SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, June 3, 2014
Bailiff: Justice Hobbs' Chambers

9:00 a.m.
EN BANC

2012SC932 (30 MINUTES)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Michael Quinn Tate.

For the Petitioner The People of the State of Colorado:
Elizabeth Fraser Rohrbough, Senior Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

For the Respondent Michael Quinn Tate:
Kathleen Anne Lord
LORD LAW FIRM, LLC

For Amicus Curiae Colorado Juvenile Defender Coalition
Elizabeth C. Logemann
COLORADO JUVENILE DEFENDER COALITION

Certiorari to the Colorado Court of Appeals, 2007CA2467
Docketed: November 28, 2012
At Issue: April 30, 2014

ISSUE(S):

Whether, after Miller v. Alabama, 132 S. Ct. 2455 (2012), invalidated mandatory life without parole for juveniles, the court of appeals erred by remanding the defendant's case for resentencing instead of upholding the defendant's life sentence and remanding the case to reflect that the defendant will be eligible for parole after forty calendar years.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, June 3, 2014
Bailiff: Justice Hobbs' Chambers

9:30 a.m.
EN BANC

2012SC1022 (30 MINUTES)

Petitioner:

Tenarro Banks,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Tenarro Banks:
Eric A Samler
SAMLER & WHITSON, P.C.

For the Respondent The People of the State of Colorado:
Elizabeth Fraser Rohrbough, Attorney General
Office of the Attorney General

For Amicus Curiae Juvenile Law Center
Marsha Levick
Juvenile Law Center

Certiorari to the Colorado Court of Appeals, 2008CA105
Docketed: December 27, 2012
At Issue: April 7, 2014

ISSUE(S):

Whether the court of appeals exceeded its judicial authority by re-writing the criminal sentence statutes in a way not authorized or compelled by Colorado statutes or sound 'severability' analysis.

Whether, after Miller v. Alabama, 132 S. Ct. 2455 (2012), the Eighth Amendment to the U.S. Constitution is violated by the imposition on a juvenile of a sentence of mandatory life sentence with the potential for parole after forty years.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, June 3, 2014
Bailiff: Justice Hobbs' Chambers

10:00 a.m.
EN BANC

2013SC211 (30 MINUTES)

Petitioner:

Eric Jensen,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Eric Jensen:
Alison Lee Ruttenberg
ALISON RUTTENBERG

For the Respondent The People of the State of Colorado:
Elizabeth Fraser Rohrbough, Senior Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2012CA634
Docketed: April 1, 2013
At Issue: April 7, 2014

ISSUE(S):

Whether the petitioner's life without parole sentence was unconstitutional under the Eighth Amendment and Art. II, section 20, Colo. Const., because he was a juvenile when the crime was committed, and, assuming the sentence is invalid, what is the appropriate remedy.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, June 3, 2014
Bailiff: Justice Hobbs' Chambers

10:30 a.m.
EN BANC

2013SC702 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Michael Joseph McKimmy.

For the Petitioner The People of the State of Colorado:
Christine Cates Brady
OFFICE OF THE ATTORNEY GENERAL

For the Respondent Michael Joseph McKimmy:
Nicole M. Mooney
MS&M LAW OFFICE

Certiorari to the Colorado Court of Appeals, 2011CA458
Docketed: September 3, 2013
At Issue:

ISSUE(S):

Whether the court of appeals erred when it ordered the dismissal of four felony convictions based on a misinterpretation of the term 'actual notice' as it applies to the Uniform Mandatory Disposition of Detainers Act.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, June 3, 2014
Bailiff: Justice Hobbs' Chambers

1:30 p.m.
EN BANC

2013SC382 (1 HOUR)

Petitioner:

Westin Operator, LLC,

v.

Respondents:

Jillian Groh, individually, and by and through her guardians and conservators, William Groh and Janelle Groh.

