



## Franz Hardy

### PARTNER

Denver

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### RELATED SERVICES

- Professional Liability Defense
- Insurance
- Energy & Natural Resources
- Commercial Litigation
- Life, Health, Disability & ERISA
- Trial Practice

### OFFICES

- Denver

### OVERVIEW

Franz Hardy serves as the Co-Managing Partner of the Denver office. He is a trial attorney with over two decades of experience. He has an active state and federal trial court practice, in addition to handling numerous precedent-setting appeals.

Franz works closely with clients to develop a sound legal strategy. While recognizing that most cases resolve, he believes that creating an early litigation plan often times results in favorable resolution. This strategy involves the efficient and effective use of pre-trial tools and, if necessary, ultimately prepares the matter for trial.

Franz has held various leadership positions within in the legal community, including as past president of the Denver Bar Association, past president of the Asian Pacific American Bar Association of Colorado, and former chair of the University of Colorado Law School Alumni Board. He has served and continues to serve on several non-profit boards. Further, as Co-Chair of the firm's Diversity Committee, he is

responsible for guiding the firm's award-winning commitment to diversity and inclusiveness across the country.

Franz is a frequent author and lecturer on various topics affecting attorneys and the practice of law, including ethics, privileges, confidentiality, and diversity.

## REPRESENTATIVE EXPERIENCE

### Representative Experience

Examples of Franz's extensive experience include the following:

- Obtained defense verdict on claims against accounting firm involving allegations of financial record manipulation and perjury.
- Obtained voluntary dismissal of all claims against law firm after completion of jury voir dire.
- Obtained defense judgment affirmed on appeal in dispute involving property rights within transmission line easement.
- Obtained defense judgment affirmed on appeal in dispute over healthcare benefits subject to ERISA.
- Obtained defense judgment affirmed on appeal in dispute involving utilities installed in residential developments.
- Obtained defense judgment for attorney in dispute with opposing party regarding personal injury claims.
- Obtained defense judgment for attorney in dispute with opposing party regarding business interference and defamation claims.
- Obtained defense judgment affirmed on appeal in dispute involving commercial natural gas service.
- Obtained defense judgment for claims adjusting company in dispute with insured property owner and award of attorney's fees.
- Obtained defense judgment for majority member in dispute with minority members regarding sale of business.
- Obtained defense judgment in benefits dispute by employee against large aircraft manufacturer.
- Obtained defense judgment in benefits dispute by employee involving large brewing company.
- Obtained dismissal of lawsuit brought by hospital against insurer for denial of healthcare benefits.
- Obtained dismissal of streetlight operator in lawsuit involving catastrophic personal injury accident.
- Obtained dismissal of lawsuit in benefits dispute involving federal law preemption over state insurance laws.
- Obtained defense verdict in lawsuit involving property damage to underlying utilities brought by large telecommunications company.
- Obtained defense judgment for insurer in garnishment action brought by claimant bank, which received judgment against insured.

