

2010SC765 (1 HOUR)

Petitioner:

Portercare Adventist Health System d/b/a Porter Hospital,

v.

Respondent:

Robert T. Lego.

For the Petitioner Portercare Adventist Health System d/b/a Porter Hospital:

Troy Robert Rackham
FENNEMORE CRAIG, PC
and
Traci L Van Pelt
Matthew C. Miller
MCCONNELL FLEISCHNER HOUGHTALING, L

For the Respondent Robert T. Lego:

Diane Vaksdal Smith
Brian Keith Matise
BURG SIMPSON ELDREDGE HERSH, ET AL
and
Russel Murray
RUSSEL MURRAY III, PC

For Amicus Curiae ACA International and Associated Collection Agencies/Colorado and Wyoming

Alan Greenberg
GREENBERG & SADA, PC

For Amicus Curiae Colorado Creditor's Bar Association

Kimberly L. Martinez
CASTLE STAWIARSKI LLC
and
David Curt Japha
THE LAW OFFICES OF DAVID C JAPHA PC

For Amicus Curiae Colorado Hospital Association

Sarah Leah Geiger
Dirk W De Roos
FAEGRE BAKER DANIELS LLP
and
Andrew Stanley Kelley
MADISON CAPITAL MANAGEMENT

For Amicus Curiae Colorado Legal Services, Inc.

Brandy Rothman
and
Joel Robert Hayes
BOULDER COUNTY LEGAL SERVICES

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, June 5, 2012
Bailiff: Justice Boatright's Chambers

9:00 a.m.
EN BANC

ISSUE(S):

Whether the court of appeals improperly construed C.R.S. section 13-80-103.5, which states that '[a]ll actions to recover a liquidated debt or an unliquidated, determinable amount of money . . . ' must be filed within six-years, to apply only if a written contract exists or there was an agreed upon formula.

Whether the court of appeals erred when it refused to remand the case to the trial court for an accrual determination when accrual was never litigated under the standard applicable to a breach of contract claim.

2011SA343 (30 MINUTES)

In the Matter of:

Dominique Waples-Trefil.

Appeal from the Hearing Board
Docketed: November 22, 2011
At Issue: April 13, 2012

For the Appellant Dominique Waples-Trefil:

Frederick Martinez
HALL & EVANS, LLC

**For the Appellee The People of the State of
Colorado:**

Adam Espinosa
OFFICE OF THE ATTORNEY REGULATION
COUNSEL

ISSUE(S):

Whether the Hearing Board erred when it concluded that the law required the imposition of a Public Censure versus a Private Censure.

Whether the Presiding Disciplinary Judge erred by allowing the public disclosure of the discipline assessed on the World Wide Web when the Hearing Board had not issued a final "Order and Notice of Public Censure" and the sanction was not yet in effect.

2011SC265 (1 HOUR)

Petitioners:

Melat, Pressman & Higbie, L.L.P. f/k/a Melat, Pressman,
Ezell & Higbie L.L.P. and Howarth & Smith,

v.

Respondent:

Hannon Law Firm, L.L.C. f/k/a The Law Firm of Kevin S.
Hannon, L.L.C. f/k/a The Law Firm of Kevin S. Hannon.

**For the Petitioners Melat, Pressman & Higbie, L.L.P.
f/k/a Melat, Pressman, Ezell & Higbie L.L.P., and
Howarth & Smith:**

Joseph Francis Bennett
Keith Francis Cross
CROSS & BENNETT, LLC

**For the Respondent Hannon Law Firm, L.L.C. f/k/a
The Law Firm of Kevin S. Hannon, L.L.C. f/k/a The
Law Firm of Kevin S. Hannon:**

David Mersereau Pittinos
Alexander R Rothrock
BURNS FIGA & WILL PC

Certiorari to the Colorado Court of Appeals, 2009CA788
Docketed: April 18, 2011
At Issue: January 10, 2012

ISSUE(S):

Whether the court of appeals erred in holding that, when a withdrawing attorney is barred from recovering quantum meruit from the client, the attorney may nevertheless recover quantum meruit from former co-counsel.

Whether the court of appeals erred in holding that when an attorney withdraws from a contingent fee case, the attorney's quantum meruit claim does not accrue until there is a recovery in the underlying lawsuit.

