Tom Downey

DIRECTOR

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OFFICE Denver

Tom Downey is a regulatory attorney and shareholder at Ireland Stapleton with significant experience as both a government official and a private practice attorney. Tom helps his clients navigate all aspects of regulatory law and is well-known for untangling complicated issues that are regulated by local, state, and federal agencies. The majority of his practice consists of advising and representing corporate clients in the administrative, transactional, and disciplinary processes related to liquor licensing, legalized marijuana, and professional licenses governed by the Colorado Department of Regulatory Agencies. He also represents investors, creditors, developers, intellectual property holders, and others in and around licensed industries. In providing full services to his clients, Tom conducts a great deal of zoning, code enforcement, election law, Title Board work and public policy work. He represents governments and nonprofits around the country.

Additionally, Tom serves as an arbitrator for the American Arbitration Association, and he is often engaged as an expert witness in regulatory related cases. He routinely teaches continuing legal education courses and gives other presentations on regulatory and licensing law within the US. Tom routinely is a guest lecturer at law schools including the University of Denver and Cornell University. Tom also regularly sat on rulemaking committees for the Colorado Marijuana Enforcement Division and Liquor Enforcement Division.

A short video about Tom's practice:

Tom started his legal career clerking for Judge D. Warren Donohue on the Circuit Court of Maryland. During law school, he spent the summer of 1992 in Budapest as a consultant to a founding member of the first opposition party in Hungary, in preparing to redraft their constitution. He worked for US Congressman Charles B. Rangel (D-NY) prior to law school. Tom and his wife, Lori Fox, have three daughters, Cate, Ella, and Meg, who are amazing singers and songwriters.

Legal Experience

- Acts as regulatory counsel for a hemp company on a national scale, utilizing local counsel for operations in specific states.
- Acts as U.S. regulatory counsel for a European agriculture supply company targeting the cannabis industry.
- U.S. regulatory counsel for Canadian cannabis companies for U.S. national issues and oversees local counsel for state operations.
- Advises regulated institutional investors in the U.S. cannabis industry.
- Designated as a Colorado Special Assistant Attorney General for specialized cannabis issues.
- Advises U.S. colleges and universities on both the use of endowment funds and course curriculum related to cannabis.
- Advises charitable foundations on cannabis-related activities.
- Advises nonprofits on liquor licensing with a specialty in theatre-related liquor licenses.
- Represents licensees and neighbors for Short-Term Rentals.

Practice Areas

Alternative Dispute Resolution

Government Relations & Regulatory Affairs

Bar Admissions

Colorado Supreme Court

U.S. District Court for the District of Colorado

U.S. Circuit Court of Appeals, 10th Circuit

Education

University of Pennsylvania, Wharton Business School Executive Program – High Impact Leaders (non-degree), 2009

J.D., Villanova School of Law, 1993, Vice-Chair, Villanova Law School Honor Board, Vice-President, Villanova Law School Women's Law Caucus, President, Villanova Law School Rugby Club

Bachelor of Arts in Economics, College of William and Mary, 1989

Honors & Awards

The Best Lawyers in America® "Lawyer of the Year" Honoree, 2023

Selected to The Best Lawyers in America® for Administrative/Regulatory Law and Government Relations,

- As a result of the decision in the U.S. Supreme Court case *Murphy v. National Collegiate Athletic Association*, represented a national client through Colorado's ballot initiative, legislation, and rule-making processes to bring sports betting to Colorado.
- Led Denver's Department of Excise and Licenses, issuing and regulating 25,000 business licenses in Denver in 180 different categories.
- Redrafted Denver's Policies and Procedures for liquor licensing and wrote the original Policies and Procedures for Denver's legalized recreational marijuana licenses.
- Appointed by Governor Hickenlooper to advise the administration and General Assembly on the legislation creating recreational marijuana.
- Created and ran the Business and Licensing Division of the Colorado Secretary of State's Office.
- Served as an Assistant Attorney General in the Business and Licensing Section under A.G. Ken Salazar.
- Avalos v. Davidson, No. 01CV2897, slip. Op. at 2 (Denver Dist. Ct. Jan. 25, 2002). This Congressional Redistricting trial was the most contested in Colorado's history, as 30+ parties battled over the re-drawing of US Congressional lines with the addition of a 7th District. In this trial, the judge used Tom's theory of the case that the winner of a major party's primary should not automatically be set to win the general election; that the "Majority of the Majority Rule" is bad for democracy. The proposal, adopted by the court, created three safe Republican districts, two safe Democratic seats and two seats where non-major party/independents would decide who goes to Washington DC.