### Selected Published Decisions

- *Nicola v. Grand Junction*, 544 P.3d 120 (Colo. App. 2023) (wrongful death and survival claims)
- *Cuevas v. Public Service Company of Colorado*, 537 P.3d 418 (Colo. App. 2023) (utility high voltage safety and tariffs)
- *Chung v. Lamb*, 73 F.4th 824 (10th Cir. 2023) (professional liability)
- *Environmental Defense Fund v. Colorado Department of Public Health and Environment*, 524 P.3d 334 (Colo. App. 2022) (greenhouse gas reduction)
- *Weiss v. Banner Health*, 846 F. Appx. 636 (10th Cir. 2021) (ERISA) (*appeal from* 416 F. Supp.3d 1178 (D. Colo. 2019))
- *Chung v. Lamb*, 794 F. Appx. 773 (10th Cir. 2019) (professional liability)
- *Carestream Health, Inc. v. Colorado Public Utilities Commission*, 396 P.3d 669 (Colo. 2017) (business dispute)
- *Development Recovery Company, LLC v. Public Service Company of Colorado*, 410 P.3d 1264 (Colo. App. 2017) (business dispute)
- *Liebel v. Aetna Life Ins. Co.*, 595 F. Appx. 755 (10th Cir. 2014) (ERISA)
- *Rall v. Aetna Life Ins. Co.*, 565 F. Appx. 753 (10th Cir. 2014) (ERISA)
- *Walden v. Metropolitan Life Insurance Company of America, Inc.*, 75 F. Supp. 3d 1320 (D. Colo. 2014) (ERISA)
- *Timm v. Prudential Insurance Company of America*, 259 P.3d 521 (Colo. App. 2011) (ERISA)
- *TMJ Implants, Inc. v. Aetna Inc.*, 498 F.3d 1175 (10th Cir. 2007) (business dispute)
- *Stauffer v. Stegemann*, 165 P.3d 713 (Colo. App. 2006) (legal malpractice)
- *Colo. Intergovernmental Risk Sharing Agency v. Northfield Ins. Co.*, 183 F. Appx. 771 (10th Cir. 2006) (insurance coverage)
- *TMJ Implants, Inc. v. Aetna Inc.*, 405 F. Supp. 2d 1242 (D. Colo. 2005) (business dispute)
- *Rantz v. Kaufman*, 109 P.3d 132 (Colo. 2005) (legal malpractice *amicus curiae*)
- *Morrison v. Goff*, 91 P.3d 1050 (Colo. 2004) (legal malpractice *amicus curiae*)
- *Cyprus Amax Minerals Company v. Lexington Insurance Company*, 74 P.3d 294 (Colo. 2003) (insurance coverage)
- *Henderson v. MasterKlean Janitorial, Inc.*, 70 P.3d 612 (Colo. App. 2003) (premises liability)
- *White v. Denver Seminary*, 157 F. Supp. 2d 1171 (D. Colo. 2001) (civil rights)

### PUBLICATIONS

- The Attorney Work Product Doctrine: Its History and Application, Vol. 50, No. 4, *Colorado Lawyer* 30 (2021)
- Proceed with Caution: Considerations in Assessing the Application of the Attorney-Client Privilege with Former Employees, Defense Research Institute, *In-House Defense Quarterly* (Spring 2018)

- Making a Mountain Out of a Molehill: Claims for Breach of Fiduciary Duty When Based Upon a Denial of Benefits, Defense Research Institute, *ERISA Report*, Vol. 13, Issue 1 (May 2018)
- The End of Uncertainty: The Colorado Supreme Court Adopts the Plausibility Pleading Standard, Vol. 46, No. 2, *Colorado Lawyer* 27 (2017)
- The Notice-Prejudice Rule and Claims-Made Insurance Policies: The Colorado Supreme Court Speaks, Vol. 44, No. 11, *Colorado Lawyer* 71 (2015)
- Meaningful Considerations: Diverse and Inclusive Recruitment Efforts, *Defense Research Institute, For the Defense* (June 2014)
- Considering Diversity in Recruiting Efforts, *Law Week Colorado* (March 24, 2014)
- Defending Transaction-Based Professional Negligence Cases, Vol. 6, Issue 1, *Professional Liability Defense Quarterly* (Winter 2014)