2010SC27 (1 HOUR)

Petitioner:

Shane Aaron Neuhaus,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Shane Aaron Neuhaus:

Lynn M. Noesner, Deputy Public Defender
Office of the Public Defender

For the Respondent The People of the State of Colorado:

Rebecca Adams Jones, Assistant Attorney General
Office of the Attorney General

Certiorari to the Colorado Court of Appeals, 2007CA896

Docketed: January 7, 2010

At Issue: September 20, 2011

ISSUE(S):

Whether the court of appeals erred in announcing a new rule prohibiting conditional pleas in Colorado, thereby creating a split in the court of appeals regarding the permissibility of conditional pleas.

Assuming *arquendo* that conditional pleas are permitted in Colorado, whether the district court reversibly erred in failing to suppress evidence obtained in violation of petitioner's state and federal constitutional rights because the police lacked probable cause to arrest petitioner and the search of his vehicle was illegal pursuant to *Arizona v. Gant*, 129 S. Ct. 1710 (2009).

2010SC476 (30 MINUTES)

Petitioner:

Juan Escobedo,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Juan Escobedo:

Michael Stevens Juba
COLORADO PUBLIC DEFENDER'S OFFICE

For the Respondent The People of the State of Colorado:

Everett Engstrom, Chief Deputy District Attorney
DENVER DISTRICT ATTORNEY'S OFFICE

Certiorari to the District Court, , 2008M 17926

Docketed: July 20, 2010

At Issue: August 2, 2011

ISSUE(S):

Whether the district court erred in dismissing petitioner's appeal from county court, relying on *People v. Neuhaus*, __ P.3d __, No. 07CA0896, 2009 WL 4069568 (Colo. App., Nov. 25, 2009), declining to follow *People v. Bachofer*, 85 P.3d 615 (Colo. App. 2003), and not addressing *People v. Hoffman*, __ P.3d __, No. 08CA1008, 2010 WL 1491645 (Colo. App., June 3, 2010).

2010SC433 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

James T. Hoffman.

For the Petitioner The People of the State of Colorado:

Alice Quinn Hosley, Assistant Attorney General
Rebecca Adams Jones, Assistant Attorney General
Office of the Attorney General

For the Respondent James T. Hoffman:

Stephen Carl Arvin, Deputy Public Defender
Office of the Public Defender

Certiorari to the Colorado Court of Appeals, 2008CA1008

Docketed: July 6, 2010

At Issue: March 28, 2012

ISSUE(S):

Whether conditional guilty pleas are permissible in Colorado and may be reviewed on appeal.

If conditional guilty pleas are reviewable on appeal, whether the court of appeals applied the correct standard of review when it determined that the magistrate did not have a substantial basis for concluding that probable cause existed.

Whether the court of appeals erred by concluding that the confidential informant's information was stale when the police independently observed suspicious behavior consistent with the criminal activity described one night before the search warrant was issued.

Whether the police officer's reliance upon the search warrant was in good faith after personally observing activity that supported the information given by the informant even though the officer did not personally observe the defendant engage in illegal activity.

2011SC53 (1 HOUR)

Petitioners/Cross-Respondents:

A. M., L. H., and R. H.,

v.

Respondent/Cross-Petitioner:

N. M.,

and

Respondent/Cross-Respondent:

The People of the State of Colorado,

and

Respondent:

A. C..

For the Petitioner/Cross-Respondent A. M.:

James Albert Shaner Guardian Ad Litem

For the Petitioners/Cross-Respondents L. H. and R.H.:

Timothy J Eirich

ROCKY MOUNTAIN CHILDREN'S LAW CENTER

For the Respondent/Cross-Petitioner N. M.:

Jon Lewis Kelly

JON LEWIS KELLY PC

For the Respondent/Cross-Respondent The People of the State of Colorado:

Bob D Slough, County Attorney

For the Respondent A. C.:

Thomas R Williamson

Cameron C Secrist

LAW OFFICE OF CAMERON C. SECRIST PC

For Amicus Curiae Colorado State Foster Parent Association

Holly Elizabeth Sterrett

Jessica R Brody

Matthew J Douglas

Paul W. Rodney

ARNOLD & PORTER, LLP

Certiorari to the Colorado Court of Appeals, 2010CA522

Docketed: January 21, 2011

At Issue: April 2, 2012

ISSUE(S):

Whether the court of appeals correctly selected and applied a harmless error beyond a reasonable doubt standard to review the statutory and constitutional violations that resulted from the full participation of the foster parents in the termination of parental rights trial.

