

Julian Ellis

Brownstein attorney approaches litigation and appellate law with a game plan

JESSICA FOLKER
LAW WEEK COLORADO

As a boy, Julian Ellis would study footage from the high school football games his father coached. From age five or six, Ellis took notes, thought through the strategy for next week's game and analyzed where players were on the field at different times.

"I think it was that base that created the interest in litigation for me, because I think of a case as a football game," said Ellis, an associate at Brownstein Hyatt Farber Schreck.

"You run a play, something happens, and you have to come back to the huddle and re-strategize to figure out what you're going to do next. And then you go and execute it, and you come back," he said. "It's about working with a team and constantly changing circumstances."

Ellis went on to play for his dad's team during high school. Around the same time, he started thinking about possible career paths. "I always knew, going through the latter years of high school and college, that I wanted to do something that I could use my mind and my thinking to earn a living," said Ellis, who grew up in a "blue collar farming family" in rural Georgia.

After college, he started working in financial services in Denver — he'd wanted to move to Colorado since visiting an aunt and uncle in the state as a child. Ellis later enrolled at the University of Den-

law, which makes up about half of his work during election years, he represents political parties, candidates and others with a stake in election outcomes. His other clients include trade groups, corporate clients and groups and individuals with "an interest in suing the government," and his litigation practice is split about evenly between plaintiff and defense work.

This election season has already brought some big legal victories. Ellis represented business coalition

"I was actually in the mountains, and I got a call on a Saturday evening that said we're going to be filing a case on Monday morning against the Polis administration," he said. Ellis rushed back to Denver, and he and his Brownstein colleagues drafted the documents and filed the lawsuit in about 36 hours.

In the past year, Ellis was counsel of record on amicus briefs in four cases before the U.S. Supreme Court, including Colorado's "faithless electors" case, *Baca v. Colorado Department of State*.

He filed an amicus brief on behalf of the Colorado Republican Committee in support of the state in what he said was "a fun bipartisan case in which everyone came together in support of a similar cause and got a great result from the Supreme Court."

"I think the most exciting thing for me is really to see the appellate practice that I wanted to build start to blossom," Ellis said of his accomplishments in the past year.

"It's hard to be an appellate practitioner here in Colorado just because, outside of government work, there's not a lot of the work," he said. "And I've had the opportunity to work on

18 different appeals and five different appeals before the US Supreme Court."

Ellis started his legal career as a clerk for 10th Circuit Court of Appeals Chief Judge Timothy Tymkovich — in his words, "one of the best jurists, if not the best jurist, in all of Colorado."

"He was an election law attorney," Ellis said. "And he just instilled in me an interest in this area of the law that survived my clerkship."

He ended up where he is now in part because of another former clerk for Tymkovich, Brownstein shareholder Chris Murray, who he said is "one of the primary reasons" he ended up at the firm.

Ellis said he's also proud of his pro bono work in a prisoner's rights case before the 10th Circuit. His client, an inmate in Oklahoma, claimed the prison he was in was overcrowded and was rationing food, and he had lost over 20 pounds in less than four months. The case had been pending since 2014, according to Ellis, but last May the 10th Circuit reversed the lower court's dismissal, and he continued to represent the client on remand.

"It's been a fight from the very beginning, and we're waiting on a ruling now," he said. The man is scheduled to be released from prison in February, and it's unlikely the case will be resolved before then. However, the client calls or writes about every other week, Ellis said, and "he's so appreciative of the time and effort I'm putting into his case."

He added the man is a voracious reader and asks for copies of law review articles on different topics. "I wouldn't be surprised at all if he finds his way to some area of the law after he gets out in February," Ellis said.

"Those are the things that you remember when this career is over."

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— Julian Ellis

ver Sturm College of Law, and he was admitted to practice in November 2014.

At Brownstein, he practices a mix of election law, appellate law and traditional litigation. For election

Colorado Concern and University of Denver chancellor emeritus Dan Ritchie in their successful challenge to Governor Jared Polis's executive order allowing remote signature gathering for ballot measures.