For the Petitioner Westin Operator, LLC:
John D Halepaska
Richard Allen Waltz
THE WALTZ LAW FIRM

For the Respondents Jillian Groh, individually, and by and through her guardians and conservators, William Groh, and Janelle Groh:
John Frederic Poor
LAW OFFICES OF JOHN F POOR
and
Alan Charles Shafner
THE LAW OFFICES OF ALAN C. SHAFNER

For Amicus Curiae CDLA
Casey A Quillen
RUEBEL & QUILLEN, LLC

For Amicus Curiae CTLA
Michael Justin Rosenberg
ROBERTS LEVIN ROSENBERG, P.C.

Certiorari to the Colorado Court of Appeals, 2011CA363
Docketed: May 30, 2013
At Issue: April 7, 2014

ISSUE(S):

Whether the court of appeals erred in holding that a hotel has a duty not to evict a guest under the circumstances of this case, and that a reasonable jury could find a breach of such duty on the present record.

Whether the court of appeals erred by failing to apply the Colorado Dram Shop Act when finding that summary judgment based on proximate cause was not warranted.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, June 3, 2014
Bailiff: Justice Hobbs' Chambers

2:30 p.m.
EN BANC

2013SC995 (1 HOUR)

Petitioner:

The People of the State of Colorado,

In the Interest of Minor Child:

S. N.,

v.

Respondents:

S. N., a/k/a S. S. and M. A. S..

For the Petitioner The People of the State of Colorado:
Benjamin H Pearlman, County Attorney
Jeanne P. Bergman, Assistant County Attorney
David Evan Hughes, Deputy County Attorney
BOULDER COUNTY ATTORNEY'S OFFICE

For the Respondent S. N.,:
Andrew Carl Poland,
Scott Thomas Poland
POLAND AND WHEELER, P.C.

For the Respondent M. A. S.:
Robert Alan Lubowitz
ROBERT A. LUBOWITZ, ATTORNEY ATR LA

For Amicus Curiae Colorado Counties Inc
Rachel Elizabeth Yeates,
Thomas John Lyons
Malcolm S Mead
HALL & EVANS, L.L.C.

Certiorari to the Colorado Court of Appeals, 2012CA2078
Docketed: December 19, 2013
At Issue:

ISSUE(S):

[REFRAMED ISSUE] Whether the court of appeals erred when it held that a trial court can never adjudicate a child dependent and neglected based on prospective harm in response to a motion for summary judgment.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, June 4, 2014
Bailiff: Justice Coats' Chambers

9:00 a.m.
EN BANC

2012SC906 (1 HOUR)

Petitioners/Cross-Respondents:

Gary R. Justus; Kathleen Hopkins; Eugene Halaas, Jr.; and Robert P. Laird, Jr.;

v.

Respondents/Cross-Petitioners:

The State of Colorado; Governor John Hickenlooper, in his official capacity; Colorado Public Employees' Retirement Association; Carole Wright, in her official capacity; and Maryann Motza, in her official capacity.

For the Petitioners/Cross-Respondents Gary R. Justus, Kathleen Hopkins, Eugene Halaas,Jr. and Robert P. Laird, Jr.:
Richard Rosenblatt
ROSENBLATT & GOSCH, PLLC

For the Respondents/Cross-Petitioners The State of Colorado, and Governor John Hickenlooper, in his official capacity:
William V Allen, Senior Assistant Attorney General
Megan Paris Rundlet, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

For the Respondents/Cross-Petitioners Colorado Public Employees' Retirement Association, Carole Wright, in her official capacity, and Maryann Motza, in her official capacity:
Lindsay Ann Unruh
Daniel M Reilly
Caleb Durling
Sean Connelly
Eric Fisher
REILLY POZNER, LLP

Certiorari to the Colorado Court of Appeals, 2011CA1507
Docketed: November 21, 2012
At Issue: April 7, 2014

ISSUE(S):

Whether the contracts clause framework articulated in In re Estate of DeWitt, 54 P.3d 849 (Colo. 2002), applies to all contract clause claims under the Colorado Constitution.

Whether Colorado Public Employees' Retirement Association members have contractual rights to the cost-of-living adjustment formulas in place at their respective retirements for life without change.