Whether the court of appeals erred when it determined that the intervenors' cross-examination of witnesses concerning the 'care and protection' of the child during a termination of parental rights hearing exceeded the meaning of 'intervention' pursuant to section 19-3-507(5)(a), C.R.S. (2009), and violated the parents' right to due process.

2011SC725 (1 HOUR)

Petitioners:

M. S. and S. S.,

and Concerning

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A. C..

For the Petitioners M. S. and S. S.:

Justin Steele Ross
Kerry Elizabeth Simpson
Joe Pickard
PICKARD & ASSOCIATES

For the Respondent The People of the State of Colorado:

Douglas J Friednash
CITY AND COUNTY OF DENVER
and
Laura Grzetic Eibsen Assistant City Attorney
DENVER CITY ATTORNEY'S OFFICE

For Amicus Curiae Colorado Office of the Child's Representative

Sheri M Danz
Dorothy Marie Macias
OFFICE OF THE CHILD'S REPRESENTATIVE

For Amicus Curiae Rocky Mountain Children's Law Center

Randall John Fons
John Robert Lanham
MORRISON & FOERSTER, LLP
and
Stephanie Villafuerte
ROCKY MOUNTAIN CHILDREN'S LAW CENTER

Certiorari to the Colorado Court of Appeals, 2010CA2536
Docketed: October 5, 2011
At Issue: April 12, 2012

ISSUE(S):

Whether pre-adoptive foster parents of a child whose biological parents' rights have been terminated have a constitutionally protected liberty interest in a continuing relationship with the child and a right to due process concerning

2011SC25 (1 HOUR)

Petitioner:

Ward Churchill,

v.

Respondents:

The University of Colorado at Boulder and Regents of the University of Colorado, a Colorado body corporate.

For the Petitioner Ward Churchill:

Lino S Lipinsky De Orlov
Mason J. Smith
MCKENNA LONG & ALDRIDGE, LLP
and
David Arthur Lane
KILLMER LANE & NEWMAN LLP
and
Robert James Bruce
LAWLIS & BRUCE LLC
and
David R Fine
MCKENNA LONG & ALDRIDGE, LLP
and
Antony Mark Noble
THE NOBLE LAW FIRM, LLC
and
Thomas Karel Carberry
THOMAS K. CARBERRY, LAWYER

For the Respondents The University of Colorado at Boulder and Regents of the University of Colorado, a Colorado body corporate:

Kari Mackercher Hershey
HERSHEY SKINNER, LLC
and
Douglas J Cox, Special Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL
and
Patrick Terrence O'Rourke, Special Assistant Attorney General
OFFICE OF UNIVERSITY COUNSEL

For Amicus Curiae American Association of State Colleges and Universities, American Council on Education, Association of American Universities, and National Association of Independent Colleges and Universities:

Ada Meloy
American Council on Education
and
Mason J. Smith
C. Randall Nuckolls
David R Fine
Lino S Lipinsky De Orlov
MCKENNA LONG & ALDRIDGE, LLP

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, June 7, 2012
Bailliff: Justice Hobbs' Chambers

1:30 p.m.
EN BANC

For Amicus Curiae American Civil Liberties Union

Alan K. Chen
and
Mark Silverstein Amicus Curiae
ACLU FOUNDATION OF COLORADO

**For Amicus Curiae Colorado Association of
Commerce and Industry, Colorado Competitive Council,
Denver Metro Chamber of Commerce, Mountain
States Employers Council and South Metro
Denver Chamber of Commerce:**

William Craig Berger
BROWNSTEIN HYATT FARBER SCHRECK, LLC

**For Amicus Curiae Center for Constitutional Rights,
Colorado Conference of the American Association of
University Professors and Latina/o Critical Legal
Theory, National Conference of Black Lawyers,
National Lawyers Guild, and Society of American
Law Teachers:**

Cheri J Deatsch Amicus Curiae

For Amicus Curiae The State of Colorado:

Douglas J Cox, Senior Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2009CA1713
Docketed: January 10, 2011
At Issue: April 19, 2012

ISSUE(S):

Whether the granting of quasi-judicial immunity to the Regents of the University of Colorado for their termination of a tenured professor comports with federal law for actions brought under 42 U.S.C. § 1983.

Whether the denial of equitable remedies for termination in violation of the First Amendment undermines the purposes of 42 U.S.C. § 1983.

Whether a public university's investigation of a tenured professor's work product can constitute an adverse employment action for the purposes of a First Amendment claim brought under 42 U.S.C. § 1983 when, as a result of the investigation, the tenured professor also experiences adverse employment action in the form of termination.