



Christina Gomez

Partner

555 17th Street, Suite 3200, Denver, CO 80202

P 303.295.8366

cgomez@hollandhart.com

Christina Gomez is an experienced and effective appellate advocate.

As a skilled appellate practitioner and chair of the firm's Appellate Practice Group, Christina carefully guides clients through the entire appellate process – from preserving issues in the trial court and determining whether and on what issues to take an appeal through appellate stay motions, briefing, oral argument, and other appeal proceedings.

Hundreds of appeals. Christina has been involved in hundreds of appeals spanning a broad range of issues in the federal 9th, 10th, and D.C. Circuit Courts of Appeals, the Colorado Supreme Court, and the Colorado Court of Appeals. She also has litigated matters before the U.S. Supreme Court and other federal and state appeals courts.

Recognized appellate experience. Christina is author of two chapters in the Colorado Appellate Handbook, co-editor of the Appellate Practice Column in *The Colorado Lawyer*, and co-chair of the Colorado Bar Association's annual Appellate Practice Update CLE. She often writes and presents on emerging issues in appellate law.

Dedicated pro bono efforts. Christina served on the committee that developed the Colorado Bar Association's Appellate Pro Bono Program, has chaired the program's screening committee since its inception in 2010, and now chairs the Appellate Pro Bono Task Force that is working to expand pro bono offerings in Colorado's appellate courts. Additionally, she has spent hundreds of hours on pro bono matters pursuing civil rights, constitutional claims, parental rights, and other issues.

Christina serves as Administrative Partner for Holland & Hart's Denver office. She also is an active member of both the firm's women's initiative (which she previously co-chaired for three years) and the firm's diversity committee.

Prior to joining Holland & Hart, Christina clerked for two years with the Honorable Charles A. Pannell, Jr. of the U.S. District Court for the Northern District of Georgia.

EXPERIENCE

Trial-Level Work

- Framing and preserving issues
- Class certification responses

PRACTICES

Commercial Litigation
 Appellate
 ERISA and Benefits Litigation
 Employment Litigation and Class Actions
 Environmental and Natural Resources Litigation
 Securities Enforcement and Shareholder Litigation
 State and Local Tax

EDUCATION

Harvard Law School, J.D., 2002
cum laude
Journal on Legislation, Editor
 Board of Student Advisers, Member
 VITA Service Program, Co-Chair

 Millsaps College, B.A., 1996
summa cum laude
 Phi Beta Kappa
 Circle K Service Organization, President

BAR ADMISSIONS

Colorado

COURT ADMISSIONS

U.S. District Court for the District of Colorado
 U.S. Court of Appeals for the Fourth Circuit
 U.S. Court of Appeals for the Ninth Circuit
 U.S. Court of Appeals for the Tenth Circuit
 U.S. Court of Appeals for the District of Columbia Circuit
 U.S. Supreme Court

- Dispositive motions
- Jury instructions and motions in limine
- Post-trial motions

Appellate Work

- Interlocutory appeals
- Stay motions
- Procedural issues
- Appellate briefs
- Oral argument
- Certiorari petitions and responses

CLIENT RESULTS

Banking Appeals

The Colorado Court of Appeals affirmed the dismissal of borrowers' claims against our client relating to the foreclosure process.

The Colorado Court of Appeals agreed with our banking client's position that a borrower could not enforce a right of first refusal entered into with the borrower's previous lender, where the record supported the trial court's conclusion that our client was a holder in due course of the note.

Bankruptcy Appeals

The Tenth Circuit reversed an order that would have limited guarantors' liability on a debt to the amount their company was expected to pay under its debtor's plan; as a result, our client was able to seek a full recovery of the underlying debt.

The U.S. District Court for the District of Colorado affirmed a bankruptcy court order in favor of our client relating to its purchase of property from the bankruptcy estate.

Commercial Litigation Appeals

The Ninth Circuit affirmed the trial court's entry of summary judgment dismissing our opponent's claim of anticipatory repudiation arising out of a real estate transaction.