Whether SB10-1, which adjusted cost-of-living-adjustments to their current level of two percent compounded annually, was constitutional because it (a) did not substantially impair contractual expectations and was reasonable and necessary to ensure the pension funds' long-term viability, and (b) was not a regulatory taking.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, June 4, 2014
Bailiff: Justice Coats' Chambers

10:00 a.m.
EN BANC

2012SC301 (30 MINUTES)

Petitioner:

Thomas West,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Thomas West:
William John
WILLIAM J FRITSCHE, PC

For the Respondent The People of the State of Colorado:
Ryan A. Crane
COLORADO DEPARTMENT OF LAW

For Amicus Curiae Colorado Criminal Defense Bar
Jonathan Dickon Reppucci
REPPUCCI LAW FIRM, P. C.

Certiorari to the Colorado Court of Appeals, 2010CA883
Docketed: May 4, 2012
At Issue: April 7, 2014

ISSUE(S):

Whether a defendant who has demonstrated ineffective assistance of counsel in a Crim. P. 35(c) proceeding because of a conflict of interest must separately demonstrate an 'adverse effect' arising from that conflict.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, June 4, 2014
Bailiff: Justice Coats' Chambers

10:30 a.m.
EN BANC

2013SC209 (1 HOUR)

Petitioner/Cross-Respondent:

Raymond Albert Cano,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

For the Petitioner/Cross-Respondent Raymond Albert Cano:
Gregory Dave Lansky
THE LAW OFFICE OF GREGORY LANSKY

For the Respondent/Cross-Petitioner The People of the State of Colorado:
Christine Cates Brady, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2010CA2659
Docketed: March 29, 2013
At Issue:

ISSUE(S):

Whether the court of appeals erred in concluding that the Rules of Professional Conduct in effect at the time of petitioner's trial applied on collateral review when the pertinent rules were modified prior to defendant's evidentiary hearing on his postconviction motion.

Whether a defendant must identify something that counsel chose to do or not to do, as to which he had conflicting duties, and show that the course taken was influenced by the conflict in order to demonstrate an 'adverse effect' arising from that conflict.

Whether a defendant who has demonstrated ineffective assistance of counsel in a Crim. P. 35(c) proceeding because of a conflict of interest must separately demonstrate an 'adverse effect' arising from that conflict.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, June 4, 2014
Bailiff: Justice Coats' Chambers

1:30 p.m.
EN BANC

2012SC671 (1 HOUR)

Petitioners:

Colorado Medical Society, a Colorado nonprofit corporation and Colorado Society of Anesthesiologists, a Colorado nonprofit corporation,

v.

Respondent:

John Hickenlooper, in his official capacity as the Governor of Colorado,

and

Intervenors-Respondents:

Colorado Association of Nurse Anesthetists, Colorado Nurses Association, and Colorado Hospital Association.

For the Petitioner Colorado Medical Society, a Colorado nonprofit corporation:
Jerome R Geraghty
John L Conklin
MARTIN CONKLIN, P.C.

For the Petitioner Colorado Society of Anesthesiologists, a Colorado nonprofit corporation:
Frederick Y Yu
Joseph John Bronesky
SHERMAN & HOWARD LLC

For the Respondent John Hickenlooper, in his official capacity as the Governor of Colorado:
Matthew David Grove
Leeann Morrill
OFFICE OF THE ATTORNEY GENERAL

For the Intervenor-Respondent Colorado Association of Nurse Anesthetists:
Peggy Elizabeth Kozal
Frederick Miles
MILES & PETERS, PC

For the Intervenor-Respondent Colorado Nurses Association:
Linda Louise Siderius
Toni Jo Wehman
CAPLAN AND EARNEST, LLC

For the Intervenor-Respondent Colorado Hospital Association:
Gerald A Niederman
Bennett L Cohen
POLSINELLI, PC

For Amicus Curiae American Association of Nurse Anethetists and American Nurses Association:
Jeffrey Douglas Whitney
HUSCH BLACKWELL, LLP

For Amicus Curiae American Hospital Association:
Christopher Owen Murray
HOGAN LOVELLS US, LLP