## PRESENTATIONS

- Where Are We Now: Eliminating Bias, Ethical Considerations, and DEI after *Students for Fair Admissions v. Harvard*, GRSM Legal Education Conference, New York, NY, May 2024
- Where Are We Now: Eliminating Bias, Ethical Considerations, and DEI after *Students for Fair Admissions v. Harvard*, GRSM Legal Education Conference, Hartford, CT, April 2024
- Program Panelist, Through the Looking Glass: Ethics & the Elimination of Bias in Legal Representation, GRSM Legal Education Conference, New York, New York (May 4, 2023)
- Program Panelist, Through the Looking Glass: Ethics & the Elimination of Bias in Legal Representation, GRSM Legal Education Conference, Hartford, CT (May 2, 2023)
- Program Panelist, Finding Hope, Finding Your People, and Finding Your Voice in the Legal Profession, University of Denver Sturm College of Law, Denver, Colorado (April 5, 2023)
- Program Panelist, The New Equity, Diversity, and Inclusivity Requirement, Colorado Defense Lawyers Association, Denver, Colorado (November 1, 2022)
- Program Co-moderator, Alternative Dispute Resolution and Settlement, GRSM Associates and Senior Counsel Training Practicum, Denver, Colorado (July 28, 2022)
- Program Panelist, Effective Approaches for Dealing with Discovery Disputes, Colorado Bar Association, Denver, Colorado (December 7, 2021)
- Program Panelist, The Benefits of Becoming a Bar (Association) Junkie, Colorado Attorney Mentoring Program, Denver, Colorado (November 17, 2021)
- Program Panelist, Inclusion and Diversity Discussion, Xcel Energy Inclusion and Diversity General Counsel Team, Denver, Colorado (April 8, 2021)
- Program Panelist, Trials During the Pandemic: Observations From Three Trials, GRSM National Professional Liability Webinar Series (December 17, 2020)
- Program Panelist, The Road to Rainmaking, Colorado Attorney Mentoring Program, Denver, Colorado (April 16, 2020)

- Guest Speaker, Representing Diverse Communities on a National Stage, Collaborative Bar Leadership Academy, Denver, Colorado (June 24, 2019)
- Program Moderator, What Every Claims Professional Should Know in Evaluating Professional Liability Damages, GRSM Legal Education Conference, New York, New York and Hartford, Connecticut (May 7 and 9, 2019)
- Guest Speaker, Professionalism and Ethics in a Large Law Firm, University of Colorado Law School Professionalism and Ethics, Boulder, Colorado (April 15, 2019)
- Guest Speaker, Overcoming Early Obstacles and Challenges, Law School Yes We Can, Holiday Fiesta, Denver, Colorado (January 7, 2019)
- Interviewee, Managing Partners Roundtable: Changing Times, Law Week Colorado, Denver, Colorado (December 12, 2018)
- Program Moderator, Negotiation/Mediation Skills and Techniques, Colorado Bar Association, Colorado Litigators' Summit (October 26, 2018)
- Interviewee, Alone at the Top, Law Week Colorado, Denver, Colorado (June 6, 2018)
- Program Panelist, Loose Lips Still Sink Ships: Avoiding Professional Liability Pitfalls in the Modern Communication Age, GRSM Legal Education Conference, New York, New York and Hartford, Connecticut (May 2 and 4, 2018)
- Guest Speaker, Professionalism and Ethics in a Large Law Firm, University of Colorado Law School Professionalism and Ethics, Boulder, Colorado (April 25, 2018)
- Program Panelist, Litigation Management Roundtable, American Bar Association Section of Litigation Corporate Counsel Committee, La Quinta, California (February 15, 2018)
- Program Moderator, The State of Diversity in the Colorado Legal Profession: The Perspective of the Bar Associations, Colorado and Denver Bar Associations, Denver, Colorado (January 16, 2018)
- Program Panelist, The Blame Game: The Rising Stakes in Professional Liability Claims, GRSM Legal Education Conference, New York, New York (May 2, 2017)
- Program Panelist, Oh the Places You'll Go: Career Paths with a JD, University of Denver Sturm College of Law, Denver, Colorado (September 23, 2016)
- Guest Speaker, Do's and Don'ts of Oral Argument, University of Colorado Law School Advanced Appellate Advocacy, Boulder, Colorado (September 22, 2016)
- Program Presenter, Hanging Your Shingle Seminar, Managing Your Malpractice Exposure, Colorado Bar Association, Denver, Colorado (August 19, 2016)
- Program Moderator, The Sum of All Parts: Why Diverse Legal Teams Get Better Results, Defense Research Institute's Diversity for Success Seminar (June 9, 2016)
- Guest Speaker, Diversity and Inclusiveness in the Legal Profession, Minoru Yasui Inn of Court (March 10, 2016)
- Guest Speaker, Diversity in Law, Regis University Diversity and Leadership Summit (February 11, 2016)

