts and Estates

Antitrust

We represent clients in antitrust investigations and litigation before federal, state and administrative tribunals from the trial through the highest appellate levels, including the U.S. Supreme Court. The head of this practice area served as the State of Colorado's chief antitrust lawyer for 8 & 1/2 years. Our litigation experience in this regard includes prosecuting and defending antitrust, competition, trade regulation and unfair trade practice claims – including bid rigging, boycott and refusal to deal, exclusive dealing, actual and attempted monopolization and conspiracy to monopolize, predatory pricing, price discrimination, price fixing, restraint of trade, sales below cost, tying and the like.

Our clients in this area have included members of the commercial printing, construction, energy, healthcare, insurance, medical technology, news media, public utilities, resort, telecommunications, television and transportation industries, among others.

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Civil Rights and Constitutional Law

We represent clients in civil rights suits ranging from employment discrimination to cases arising under the federal and state constitutions, including denial of due process and equal protection of the law, takings, and interference with interstate commerce.

Our clients in this area have included employers, land developers, oil and gas companies, public utilities, and carriers.

Class Actions

We represent clients in class actions, both in the defense of such suits against our business clients and, in selected instances, to vindicate the rights of an appropriate class of individuals or other entities. On behalf of defendants we confront and attempt to obtain the early dismissal of strike actions and other class action suits.

Construction

We represent clients in court litigation and arbitrations involving a broad variety of commercial construction projects ranging from commercial buildings to pipelines and hydroelectric projects to ethanol refineries.

Contract and Tort

We prosecute and defend suits for breach of contract and torts on behalf of our clients. This is the backbone of our business litigation practice. We have experience in all types of trials, appeals, arbitration, and other alternative dispute resolution procedures.

Corporate and Securities

This area of our litigation practice is closely linked to the firm's corporate and securities practice. We represent clients in litigation arising from their business and securities transactions. Our lawyers handle all types of such cases, including suits and arbitrations arising from or involving mergers and acquisitions, contractual relations, intellectual property, broker dealer and investment advisory services, securities fraud or other violations of federal and state securities laws, and the defense of enforcement and disciplinary proceedings brought by governmental agencies.

Creditors' Rights

Jones & Keller represents creditors, bankruptcy trustees and creditors' committees in all aspects of collections, bankruptcy proceedings and lien or deed of trust foreclosures. See Bankruptcy and Creditors' Rights.

Eminent Domain and Inverse Condemnation

We represent landowner clients in both conventional eminent domain or direct takings cases and inverse or regulatory takings cases. Jones & Keller attorneys successfully represented the owner of a major municipal solid waste disposal facility in a more than decade long series of trials and appeals in both federal and state court in a regulatory takings case seeking just compensation for a state's unconstitutional taking of the property.

Employment and Labor

Jones & Keller has experience in suits involving employment and labor law. We represent clients in the full spectrum of employment related cases, including wrongful discharge, discrimination under Title VII of the Civil Rights Act, age discrimination, and disability discrimination. We also counsel business clients in preventative measures to avoid such claims and draft proactive employee policies. In the field of labor law, we assist employers in resolving disputes arising under the National Labor Relations Act, the Railway Labor Act, the Fair Labor Standards Act, and other laws governing employment relations. We have represented employers in litigation with unions involving both suits for violation of

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collective bargaining agreements and unfair labor practice proceedings.

Environmental

Jones & Keller attorneys have assisted many clients, including those in the transportation industry, with resolving issues and disputes arising under federal and state environmental laws. In addition to providing guidance to these clients in managing their environmental obligations and liabilities, we have represented such clients in environmental investigations and enforcement proceedings before state and federal regulatory bodies. We have also advocated on behalf of our clients at the local, state and federal levels for protections against the costs associated with environmental compliance.

Franchise

Jones & Keller's franchise litigation practice represents local and national businesses in a broad range of issues involving franchise purchase and sales, termination, transfer and renewal, finance, tax, bankruptcy, employment, corporate, real estate acquisition and sales, leasing and arbitration and dispute resolution.

Our clients in this area have included franchisees in the food and beverage industries, car care and service, and electronics sales and installation.

Health Care

Our health care litigation lawyers help clients deal with this complex and extensively regulated industry. We represent medical staffs, hospitals, health systems, physician groups, HMOs, nursing homes and other health care providers and business. We assist our clients in dealing with issues such as privacy claims, Medicare and Medicaid reimbursement, managed care contracts, HIPAA regulations, commercial, and employment and labor disputes, in federal and state courts, administrative agencies and alternative dispute resolution settings.

Indian Law

Jones & Keller attorneys have represented Indian Tribes and tribal entities in litigation involving many of the complex issues facing tribal governments and tribal businesses, including jurisdictional controversies implicating tribal sovereign immunity and the rights of tribal ventures to pursue off-reservation commercial activities. We have represented tribally-owned businesses in litigation involving the many challenges that these organizations face in pursuing commercial, economic development, and banking and financial matters.

Insurance

The head of this practice area served as the Commissioner of Insurance for the State of Colorado for five years. The firm represents policyholders in coverage disputes with insurance companies, provides expert testimony in a variety of insurance disputes and advise clients on the sufficiency of their insurance programs. We also negotiate complex insurance claims and related issues for our clients.

Mining and Oil and Gas

Jones & Keller has represented oil & gas and mining companies in a variety of litigation matters in state and federal courts, both trial and appellate. Our clients include working interest owners, royalty owners, land owners, operators, refineries, pipeline operators, oil and gas producers, major oilfield service and supply companies, and mining exploration and development companies.

Public Utility

We represent both public utilities and major industrial customers of utilities in matters relating to electric power, natural gas, pipelines, telecommunications, and water service, including construction of facilities, ratemaking, rulemaking,

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and complaints and litigation arising in connections with these activities. Jones & Keller lawyers have been involved in numerous landmark cases in this practice area.

Real Estate

Our experience in real estate litigation encompasses a full spectrum of matters from conveyances to zoning and land use. We represent clients in landlord and tenant, trespass, adverse possession, easements, licensing, quiet title, foreclosure and other disputes affecting rights in real property. We also represent clients before state, county and municipal bodies whose decisions often pervasively affect our clients' rights to utilize their real property with maximum flexibility. We also work closely with our probate lawyers when real property interests of our clients are at stake in the course of probate proceedings.

Tax

Jones & Keller lawyers where feasible, resolve federal and state tax controversies through administrative procedures within the Internal Revenue Service and state departments of revenue. Although the firm's litigation attorneys strive to resolve tax matters administratively, where necessary, its lawyers will litigate to preserve the interests of our clients, in state and federal district courts, the United States Tax Court, as well as the various federal Circuit Courts of Appeal.

Transportation Litigation

Lawyers in this firm have represented motor and rail carriers, property brokers, freight forwarders, logistics companies, as well as major users of these transportation services, in all of the many aspects of this important segment of commerce, including licensing, mergers and acquisitions, rates and contracts for service, regulatory compliance, rail abandonment and discontinuance of service proceedings, and complex loss and damage litigation. We practice before the U.S. Surface Transportation Board (formerly the Interstate Commerce Commission), the U.S. Department of Transportation, the Federal Motor Carrier Safety Administration, and the Colorado Public Utilities Commission. The firm helped organized and has ever since represented an internationally renowned scenic railroad in Southwestern Colorado.

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