



## Joseph Halpern

Of Counsel

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**Joe brings more than 30 years of experience in appellate advocacy.**

He covers diverse practice areas, including antitrust and unfair competition, trade secret misappropriation, business torts, cable television and communications law, product liability, Federal Tort Claims Act, land use and zoning, and many areas of commercial law. His extensive experience in appellate litigation includes practice before the appellate courts of many Western states (Colorado, Wyoming, Idaho, California, and Nevada) and federal appellate courts (including the Ninth, and Tenth Circuits).

Joe is a member of Holland & Hart's litigation department. He also participates actively in trial-level briefing and strategy in the firm's trial practice. He is past chair of the firm's appellate practice group, a position he held for 12 years.

### EDUCATION

New York University Law School, J.D.,  
1979

New York University, B.A. (History), 1976  
History

Phi Beta Kappa  
*summa cum laude*

### BAR ADMISSIONS

Colorado

### CLIENT RESULTS

#### Representative Cases

*CITGO Petroleum Corp. v. Occidental Chemical Corp.*, 29 Fed. Appx. 525, 2002 WL 89921 (10th Cir. 2002). We served as appellate co-counsel in securing affirmance of summary judgment in favor of our client, Occidental, in a dispute over a complex transaction involving a Louisiana petrochemical plant.

*City and County of Denver v. Qwest Corp., et al.*, 18 P.3d 748 (Colo. 2001). We acted as AT&T's counsel in this successful challenge to Denver's attempt to impose large annual user fees on telecommunications companies with facilities in the city's streets. This case had nationwide implications in fostering a competitive telecommunications market.

*Fire House Car Wash, Inc. v. Board of Adjustment for Zoning Appeals, City and County of Denver*, 30 P.3d 762 (Colo. App.), *cert. denied* (Colo. 2001). The Court affirmed our client's position that a controversial neighborhood business had violated restrictions on its nonconforming use status and was required to close.

*Personnel Department, Inc. v. Professional Staff Leasing Corp.*, 297 Fed.Appx. 773 (10th Cir. 2008). We served as lead appellate counsel in securing affirmance of our client's multi-million dollar tortious interference judgment against defendants, and we also prevailed on our cross-appeal seeking prejudgment interest.

*Sarkisian v. City and County of Denver*, 2003 WL 22863118 (Colo. App., Dec. 4, 2003). The Court agreed with our client that plaintiff's attack on the City's designation of a local historic district was without merit.

*American Television & Communications Corp. v. Manning*, 651 P.2d 440 (Colo. App. 1982). In a case of first impression in Colorado, the Court adopted the common law tort of unfair competition, reversed the trial court, and granted injunctive relief to our client.

*Atmel Corp. v. Vitesse Semiconductor Corp.*, 30 P.3d 789 (Colo. App.), cert. denied (Colo. 2001). In this case of first impression, the Court vindicated our client's position on the interpretation of a non-solicitation clause in several employees' contracts, reversed a preliminary injunction against our client, and awarded our client attorneys' fees and damages.

*Bennett, et al. v. Greeley Gas Co.*, 969 P.2d 754 (Colo. App. 1998), cert. denied (Colo. 1999). The Court reversed a judgment of about \$6 million (including punitive damages) against our client, Greeley Gas, and granted a new trial on all issues, in this case arising from a natural gas explosion. This victory facilitated a favorable settlement of all claims.

*Helen G. Bonfils Foundation v. Denver Post Employees Stock Trust*, 674 P.2d 997 (Colo. App. 1983), cert. denied (Colo. 1983). In a case of first impression, the Court adopted standards for court approval of class actions in Colorado, and upheld an \$8.6 million recovery by our client.

*BRW, Inc. v. Dufficy & Sons, Inc.*, 99 P.3d 66 (Colo. 2004). The Court adopted our client's position that the economic loss rule barred a subcontractor's tort claims against the owner's design professional on a construction project.

*Relative Value Studies, Inc. v. McGraw-Hill Companies*, 981 P.2d 687 (Colo. App. 1999). The Court affirmed summary judgment in favor of our publishing client in a case involving important issues in the author-publisher relationship.

*Phillips v. U.S.*, 1994 WL 14084, 15 F.3d 1088 (9th Cir. 1994) (table decision). The Court affirmed the trial court's \$7.68 million award to our client under the Federal Tort Claims Act.

*Yacht Club II Homeowners Ass'n, Inc. v. A.C. Excavating, Inc.*, 94 P.3d 1177 (Colo. App. 2003), aff'd, 114 P.3d 862 (Colo. 2005). In a case of first impression, the Court held that our client, the homeowners association, had standing under Colorado's version of the Uniform Common Interest Ownership Act to pursue claims for construction defects on behalf of the homeowners and also rejected defendants' assertion that the economic loss rule barred the association's negligence claims.

## RECOGNITION

- Colorado Super Lawyers®, Appellate, 2006-2008, 2010-2013

## PROFESSIONAL AND CIVIC AFFILIATIONS

- American Bar Association, Member

Appellate Practice Committee, Section of Litigation

- Colorado Bar Association, Member  
Appellate Practice Subcommittee, Litigation Section
- Denver Bar Association, Member
- Colorado Historical Society, Member  
Board of Directors, 1991-present  
Vice Chairman, 1995-present
- Colorado Historical Foundation, Member  
Trustee, 1984-present  
Vice President, 1987 -present
- Capitol Hill United Neighborhoods  
Recipient of 2003 President's Award for outstanding service to the community