- Guest Speaker, Do's and Don'ts of Oral Argument, University of Colorado Law School Advanced Appellate Advocacy (September 29, 2015)
- Program Panelist, Fostering an Inclusive Community, University of Colorado Law School (August 20, 2015)
- Seminar Chair, Defense Research Institute's Diversity for Success Seminar (June 11-12, 2015)
- Program Co-Presenter, Better Deal or No Deal: Causation in Transactional Malpractice Cases, GRSM National Professional Liability Webinar Series (May 13, 2015)
- Program Moderator, The Sums of All Parts: Why Diverse Legal Teams Get Better Results, Defense Research Institute's Life Health Disability and ERISA Seminar (April 16, 2015)
- Program Panelist, How to Handle Diversity and Inclusiveness in the Workplace, University of Colorado Law School (March 12, 2015)
- Program Panelist, Where Are We Now? Understanding the Ever-Evolving Landscape of ERISA, GRSM Legal Education Conference (January 22, 2015)
- Program Moderator, Fostering an Inclusive Community, University of Colorado Law School (August 21, 2014)
- Program Moderator, So You Made Partner, What Next?, Defense Research Institute's Diversity for Success Seminar (June 12, 2014)

## CREDENTIALS

### Admissions

- Colorado
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Tenth Circuit
- U.S. Supreme Court

### Memberships

- Legal Aid Foundation of Colorado (Board of Trustees)
- Colorado Legal Services (Board of Directors)
- Arguello Dream Catchers - Law School Yes We Can (2018-2022 Board of Directors)
- Denver Bar Association (2017-2018 President)
- Colorado Bar Association (2017-2018 Executive Council)
- Colorado Supreme Court Board of Law Examiners' Character and Fitness Committee (2015-2019)
- Asian Pacific American Bar Association of Colorado (2012-2013 President)
- University of Colorado Law School Alumni Board (2015-2016 Chair)
- American Bar Association – Section of Litigation (former Co-Chair of Content Management Committee, former Co-Chair of Diversity Committee, and former Co-Vice Chair Committee on Corporate Counsel)

- Center for Legal Inclusiveness (2008-2013 Board of Directors)
- DRI-The Voice of the Defense Bar (2015 Diversity for Success Conference Program Chair)
- Sam Cary Bar Association
- Colorado Lesbian Gay Bisexual Transgender Bar Association
- Colorado Women's Bar Association
- Colorado Hispanic Bar Association

### **Community Involvement**

Beyond involvement in several non-profit organizations, Franz enjoys helping the next generation of law students and new lawyers find successful and rewarding legal careers. He regularly meets with students and new lawyers in formal and informal settings to assist in their career development. He also participates in a variety of speaking engagements and mentoring programs in this area. Franz has also worked with officials in Colorado's law schools, leaders of local bar associations, and prominent area lawyers to address diversity and inclusion efforts in the legal profession.

### **Education**

- J.D., University of Colorado School of Law, 2000
- B.A., Political Science, Colorado State University, 1996

### **Honors**

- *Best Lawyers in America*® "Lawyer of the Year" distinction in Professional Malpractice Law – Defendants (2023)
- *Best Lawyers in America*® distinction in Commercial Litigation (2020-2025), Professional Malpractice Law – Defendants (2016-2025)
- *Super Lawyers*® (2014-2024) in the fields of Civil Litigation Defense, Professional Liability Defense and Employment Litigation Defense – The Top 100 (2016-2019; 2021-2023)
- *5280 Magazine Top Lawyer* in the field of Commercial Litigation (2022-2023)
- *Benchmark Litigation U.S.*, "Litigation Star" distinction in Commercial and Professional Liability (2023-2024)
- Colorado State University Juris Doctor Governor Bill Ritter Public Service Award (2018)
- Richard Marden Davis Award (2012)