



Nancy L. Cohen

OF COUNSEL

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OFFICE Denver

Nancy L. Cohen is Of Counsel at Ireland Stapleton. Nancy defends lawyers and judges, healthcare and mental health professionals, accountants and insurance and real estate brokers in malpractice claims, business tort litigation and regulatory matters. Nancy represents clients in complex commercial litigation, including real estate lawsuits and business disputes, and defends clients on D&O claims.

Nancy is a trial lawyer with 38 years of experience, at both Colorado State and Federal levels, including trials and appeals. Before returning to private practice in 2010, Nancy was the Chief Deputy for the Colorado Supreme Court Office of Attorney Regulation Counsel. Through this experience, Nancy garnered an understanding for the stress her clients experience when malpractice claims or a disciplinary matter are asserted that can impact their livelihood or professional reputation.

With a philosophy of being prepared for trial and working closely with her clients, Nancy aims to achieve the best possible outcome, under the circumstances, for every client. She focuses on her client's objectives and vigorously defends them. Nancy also recognizes the risks of litigation for both individuals and private companies and understands that sometimes the best outcome for the client is to resolve a matter pre-litigation.

Nancy counsels law firms and attorneys on ethics and legal advice, discerning that addressing issues early can oftentimes help lawyers avoid costly mistakes.

Nancy believes in giving back to her community. She served as president of the Denver Bar Association, past chairman and board member of Family Star (an early Montessori Head Start School) and was a member of the ABA Standing Committees on Professional Discipline and Client Protection. Nancy also taught at the National Institute for Trial Advocacy. In 2014, she was elected a member of American Law Institute. She is currently a member of the Colorado Supreme Court Standing Committee on the Rules of Professional Conduct, Colorado Supreme Court Advisory Committee and the Colorado Bar Association Ethics Committee.

When she is not practicing law, Nancy can be found skiing, biking and cooking with family and friends.

Legal Experience

- Represented attorney in a case involving a claim of malicious prosecution; prevailed on motion to dismiss. ***The case was dismissed with prejudice.***
- Represented attorney in a case involving claims of civil conspiracy, fraudulent concealment, fraudulent inducement, elder abuse, and extreme and outrageous conduct; ***prevailed on motion to dismiss all claims with prejudice***, including obtaining attorney's fees. Defended the order on appeal, resulting in ***published Court of Appeals opinion*** affirming trial court.
- Tried medical malpractice jury trial; ***plaintiff agreed to dismiss*** after four days of trial.
- Represented law firm and attorneys in a case involving claim of malicious prosecution; ***prevailed on motion to dismiss all claims with prejudice.***
- Represented three attorneys and three law firms in a legal malpractice case in which the plaintiff alleged professional negligence, breach of fiduciary duties and breach of contract. In August 2019, briefed and ***won an appeal*** in the Colorado Court of Appeals affirming the trial court's granting of summary judgment and award of fees and costs.

Practice Areas

Litigation

Bar Admissions

Colorado State Bar
United States District Courts |
District of Colorado, Eastern
District of Michigan
Tenth Circuit Courts of Appeals
United States Supreme Court

Education

UNIVERSITY OF DENVER STURM
COLLEGE OF LAW

Juris Doctor • Member, Denver Law
Journal

UNIVERSITY OF DENVER

B.A in Political Science and Philosophy

Honors & Awards

***Top 100 Colorado Super
Lawyers*** (2015–2018)

***Top 50 Women Colorado Super
Lawyers*** (2014–2018)

***Colorado Super Lawyer –
Professional Liability:
Defense*** (2013–2022)

Preeminent AV-rated® by
Martindale-Hubbell

Martindale Huebell

Fellow, ***American Bar Association
Foundation*** (2008–Present)

Fellow, ***Colorado Bar Association
Foundation*** (1991–Present)



Nancy L. Cohen

- **Successfully defended** a motion for sanctions filed against an attorney in federal district court.
- **Won summary judgment** for an out-of-state law firm and individual lawyers on a variety of claims in federal district court. The summary judgment order was affirmed on appeal by the 10th Circuit.
- **Won a Motion to Dismiss** on behalf of a lawyer arising from the lawyer's representation of a mortgage company in a foreclosure case. The federal district court awarded attorneys' fees and costs to the lawyer.
- **Successfully defended** a trespass claim in Colorado state court.
- Tried a four-day disciplinary trial brought against a lawyer before the Colorado Supreme Court Hearing Board. **Several charges were dismissed before the trial began.** The hearing board imposed a two month stayed suspension rather than the two-year served suspension the People requested.
- **Won a Motion to Dismiss** on behalf of a lawyer on claims involving defamation, RICO, conspiracy, outrageous conduct and other claims. The court awarded the lawyer his attorneys' fees and costs.
- Tried a two-day lawyer disciplinary trial before the Colorado Supreme Court Hearing Board. **Several charges were dismissed after presentation of the evidence.** The People appealed dismissal of one claim and after oral argument, the Colorado Supreme Court affirmed the hearing board's decision.