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, June 4, 2014
Bailiff: Justice Coats' Chambers

1:30 p.m.
EN BANC

For Amicus Curiae American Medical Associaton and American Society of Anesthesiologists:
John Roger Mann
GORDON & REES, LLP

Certiorari to the Colorado Court of Appeals, 2011CA1005
Docketed: August 30, 2012
At Issue: April 7, 2014

ISSUE(S):

Whether the Court of Appeals erred in determining that Colorado's Nurse Practice Act allows Colorado's Governor to request an exemption from the physician-supervision requirement under federal Medicare reimbursement regulations, so that a certified registered nurse anesthetist can administer anesthesia without physician supervision and the facility can obtain Medicare reimbursement.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, June 4, 2014
Bailiff: Justice Coats' Chambers

2:30 p.m.
EN BANC

2012SC610 (30 MINUTES)

Petitioner:

Tom Francen,

v.

Respondent:

Colorado Department of Revenue, Division of Motor Vehicles.

For the Petitioner Tom Francen:
John Gregory Scott
JOHN SCOTT, ATTORNEY AT LAW, LLC

For the Respondent Colorado Department of Revenue, Division of Motor Vehicles:
Cathern H. Smith, Assistant Attorney General
Office of the Attorney General

Certiorari to the Colorado Court of Appeals, 2010CA2382
Docketed: August 15, 2012
At Issue: April 7, 2014

ISSUE(S):

Whether the court of appeals erred in holding that a driver cannot rely on the exclusionary rule to raise the illegality of initial police contact as a defense in a civil driver's license revocation proceeding conducted pursuant to section 42-2-126.

Whether the express consent statute allows the Department of Revenue to revoke a driver's license pursuant to section 42-2-126 on the basis of a search that itself is the product of an illegal stop and arrest, regardless of whether the exclusionary rule applies in driver's license revocation proceedings.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, June 4, 2014
Bailiff: Justice Coats' Chambers

3:00 p.m.
EN BANC

2012SC788 (30 MINUTES)

Petitioner:

Andrew Hanson,

v.

Respondent:

Colorado Department of Revenue, Motor Vehicle Division.

For the Petitioner Andrew Hanson:
Chip G. Schoneberger
Christopher Carrington
Daniel Seth Foster
FOSTER, GRAHAM MILSTEIN & CALISHER
and
Shawn Eric Gillum
GILLUM LAW GROUP, L.L.C.
and
Rhidian David Watson Orr
THE ORR LAW FIRM, L.L.C.

For the Respondent Colorado Department of Revenue, Motor Vehicle Division:
Carol A Chambers District Attorney
DISTRICT ATTORNEYS OFFICE
and
Grant Thomas Sullivan
John William Suthers, Attorney General
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2011CA1351
Docketed: October 11, 2012
At Issue: April 7, 2014

ISSUE(S):

Whether the express consent statute allows the Department of Revenue to revoke a driver's license pursuant to section 42-2-126 on the basis of a search that itself is the product of an illegal stop and arrest, regardless of whether the exclusionary rule applies in driver's license revocation proceedings.

Whether the court of appeals erred in holding that a driver cannot rely on the exclusionary rule to raise the illegality of initial police contact as a defense in a civil driver's license revocation proceeding conducted pursuant to section 42-2-126.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, June 5, 2014
Bailiff: Justice Eid's Chambers

9:00 a.m.
EN BANC

2012SC871 (44 MINUTES)

Petitioners:

City of Littleton, Colorado, Littleton Fire Rescue and CCMSI,

v.

Respondents:

Industrial Claim Appeals Office; Julie Christ, surviving spouse and Personal Representative of Jeffrey J. Christ, Deceased; and Michelle Parris, on behalf of Lauren Parris.

For the Petitioners City of Littleton, Colorado, Littleton Fire Rescue, and CCMSI:
Anne Smith Myers
Timothy R. Fiene
NATHAN, BREMER, DUMM & MYERS, P.C.