Julian Ellis

LAW FIRM: Brownstein Hyatt Farber Schreck
| Associate

PRACTICE AREA: Appellate, Litigation,
Election Law.

PRE-LAW CAREER: Before the Law: Worked
in the financial services industry for five
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DA DEBATE

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generated more agreement between Kellner and Padden. Both asserted the state's criminal justice system needs to accept that a problem exists, but the candidates parted ways on how to address it.

While Kellner urged continued attention to unconscious bias training for prosecutors and Padden concurred that such education is valuable, she pushed for more careful examination of data to discern where racial disparities in prosecutions occur.

"We need to look at our filing decisions, about whether we're asking for cash bail, about whether we're offering pleas, what sentences we're asking for, about diversion," Padden said.

Kellner disputed that perspective, emphasizing that district attorneys

can only react to crimes.

"By the time the DA's office comes into play, though, it's after a crime has been committed," he said. "It's well beyond a lot of the earlier intervention points, and we have an obligation as district attorneys to try and seek justice in that case and to have a fair process for the defendant. You have to address the harm that was caused in that particular case."

Debate moderator Leanne Wheeler, an Aurora activist and former city council candidate, pushed Padden and Kellner to discuss whether changes to the state's habitual offender statute are needed.

Kellner was non-committal while Padden said she supports the idea.

"We've learned that the philosophy of locking people and throwing away the key just doesn't work," she explained. "These habitual offender stat-

utes are very harsh and, in my view, unnecessary."

Under a statute enacted in 2002, individuals who are convicted of three violent crimes and certain drug offenses within 10 years must serve at least 40 years in prison.

Wheeler also raised the question whether the next DA for Arapahoe, Douglas, Elbert and Lincoln counties would commit to a policy of considering immigration status before making filing decisions.

While Kellner explained that he thinks a written policy addressing offender immigrant status would conflict with the imperative of considering each case on its merits, Padden did not hesitate to make the promise.

"Treating everyone equitably does not mean treating everyone the same," she said.

The candidates expressed a com-

mon view on whether they would prosecute police officers who violate the law.

"We're showing that everybody is accountable under the law," Kellner said. He mentioned several cases in which Brauchler's office has charged elected sheriffs.

Padden pointed out that a willingness to hold police officers accountable is an essential tool for maintaining public trust.

"There's obviously a concern in the community that police officers haven't been held accountable when there's been misconduct," she said.

Padden and Kellner were also unanimous in their commitment both to public safety and to concern for victims.

"The top priority has to be community safety in all circumstances," Padden said. •

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HEMP UPDATE

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search and development as opposed to commercial production. In the 2018 bill and interim final rule, there was no provision for research and development for treating this type different in terms of sampling.

And 2019 held some interesting results for the industry. Last year, the CDA saw a tremendous increase in the number of registrants, and as a result,

the market became flooded, she said. The CDA has also seen a large drop-off in the number of farmers who registered to be in the program, and quite a few registered, and it does not appear that everyone who registered actually planted for a variety of reasons, she said.

"And one of the driving factors we believe is that saturation of the market," Pottorff said. "A lot of people have reported to us they have product from 2018 still sitting on their proper-

ty — and no market for it."

Pottorff also noted that the Colorado Hemp Advancement & Management Plan, or CHAMP, report is slated to be released later this year. The report was supposed to be released in the spring of this year, however, due to COVID-19, the report release was pushed back, she said.

The state webpage explains that the initiative includes developing blueprints for the full supply chain in order to identify legislative and regulatory

development, department resources, industry guidelines and support areas, research and advancement needs and opportunities and center of excellence development.

In the coming year, the agriculture department will continue to work with the USDA on the behalf of Colorado hemp producers to implement as many recommendations from CHAMP stakeholders as possible in the state's plan. •

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NATALIE HAUSKNECHT

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global giants, requiring the production of millions of documents. She has also helped multinational companies analyze their corruption risks and ensure compliance with the Foreign Corrupt Practices Act.

