Kelley B. Duke

DIRECTOR

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Kelley Duke is an experienced litigator and trial attorney who chaired the Firm's litigation practice group for ten years and now serves on the Firm's Executive Committee.

Her practice includes serving as a lead advocate to national and international clients in complex commercial litigation matters. In addition, Kelley serves as a strategic advisor and outside general counsel to multiple clients in diverse industries including, transportation, supply chain management, oil and gas, banking, marketing, public relations, packaging and distribution, and fire protection districts. She regularly practices before both state and federal courts, as well as the Colorado Public Utilities Commission.

To strategically support the needs and business goals of her clients, Kelley complements her courtroom skills by undertaking a number of significant arbitrations as an arbitrator for the American Arbitration Association. Kelley's multidisciplinary approach to dispute resolution allows her to look at legal problems creatively and frame the most effective and persuasive presentation of her clients' legal and factual positions.

Legal Experience

- Serves as general counsel to various Colorado Special Districts on a broad range of matters including Colorado Open Records requests, jurisdictional boundary disputes, governmental immunity, and related exceptions, contract disputes, and real property law.
- Reached a favorable mediation resolution for a housing authority client, in a dispute with an insurance company regarding coverage for methamphetamine testing and repairs.
- Represents a Housing Authority in connection with a dispute over insurance coverage.
- Represents a national transportation network company in connection with advocating and developing the rules and regulations with the Public Utilities Commission.
- 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 — obtained a successful verdict.
- Represented publicly traded 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 directors and officers 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.
- 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

Practice Areas

- Alternative Dispute Resolution
- Business
- Antitrust
- Banking & Commercial Finance
- Emerging Business
- Regulatory Affairs & Government Relations
- Litigation
- Real Estate
- Special Districts

Bar Admissions

- Colorado
- 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 Court

Education

- J.D., Capital University Law School, Magna Cum Laude, Editor-in-Chief of Law Review, 2003
- B.S., Business Administration, West Virginia University, with Honors, 2000

Honors & Awards

- Received the Above & Beyond

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.

Presentations & Publications

- Presenter, International Arbitration Trends, SCG Legal Mid-Winter Meeting, 2022
- Moderator, The #MeToo Movement & The Law, SCG Legal Annual Meeting, 2019

Memberships

- SCG Legal, Board Chair, 2022
- Colorado Bar Association

Community Involvement

- The Women's Foundation of Colorado, Former Trustee, Board of Trustees, Past Co-Chair of P.E.P. Committee, Co-Founder of the Empowerment Council, Member of the Development Committee
- Leadership Denver, Denver Metro Leadership Foundation, 2013

Award by worldwide law firm network SCG Legal, 2023

Recognized by the Colorado Women's Chamber of Commerce as one of the Top 25 Most Powerful Women in Business, 2023

Selected to *The Best Lawyers in America®* for Commercial Litigation, Corporate Law, and Real Estate Law, 2023-2025

Selected to *5280 Magazine's* Top Lawyers List for Civil Litigation, 2023

Selected to the *Chambers USA®* Guide for Litigation, 2023

Selected to *Colorado Super Lawyers®* for Business Litigation, 2010-2023

Selected as Top Woman Lawyer by *Law Week Colorado,* 2019