2018-2025

Selected to 5280 Magazine, Top Lawyer Marijuana Law, 2016-2022

Selected to Law Week Colorado's 2018 "Barrister's Best" list – People's Choice for Marijuana Law

Presentations & Publications

- "Cannabis, CBD, and Hemp Business and Regulation Law," Continuing Legal Education Presentation, March 15, 2023
- "Opinion: More Choice, Less Regulation are on Colorado's Fall Ballot," The Colorado Sun, Opinion Column, October 1, 2022
- "New Sports Betting Businesses: Rules and Regs for Operating in Colorado," July 6, 2020
- "Legalized Marijuana and Hemp/CBD: What Colorado Businesses Need to Know," City Club of Denver, February 25, 2020
- "Fair Labor Standards Act Protections Apply to Employees of Marijuana Companies," November 27, 2019
- "Opinion: The Trump impeachment inquiry doesn't begin to compare to the mayhem of the very first one," The Colorado Sun, Opinion Column, October 13, 2019
- "CBDooo or Don't Nonprofits & Marijuana Philanthropy," Estes Park Nonprofit Camp, September 30, 2019
- "An Overview of Legal Marijuana," Philadelphia Marijuana and Hemp Law Symposium, March 22, 2019
- "The Future of… RiNo Development," BusinessDen, February 19, 2019
- "Opinion: Federal marijuana legalization may not be the dream scenario some imagine," The Colorado Sun, Opinion Column, December 23, 2018
- Colorado Business Committee for the Arts Art + Cannabis Forum, November 29, 2018
- "Bankruptcy and State Alternatives for Marijuana Businesses," September 7, 2018
- "The Enduring Manifestations of Prohibition," Cannabis Law Institute, September 7, 2018
- Recreational Marijuana – The Impact of Federal Enforcement on Colorado, CLE Course, Colorado Law Institute, May 17, 2018
- "Rescheduling Versus Descheduling – The Impact of Legalization," at Colorado Law Institute, May 17, 2018
- "US Attorney Jeff Sessions and Marijuana Policy – What Will It Mean for the Industry?," Colorado Law Institute, May 17, 2018
- "An Overview of Legal Marijuana," Mesa County Bar Association Luncheon, April 23, 2018

- “A Changing Landscape: The Federal Update,” Pennsylvania Bar Association, March 16, 2018
- “X-TEAM: An Overview of Legal Marijuana,” X-Team Conference, February 8, 2018

Memberships

- Colorado Bar Association, Cannabis Law Section, Member
- Harm Reduction Action Center, Board Member
- Community College of Denver, Advisory Board Member
- Civic Canopy, Board Member
- Denver Film Society, Board Member
- Coalition for Cannabis Policy, Education, and Regulation, Board Chair
- Colorado Secretary of State’s Advisory Committee, Member
- Denver Metro Chamber of Commerce, Public Policy Forum, Member

Community Involvement

Tom strongly believes in engaging in our community. In 1986, while in college, he ran a children’s home in Venezuela, “La Ciudad del los Muchachos.” Earlier in his legal career, he took a break from government and the law for five years to run the Children’s Museum of Denver. He is the past Board Chair of the Colorado Nonprofit Association and the former Board Chair of the Colorado Children’s Campaign. In 2000, Tom managed the Gore/Lieberman presidential campaign in Colorado and led Senator Amy Klobuchar’s Colorado presidential primary campaign in 2020.

- Bonfils-Stanton Foundation, Livingston Fellow (2007-present), focus: the creation of management theory, an execution model of Jim Collins’ “Good to Great” principles
- Children’s Museum of Denver, President (2005-2009)
- Civic Canopy, Board Member (2021-present)
- Colorado Children’s Campaign, Board Chair (1998-2006)
- Colorado Nonprofit Association, Board Chair (2006-2012)
- Denver Film, Board Member (2022-present)
- Harm Reduction Action Center, Board Member (2023-present)
- Westerly Creek (Stapleton) MCA, Elected Delegate (2018-2021)
- Westerly Creek Metropolitan District, Elected Board Member (2014-2021)