The Colorado Court of Appeals upheld the district court's entry of judgment for our client on alter ego and fraudulent transfer issues.

The Wyoming Supreme Court affirmed the trial court's entry of judgment in favor of our client in a commercial dispute on res judicata grounds.

Constitutional Law Appeals

A federal court dismissed a lawsuit against county commissioners claiming violation of equal protection rights in the enforcement of county regulations.

Electric Power Appeals

The District of Columbia Circuit Court upheld a decision by the Federal Energy Regulatory Commission in our client's favor, thus affirming the justness and reasonableness of a lower rate for ancillary services than the electric utility initially had charged and confirming our client's entitlement to a refund of millions of dollars in overpayments.

Employment Appeals

The Tenth Circuit affirmed the dismissal on summary judgment of employment discrimination and retaliation claims asserted against our client under both federal and state law.

The Tenth Circuit affirmed the dismissal of a flight attendant's claims against our client, her former employer, due to preemption under the Railway Labor Act.

Environmental Appeals

The Ninth and D.C. Circuits agreed that states may challenge federal agency compliance with an Endangered Species Act provision requiring special consideration of state agency comments, although the courts found compliance with this requirement under the circumstances.

Family Law Appeals

The Colorado Court of Appeals agreed with our client's argument that the district court made some errors in the permanent orders, including failing to account for certain items in valuing the marital property and miscalculating the amount of monthly maintenance.

Probate Appeals

The Colorado Court of Appeals affirmed an order allowing the appointment of a receiver to manage the sale of a business asset, where our client, a protected person, had a large interest in the business and the other business partners were mismanaging the asset's sale.

The Colorado Court of Appeals affirmed an order in favor of our client, a protected person, on claims that the conservator had breached his fiduciary duties and committed civil theft.

The Wyoming Supreme Court agreed with our client's position that the district court had improperly and prematurely decided issues regarding the division of property in a trust.

The Colorado Court of Appeals agreed with our client's arguments that the probate court had prematurely dismissed his petition for appointment of a conservator and had abused its discretion in denying a request for a psychological evaluation of the respondent.

Securities Fraud Appeals

The Tenth Circuit affirmed the trial court's decision that our clients were not subject to an enforceable arbitration agreement relating to their claims for

securities fraud.

The Tenth Circuit affirmed the trial court's dismissal of a shareholder-derivative action against our client, determining the plaintiffs had not sufficiently alleged the futility of demand so as to excuse the pre-suit demand requirement.

Tax Appeals

The Colorado Supreme Court interpreted the state's property tax statute to permit our client to obtain an abatement and refund on taxes it had mistakenly overpaid due to an internal error.

The Colorado Supreme Court held that the state severance tax statute allows deduction for the cost of capital invested in transportation, manufacturing, and processing facilities.

The Colorado Court of Appeals ruled in favor of our client, who contested the city's assessment of sales and use tax on certain transactions.

Other Appeals

The Tenth Circuit affirmed the dismissal of most of the class claims asserted against our client, determining that those claims were preempted by the federal Airline Deregulation Act.

The Ninth Circuit affirmed a decision on an international child custody dispute arising under the Hague Convention.

The Wyoming Supreme Court affirmed an administrative ruling in favor of our client involving payment of claims for services provided to workers' compensation claimants.

The Colorado Court of Appeals rejected various attempts to set aside our client's domestication of a foreign judgment.

The Colorado Court of Appeals reversed a district court order that had set aside a quasi-judicial decision by our client, a board of county commissioners, under C.R.C.P. 106(a)(4) review.

Significant Pro Bono Appeals

The Colorado Supreme Court held that our client could assert a defense of laches to interest on child support arrearages sought 18 years after they were due, and well after the child had reached adulthood.

The Colorado Court of Appeals reversed the district court's adoption placement, following an adjudication of dependency and neglect, and remanded for proceedings to determine whether the child should be placed with our clients, the foster parents.