"I'm lucky to be at a firm like Gibson Dunn," she said, noting not only the firm's major corporate work but also its support for attorneys' pro bono passions, such as her own work on behalf of a refugee from Belarus whom she helped fight removal from the U.S. "I take pleasure in knowing I can use my law degree to help people in a situation that is confusing or intimidating."

Hausknecht said she was driven to pursue a career in law because of the personal interactions with the law she had seen. But through her legal career, she has had large-scale experience and a deep impact for her clients, be they governmental leaders or multinational corporations. •

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RACHAEL MILLION-PEREZ

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there are options to connect and recognize each other.

"Sometimes you just need that one person to go to bat for you," Million Perez said. "That one person to lift you up for that moment, and that's what I'm hoping we can do at WilmerHale, in Denver — I'm trying to do that at as many levels as I can."

One of her major goals for her career is to continue to develop her skills and legal practice to deliver more to clients and her firm. For the time being, she plans to keep trying at being the best she can be and give back to her multiple communities.

One piece of advice she offered to new attorneys was to build up a team. She encouraged attorneys to think about who a better legal writer or trial lawyer might be and to exercise those skills. "Very rarely are we working in a silo, and if you don't know your weaknesses or strengths — you're not going to get anywhere." •

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ANNIE MARTINEZ

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chip away at the system."

Martinez doesn't shy away from leadership roles, either. She is one of the youngest people to serve as CHBA president. And in 2019, she launched a bid for Denver City Council, earning about 15% of the vote against candidates with far more money.

"It was really cool," she said of running for office. "I hope to do it again. I'm not sure when or what."

One of the issues she ran on was opposing the city's camping ban, and she spent much of her campaign educating people in the community about the ban and explaining why they should oppose it. More recently, she rallied the CHBA and other local bar associations to pressure the Colorado Supreme Court to keep the state's eviction courts closed during the pandemic.

"They didn't do it," she said. "But I thought that was a really, really unique coming together to ask them something that I don't think the bar associations have even done before." •

Housing issues are personal to

Martinez, who ended up couch surfing and sleeping in her car for a while after a bad break-up a couple years ago. Her mother begged her to return to Miami, but Martinez was determined to persevere in Colorado. "I'll survive. I'm better off than most. I'm sleeping in a nice car," she reassured her mom. "It could be way worse."

Martinez's tenacity and resolve power her through a demanding caseload, volunteer and pro-bono work through her firm and organizations such as Mi Casa Legal Clinic, Project Safeguard and the National Lawyers Guild.

On top of it all, she's completing an online PhD program in public policy and administration, with a focus on criminal justice. Martinez said her practice and running for office have taught her that while she has some of the tools needed to recognize problems and offer some solutions, there's still more to learn.

"I don't think I know everything yet," Martinez said. "And I really wanted to get a better understanding of how policy is made, how that's influenced, and how people work in that area." •

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JULIAN ELLIS

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Since graduating from DU Law, he has participated in the law school's mentoring program. His seven mentees' interests range from public interest litigation to academia and, he said, "I learn as much from them as they learn from me."

As for what the future holds, Ellis said he's focusing on his work at Brownstein. "I try not to plan too far ahead in advance because I never can predict what the next step or layer is, especially in election work," he said.

If the opportunity presented itself, he said, he'd consider a path to the bench.

"But one can never plan on a career as a judicial officer," he said. "The opportunity finds you. You don't find it."

Ellis's father retired after nearly four decades as a football coach and now spends most of his time in Colorado.

The two spend a lot of time together, often watching football.

"Even though he doesn't know a lot about what I do, we can talk in a similar language and we can share war stories, and he knows what I'm going through," Ellis said.

"If I tell him, 'Hey, I can't come up to the mountains this weekend. I'm in trial prep,'" he said, "He'll say, 'Oh, I've been there. I understand.'" •

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