

Public Entity

BHGR's Public Entity Group has a reputation for being one of the most experienced, knowledgeable, and respected public entity groups in Colorado.

BHGR's Public Entity Group is one-of-a-kind. Our highly experienced attorneys provide outside counsel services as they represent cities, counties, cities and counties, towns, home rule municipalities, special districts, local authorities, commissions, councils, boards, and public officials and employees. They have expertise in most areas of the law that public entities must face including, employment, governmental immunity, transportation, open meetings and open records, land use, urban development, affordable housing, and jail, police, and sheriff's actions. We have successfully defended our clients in a myriad of administrative litigation settings and are approved counsel for public self-insurance pools and public entities. We also assist our clients with risk management and special investigations and have acted as expert witnesses on occasion.

Focus Areas

PUBLIC ENTITY LAW

Our attorneys counsel and defend our clients in state and federal courts on all aspects of local government law, including those concerning cannabis and liquor regulations and licensing, business licensing, the Colorado Open Meetings Law, the Colorado Open Records Act, the Colorado Governmental Immunity Act, elections, TABOR, state and federal preemption, and numerous other federal, state, and local laws and regulations.

EMPLOYMENT

Our attorneys advise and defend public employers in federal and state courts in breach of contract, breach of fiduciary duty, employment discrimination, non-compete, non-payment, non-solicitation, and proprietary information claims, and in discrimination or retaliation claims based on age, disability, free speech, gender, national origin, and race. We also represent public employers and employees in investigatory proceedings before government agencies such as the EEOC, the Colorado Civil Rights Division, the Federal Wage and Hour Division, the Occupational Safety and Health Administration, and the Colorado Department of Labor.

GOVERNMENTAL IMMUNITY

Our attorneys have an unparalleled depth of experience advising and defending our clients in state and federal courts on matters concerning sovereign immunity and the Colorado Governmental Immunity Act. We advise our clients on required notices of legal claims, limitations on tort liability, assertion of governmental immunity as a bar or defense, waiver of and exceptions to liability, and limitations on monetary judgments. We have successfully defended countless public entities and their officials and employees from alleged tort claims.

LAND USE & ZONING

Our attorneys counsel and defend our clients in state and Federal courts in all aspects of land use and zoning law, including annexation, affordable housing, complex and competing land use regulations, conservation easements, development agreements, historic preservation, mining permits, oil and gas permits, planned unit developments, short-term rental regulations, special use permits, subdivisions, roads, takings, vested rights, urban development, and zoning. We also represent our land use clients faced with federal and state takings, regulatory takings, equal protection, and due process claims.

JAIL, POLICE & SHERIFF'S ACTIONS

Our attorneys are well versed in advising and defending our clients in high-profile jail, police, and sheriff's actions, including those concerning the Enhance Law Enforcement Integrity Act and civil rights claims alleging excessive force, cruel and unusual punishment, unreasonable search and seizure, false arrest, false imprisonment, deliberate indifference, racial profiling, and sexual misconduct.

RISK MANAGEMENT

Our attorneys provide our public entity clients, as well as the public self-insurance pools, with risk management and insurance analysis and advice. In addition, we advise our clients on best practices for identifying, mitigating, and managing risk and provide training to public officials and employees to assist them in their risk management efforts. We also collaborate with public employers to reduce the risks of litigation and disputes through reviews of employee handbooks and oversight of workplace investigations and terminations.

SPECIAL INVESTIGATIONS

Our attorneys conduct special investigations into public official and employee conduct for our public entity clients. We prepare written summaries and reports on the results of those independent investigations.

EXPERT TESTIMONY

Our attorneys have served as expert witnesses for public entities in attorneys' fees and costs proceedings, providing expert reports and live testimony.

LITIGATION & APPEALS

Our attorneys have over one hundred years of collective experience representing public entities in state and federal trial and appellate courts. We provide our clients with pre-litigation claims analysis and investigation, draft complaints and answers, draft and file pre-trial motions and briefs, prepare and respond to written discovery requests, attend depositions and pre-trial hearings, try cases to judges and juries, file post-trial motions and briefs (including motions for attorneys' fees and costs), and assist clients with post-trial judgment issues. We also have significant experience representing our clients in appeals before the Colorado Court of Appeals, Colorado Supreme Court, Tenth Circuit Court of Appeals, and the United States Supreme Court.

Significant Published Cases

Our team has worked on dozens of appeals resulting in published decisions which establish law applicable to public entities, public officials, and public employees in Colorado, including the following:

Kulmann v. Salazar, 521 P.3d 649 (Colo. 2022).

North Mill Street, LLC v. City of Aspen, 6 F.4th 1216 (10th Cir. 2021).

Colorado Oil and Gas Conservation Comm'n v. Martinez, 433 P.3d 22 (Colo. 2019).



Onyx Properties, LLC v. Bd. of Cnty. Comm'rs for Elbert County, 838 F.3d 1039, 1042 (10th Cir. 2016), cert. denied, 137 S. Ct. 1815 (2017).

Bd. of Cnty. Comm'rs v. City of Woodland Park, 33 P.3d 55 (Colo. 2014).

Town of Minturn v. Sensible Housing Co., 273 P.3d 1154 (Colo. 2012).

Johnson v. Weld County, 594 F.3d 1202 (10th Cir. 2010).

Nichols v. Bd. of Cnty. Comm'rs, 506 F.3d 962 (10th Cir. 2007).