Holland & Hart

PRACTICES

Business Litigation
Stakeholder Disputes
Appellate
First Amendment

EDUCATION

University of Colorado Law School, J.D., 2013
Order of the Coif
University of Colorado Law Review, Volume 84, Editor-in-Chief
Courtland H. Peterson Leadership Award
Civil Procedure, Teaching Fellow

Westminster College, B.A., 2009
Political Studies and French
cum laude

BAR ADMISSIONS

Colorado

COURT ADMISSIONS

U.S. Court of Appeals for the Tenth Circuit
U.S. District Court for the District of Colorado

Jessica Smith

Partner

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An experienced trial strategist, Jessica handles high-stakes, complex disputes for large private and public companies. She also provides specialized guidance on First Amendment matters.

Trial Attorney: Jessica is an experienced trial attorney who brings a pragmatic perspective to litigation and trial, recognizing that clients must prioritize their operations during the course of these disputes. With a relationship-oriented approach, she works closely with clients to understand their business issues and builds a case strategy—from pleadings through complicated discovery and trial—that aligns with their short- and long-term goals. Jessica earns client trust through her astute judgment, effective case management, and tenacious advocacy. She litigates a broad range of issues in state and federal court and arbitrations, including breach of contract, fraud, intellectual property, labor and employment, real estate, and other business-related disputes.

First Amendment Counseling and Litigation: Jessica assists individuals, businesses, nonprofits (including religious institutions), and state and local governments to navigate First Amendment issues, from crisis response and litigation to policy development. She handles defamation and anti-SLAPP matters, along with other issues involving freedom of speech, religion, and the press. She helps clients evaluate risk and develop strategic responses to sensitive or hot button issues, particularly when reputational concerns are at stake. She also works with clients to develop policies, procedures, and other proactive risk management strategies.

Before joining Holland & Hart, Jessica was a judicial clerk for Justice Gregory Phillips of the United States Court of Appeals for the Tenth Circuit and Justice Gregory Hobbs of the Colorado Supreme Court.

CLIENT RESULTS

Business Litigation

Defeated a motion to dismiss in a case involving contract, intellectual property, and business tort claims in federal district court for a large housing company.

Secured a complete trial victory for a major aerospace company in a $70 million breach of contract and fraud lawsuit, successfully proving the client fulfilled its obligations under a complex technology development agreement.

Won a $4.9 million judgment including contractual interest for a national restoration company following a four-day bench trial against a global hotel chain and its insurer over payment disputes for emergency restoration services.

Successfully represented an air medical transport company for many years in multiple federal class actions alleging improper billing practices, securing dismissal of claims based on federal preemption arguments.

Obtained a $9.5 million settlement for a public company CEO in a severance dispute, successfully negotiating favorable terms and release from non-compete restrictions one month before a scheduled 12-day arbitration.

Successfully defeated a motion for temporary restraining order and preliminary injunction in a high-stakes membership dispute for a multimedia event hosting platform, leading to a favorable settlement.

Won summary judgment in favor of large national airline in a series of employment discrimination cases.

Cryptocurrency and Emerging Technologies

Achieved complete dismissal of a complaint against a software development company against a $100 million class action lawsuit related to an alleged cryptocurrency wallet breach, with dispositive motions pending.

Negotiated a favorable settlement following trial court victories for a software company accused of breaching a contract with a supplier.

First Amendment and Constitutional Law

Achieved a complete dismissal via summary judgment of claims against a Catholic priest accused of financial misconduct, successfully applying church autonomy doctrines.

Secured a motion to dismiss in a religious exemption case for professors at a major university related to the school's COVID-19 vaccination policy, successfully defending the policy against constitutional and ADA challenges.

Negotiated a favorable settlement for a state senator in a First Amendment case involving social media blocking of constituents, establishing clear guidance for elected officials' social media use.

Won reversal on appeal for a family in a human trafficking case, successfully defending the jury's verdict and punitive damages award.

Obtained complete dismissal of constitutional claims brought against a board of county commissioners related to land use and zoning requirements.

PUBLICATIONS

"In a Pointed Decision, the Tenth Circuit Addresses Waiver in the Context of Qualified Immunity," *Law.com*, July 26, 2024

"Tenth Circuit Reinforces Plain Meaning Rule in IRS Church Audit Protections Case," *Law.com*, May 28, 2024

"Tenth Circuit Tosses 'Bivens' Lawsuit Against U.S. Marshals, Offers Candid Assessment of Supreme Court Precedent," *Law.com*, March 13, 2024

"Tenth Circuit Sends Class-Action Plaintiffs to Arbitration Over Interpretation of Agreement," *Law.com*, November 17, 2023

"Tenth Circuit Rules That District Courts Cannot Reopen Cases Under Rule 60(b) That Have Been Voluntarily Dismissed Without Prejudice Under Rule 41(a)," *Law.com*, September 26, 2023

"Tenth Circuit Clarifies Application of the 'Continuing-Violation' and 'Repeated-Violations' Doctrines," *Law.com*, April 21, 2023

"Tenth Circuit Holds That Foreign Arbitration Award Still Subject to Confirmation in the US Despite Foreign Court's Post-Confirmation Annulment of Arbitration Award," *Law.com*, February 8, 2023

"Tenth Circuit Applies ‘Demanding' Materiality Standard to FCA False-Certification Claim," *Law.com*, October 11, 2022

"Tenth Circuit Adopts Expansive Reading of Express-Preemption Provision," *Law.com*, April 13, 2022

"The Tenth Circuit Reverses Qualified Immunity for University Official Under Rule 12(B)(6) in Student Speech Case," *Law.com*, February 16, 2022

"Tenth Circuit Clarifies an Ambiguity in the Final Judgment Rule," *Law.com*, December 14, 2021

"Tenth Circuit Deepens Circuit Split on the Lanham Act's Extraterritorial Scope," *Law.com*, September 20, 2021

SPEAKING ENGAGEMENTS

"Voices Heard: Crafting Effective Public Comment Policies," *National Association of Public Pension Attorneys (NAPPA) Summer Conference*, June 24, 2025

"Women in Trial," *National Institute for Trial Advocacy (NITA) Faculty Member*, September 20-22, 2023

RECOGNITION

- *Best Lawyers: Ones to Watch® in America*, Appellate Practice, 2023-2025; Commercial Litigation, 2021-2025
- Colorado Super Lawyers® Rising Stars, Business Litigation, 2019-

2026

- *Chambers USA,* Litigation: General Commercial, Up and Coming, 2026
- *5280 Magazine* Top Lawyers, Commercial, 2025; Media/First Amendment, 2023, 2024, 2026

PROFESSIONAL AND CIVIC AFFILIATIONS

- Colorado Bar Association, Member
- Denver Bar Association, Member
- Colorado Women's Bar Association, Member
- Faculty of Federal Advocates, Member
- University of Colorado Law Review, Alumni Advisory Board
- TerraLex Leadership Program, 2024