PUBLICATIONS

"Tenth Circuit Affirms Summary Judgment in Favor of Federal Bureau of Prisons," *Law.com*, Co-Author, 01/22/2020

"The Law of the Case Doctrine and Mandate Rule," *Law.com*, Co-Author, 11/20/2019

"Appellate Review of Unpreserved Issues," *Law.com*, Co-Author, 10/23/2019

"Standing Requirements in Federal Court," *Law.com*, Co-Author, 09/18/2019

"Staying Enforcement of a Judgment Pending Appeal," *The Colorado Lawyer*, May 2019

"Vexed and Perplexed: Reviewing Mixed Questions of Law and Fact on Appeal," *The Colorado Lawyer*, March 2018

"Disposition of Appeal" and "Post-Decision Procedures and Remedies," *Colorado Appellate Handbook Chapters*, 2009-2019

"Ten Things Every Trial Lawyer Should Know About Appeals," *Trial Talk*, April/May 2017

"Canons of Statutory Construction," *The Colorado Lawyer*, February 2017

"Appellate Traps for the Unwary," *Trial Talk*, April/May 2016

"Relying on Internet Sources in the Appeals Courts," *The Colorado Lawyer*, November 2015

"Preserving Issues in Civil Cases," *Trial Talk*, April/May 2015

"Finality and Attorney Fee Issues," *The Colorado Lawyer*, July 2014

"Outlines for Effective Brief Writing," *Trial Talk*, April/May 2014

"Whether, What and When to Appeal," *Trial Talk*, April/May 2013

"Ten Ways to Lose an Appeal," *Trial Talk*, April/May 2012

"When to File an Appeal," *Trial Talk*, April/May 2011

SPEAKING ENGAGEMENTS

"Fireside Chat," *Interview with Justice Jean Dubofsky, Colorado Bar Association Appellate Practice Update, Program Co-Moderator and Presenter*, November 2017

"Effective Appellate Writing," *Colorado Bar Association Appellate Practice Fall Update, Program Co-Moderator and Presenter*, November 2016

"Trial Versus Appellate Advocacy," *Colorado Bar Association Appellate Practice Update, Program Co-Moderator and Presenter*, November 2015

"Civil Law Update," *Colorado Judicial Conference*, September 2014

"Effective Oral Argument," *Program Moderator and Presenter, Colorado*

Bar Association Appellate Practice Update, December 2013

"Oral Argument: Mock Argument and Discussion," *Program Moderator and Presenter, Colorado Bar Association Appellate Practice Update*, December 2012

"Issue Spotting," *Colorado Parent Representation Appellate Training*, May 2012

"Stays, Bonds, and Trial Court Proceedings During the Appeal," *Program Moderator and Presenter, Colorado Bar Association Appellate Practice Update*, December 2011

"Appellate Advocacy and Issue Spotting," *Colorado Bar Association*, June 2011

"Finality of Judgments – When Does the Time to Appeal Start Running?," *Colorado Bar Association Appellate Practice Update*, December 2010

RECOGNITION

- *5280 Magazine* Top Lawyers, Appellate, 2015-2020
- Colorado Super Lawyers®, Appellate, 2018-2019
- Colorado Super Lawyers® Rising Stars, Appellate, 2010-2014
- Colorado Women's Bar Association, "Raising The Bar" Award Recipient, 2016

PROFESSIONAL AND CIVIC AFFILIATIONS

- Colorado Bar Association, Litigation Section, Appellate Practice Subcommittee, Member, 2009-present
- Colorado Bar Association Annual Appellate Practice Update CLE, Co-Chair, 2011-present
- *The Colorado Lawyer*, Appellate Practice Column, Co-Editor, 2014-present
- Judicial Nominating Commission, Seventeenth Judicial District of Colorado, Member, 2016-present
- Rocky Mountain Harvard University Club, President, 2016-2018, Treasurer, 2013-2016, Trustee, 2012-present
- Tenth Circuit Historical Society, Member, 2014-present
- Colorado Women's Bar Association, Member, Programs and Judicial Committees, Former Member
- Catholic Lawyer's Guild, Member, 2005-present
- Meals on Wheels, Firm Coordinator, 2006-2011, Volunteer, 2005-present