

# KELLEY B. DUKE

## Attorney at Law

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### Biography

Kelley Duke is an experienced trial attorney who chairs and leads the firm's litigation practice group. Ms. Duke, a tenacious advocate for her clients, maintains a full trial docket handling a wide range of complex commercial litigation matters. When litigation intersects with business, Ms. Duke guides her clients through legal technicalities to help them stay the course and achieve their goals. Ms. Duke serves as outside general counsel to companies in industries such as transportation, including transportation network companies, oil and gas, banking, marketing and public relations, packaging and distribution, and fire protection districts. She regularly practices before both state and federal courts and before the Colorado Public Utilities Commission.



Ms. Duke is also an arbitrator and panel member with the American Arbitration Association. Arbitration provides speed, economy and justice for parties that want to resolve conflicts out of court. In this role, she serves as a neutral for cases involving complex commercial litigation matters.

### Legal Experience

- Represents a national transportation network company in connection with developing the rules and regulations with the Public Utilities Commission and ongoing matters.
- Represented a real estate developer in a trial involving claims brought pursuant to the Colorado Trust Fund Statute. Obtained a successful verdict before the trial court and subsequent affirmation of the Colorado Supreme Court.
- Represented a regional accounting firm in a trial against a \$3 million claim of professional negligence and breach of contract and obtained a successful verdict.
- Represents oil and gas companies in connection with current and future promote payments and breach of contract related issues.
- Represents architects, contractors and real estate developers in connection with professional negligence allegations including claims involving the Colorado Construction Defect Reform Act (CDARA).
- Represents companies and their officers and directors in employment cases associated with discrimination, sexual harassment, wrongful termination and wrongful discharge.
- Represents marijuana companies in connection with legal disputes involving breach of contract, banking regulations, real property and partnership.



### Practice Areas

Business  
Government Relations &  
Regulatory Affairs  
Litigation  
Real Estate  
Special Districts

### Education

Capital University Law School  
J.D., 2003  
magna cum laude, Editor-in-Chief of  
Law Review  
West Virginia University  
B.S. in business administration with  
honors

### Honors & Awards

Selected to *Colorado Super Lawyers*  
for business litigation, 2010-2019



Selected to the *Chambers USA* guide  
for litigation



## Legal Experience

- Represents partners, members and shareholders of privately held businesses in disputes involving departure, dissolution and director and officer liability claims.
- Represented Warren Miller Entertainment in a two-week arbitration related to publicity rights and a breach of contract achieving a successful binding, non-appealable award.
- Represented various subsidiaries of United Technologies Corporation (UTC) in cases involving misappropriation of trade secrets and intellectual property, employment claims and real property disputes.
- Represented a real estate development company in a jury trial litigating claims of breach of contract and bad faith winning a jury award of \$1 million in damages.
- Represented a fixed-based operator in a federal antitrust lawsuit asserting claims under the Sherman Act, equal protection clause and commerce clause.
- Represented a global provider of data management systems for land-based and offshore rigs worldwide in a two-week jury trial defending claims of patent infringement with equitable defenses.
- Represented multiple regional real estate companies with claims relating to professional negligence, breach of contract, and business conflicts.
- Represented partners, members and shareholders of privately held businesses in disputes involving departures and dissolutions.
- Represented companies and individuals against defamation claims including libel and slander.

## Testimonials

- "Ms. Duke is an outstanding trial lawyer who consistently obtains excellent results for her clients. In addition, she is committed to diversifying the legal profession and to support women in the Denver community through her involvement in the Women's Foundation." Peer Review, *Martindale-Hubbell*, May, 17, 2016
- "Kelley is one of the best litigators I know. She is aggressive and ethical, collegial and smart," Peer Review, *Martindale-Hubbell*, May 7, 2016
- "She knows the law very well, she upholds a very high ethical standard, she's well organized, she does research very well and she keeps us informed of progress. She is professional and courteous, and not just out to win at any costs. She's very ethical – very focused on doing things the right way and for the right reason." Market Commentator, *Chambers USA* 2016

## Memberships

- SCG Legal Board Member
- Colorado Bar Association
- Colorado Women's Bar Association

## Admissions

Admitted to practice in Colorado

Admitted to practice in Connecticut

U.S. District Court for the District of Colorado

U.S. District Court for the District of Connecticut

U.S. Court of Appeals for the Tenth Circuit

U.S. Federal Circuit

**Kelley B. Duke**  
**Attorney at Law**

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**Community Involvement**

- WorldDenver
- The Women's Foundation of Colorado
  - ✓ Board of Trustees
  - ✓ Co-Chair, P.E.P
  - ✓ Founder, Empowerment Council
  - ✓ Development Committee
- Rocky Mountain Children's Law Center
- Leadership Denver, Denver Metro Leadership Foundation, 2013
- Endowment Board of Directors, The Gathering Place

**Personal Interests**

Philanthropy, college sports and hiking.