Presentations & Publications

PUBLICATIONS

- Nancy L. Cohen, In Practice... with CNA, **Lawyers' Duties Regarding Legal Files After a Client's Death**, 2021, Issue 3
- Nancy L. Cohen, Real Estate Malpractice, Chap. 1, **Colorado Real Estate Practice**, 2017-2022 Editions
- Nancy L. Cohen and Anna Martinez, Professional and Ethical Responsibilities When Departing a Law Practice, Chap. 21, **Lawyers Professional Liability in Colorado: Preventing Legal Malpractice and Disciplinary Actions**, 2016-2018 Editions
- **Women Lawyers, Discipline and Leaving the Practice of Law**, The Docket of the Denver Bar Association, (March 2016)
- **Flat-Fee Arrangements: The Risks, the Rules, and Fee Recovery**, 44 No. 12 Colorado Lawyer, pp. 67-72 (December 2015)
- **Professional Liability Insurance-What to Consider When Purchasing Insurance**, 41 No. 7 Colorado Lawyer, pp. 107-109 (July 2012)
- **New Rule on Retaining Client Files – How to Avoid Potential Pitfalls**, 41 No. 6 Colorado Lawyer, pp. 69-71 (June 2012)

LECTURES & PAPERS

- **Mandatory Reporting: Requirements for You, Me, and the Judge, Ethics 7.0**, Colorado CLE and the Colorado Bar Association Ethics Committee (Nov. 19, 2021)
- **Family Law Update: Ethics Hot Topics**, Colorado CLE and the Colorado Bar Association Family Law Section (Nov. 12, 2021)
- **Data Privacy, Cybersecurity, Technology and Business Lawyers**, CBA Business Law Institute (Sept. 8, 2020)
- Nancy L. Cohen and Fred M Winocur, **Ethics and the Difficult Client, Part 2: Clients Who Do Bad Things**, 2019 Colorado Chapter of the American Academy of Matrimonial Lawyers ("COAAML") Advanced Family Law Institute, December 6, 2019.
- Nancy L. Cohen and Matthew Fitterer of CNA, **Finding a Path Forward with a Missing Client**,

Webinar Presentation for the CBA/CLE, October, 2019.

- Nancy L. Cohen, Issues in Colorado Community Association Law, **What HOA Attorneys Need to Know in Avoiding Real Estate Malpractice**, CBA/CLE, September, 2019.
 - Nancy L. Cohen, ABA CPR Conference, **Once a Lawyer, Always a Lawyer?** June 1, 2018.
 - Nancy L. Cohen, 38th Annual Estate Planning Retreat, **Ethics and Efficiency of Supervision of Paralegals, Associates and Investigators in Estate Administration Cases**, June 2018.
 - Nancy L. Cohen, **Ethical Issues for Lawyers Sitting on Nonprofit Boards**, CBA/CLE May 4, 2018.
 - Nancy L. Cohen, Colorado Women's Bar Association 38th Annual Convention, **How to Stay out of Trouble: Practical Tips for Avoiding Legal Malpractice Claims and Grievances**.
 - Nancy L. Cohen and Nicole Black, **The Top Ten Pitfalls Lawyers Fall Into**, DBA YLD, December 2018.
 - Nancy L. Cohen, moderator, Ransomware and Cyber Liability Risks to Attorney and Practical: **What Every Lawyer Needs to Know To Protect His or Her Practice from Cyber Liability Exposure**, Denver Bar YLD, August 29, 2017.
 - Nancy L. Cohen, Charles Lundberg, Lynda Shely and Melissa Lessell, **Shifting Ethical Standards**, ABA Fall 2017 National Legal Malpractice Conference.
 - Nancy L. Cohen and Troy Rackham, **CDLA New Lawyer's CLE**, Colorado Defense Lawyers Association, January 2017
 - Cohen, Nancy L. and Jamie Sudler, **"Ethical Implications for Lawyers re: Marijuana Laws,"** 2016 DRI Marijuana Law Seminar, June 24, 2016
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