For the Respondent Industrial Claim Appeals Office:
Alice Quinn Hosley
OFFICE OF THE ATTORNEY GENERAL

For the Respondent Julie Christ, surviving spouse and Personal Representative of Jeffrey J. Christ, Deceased:
Neil D O'Toole
NEIL D O'TOOLE

For the Respondent Michelle Parris, on behalf of Lauren Parris:
Ralph Ogden
WILCOX & OGDEN PC

Certiorari to the Colorado Court of Appeals, 2010CA1494
Docketed: November 13, 2012
At Issue: April 7, 2014

ISSUE(S):

Whether the court of appeals erred in holding petitioners' medical evidence, while admittedly persuasive and credible, to be insufficient as a matter of law to rebut the statute's presumption.

Whether the court of appeals erred in its interpretation of section 8-41-209, C.R.S., in determining that the statute is effectively irrebuttable, contrary to the intent of the General Assembly and the unambiguous wording of the statute.

Whether the court of appeals failed to defer to the Administrative Law Judge's Findings of Fact, thereby committing reversible error in contravention of the mandates of appellate review.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, June 5, 2014
Bailiff: Justice Eid's Chambers

9:45 a.m.
EN BANC

2013SC560 (44 MINUTES)

Petitioner:

Mike Zukowski,

v.

Respondents:

Town of Castle Rock and CIRSA.

For the Petitioner Mike Zukowski:
Neil D O'Toole
NEIL D O'TOOLE

For the Respondents Town of Castle Rock, and CIRSA:
T Paul Krueger
Alana Michelle McKenna
RITSEMA & LYON, P.C.

For Amicus Curiae Colorado Self Insured Association
Francis Maurice Cavanaugh
RUEGSEGGER SIMONS SMITH & STERN, LL

For Amicus Curiae Pinnacol Assurance
Harvey D Flewelling
PINNACOL ASSURANCE

Certiorari to the Colorado Court of Appeals, 2012CA2190
Docketed: July 22, 2013
At Issue: April 7, 2014

ISSUE(S):

Whether the court of appeals improperly equated 'risk' with 'cause,' by holding that showing 'risk' or 'precursor' factors can sufficiently establish a preponderance of the medical evidence that a firefighter's cancer did not occur on the job, thereby rejecting statutory presumption created by the Colorado Legislature that petitioner's skin cancer (melanoma) was, in fact, caused by his job.

Whether the court of appeals in Town of Castle Rock and CIRSA v. Industrial Claim Appeals Office and Mike Zukowski, 2013 CA 2190, misconstrued the application of the statutory presumption found at section 8-41-209, C.R.S., by holding that legislative presumption of cancer causation for fighters 'can be overcome by establishing that the risk of cancer from other sources outweighs the risk created by firefighting.'

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, June 5, 2014
Bailiff: Justice Eid's Chambers

10:30 a.m.
EN BANC

2014SC123 (44 MINUTES)

Petitioners:

City of Englewood and Colorado Intergovernmental Risk Sharing Agency,

v.

Respondents:

Delvin Harrell and Industrial Claim Appeals Office.

For the Petitioners City of Englewood and Colorado Intergovernmental Risk Sharing Agency:
Paul David Feld
T Paul Krueger
Alana Michelle McKenna
RITSEMA & LYON, P.C.

For the Respondent Delvin Harrell:
Neil D O'Toole
NEIL D O'TOOLE

For the Respondent Industrial Claim Appeals Office:
Industrial Claim Appeals Office

Certiorari to the Colorado Court of Appeals, 2013CA858
Docketed: January 30, 2014
At Issue: February 24, 2014

ISSUE(S):

Did the Administrative Law Judge (ALJ) incorrectly apply the presumption set forth in C.R.S. §8-42-209 by refusing to consider medical evidence submitted by respondents challenging the causal connection between firefighting and melanoma?

SUPREME COURT, STATE OF COLORADO 1:30 p.m.
Oral Argument: Thursday, June 5, 2014 EN BANC

Public Hearing

Proposed repeal and re-adoption of Colorado Rule of Professional Conduct 1.15.