



Hubert A. Farbes, Jr.

Shareholder

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Denver, Colorado

An experienced attorney and skilled litigator, Hubert Farbes handles disputes arising from construction, regulatory and natural resources law. His work includes some of the nation's most challenging development and land use topics, among them public-private partnership developments, resolution of environmental impediments to redevelopment, especially on formerly used defense sites, and commercial construction defects dispute resolution.

With deep experience in infrastructure project development in both the public and private sectors, Hubert knows construction and development from every side. He has represented a wide variety of clients, including commercial and residential developers, design and engineering companies, regulated utilities, lenders and insurers, and local, regional and state governments—all in development related disputes ranging from project development to contract performance to insurance coverage. His broad range of civil trial experience includes an impressive 100-plus litigated matters in the state courts of California, Colorado, New Mexico, Texas and Wyoming, in the Court of Federal Claims, and in the U.S. District Courts of California, Colorado, Florida, Louisiana, the District of Columbia, Kansas, New Mexico and Nevada.

Hubert is the chairman of the firm's Pro Bono Committee.

Previous Experience

First Assistant Attorney General for Natural Resources, State of Colorado

Practices

Commercial Litigation, Construction, Environmental & Remediation

Public Project Development

Hubert has a range of experience as counsel to both the competitors for and the agency managers of public-private partnership (P3) initiatives in California and Colorado, and is uniquely qualified to assist the development of P3 project concessions models including Design-Build ("DB") and Design-Build-Finance-Operate-Maintain ("DBFOM") for revenue-producing public infrastructure. Hubert served as counsel to DB developers of the Denver International Airport terminal and concourse, the E-470 Public Highway (Denver metro beltway), and the T-REX Project (Denver's primary highway-light-rail corridor), and represented the City and Port of Long Beach, California in formulation of DBFOM enterprises (redevelopment of the Long Beach Civic Center Complex, and zero-emissions transport systems, respectively).

Private Project Development

Hubert serves as contract formation and dispute management counsel for many of the region's major private developers. He currently represents the master developer for Denver's former Stapleton Airport site, the developer partnership for DBFOM renovation and re-development of the historic Union Station structure in downtown Denver, the Master developer for the "new town" development at Sterling Ranch, and a variety of other private development entities in Colorado, New Mexico, Nevada and southern California.

FUDS/BRAC Redevelopment

Hubert is one of a handful of attorneys in the country to secure a FUDS (Formerly Used Defense Site) cost recovery judgment against the United States in the U.S. Court of Federal Claims; and he has represented a series of private developers in asserting and resolving such claims in U.S. District Courts in multiple jurisdictions. He has recently represented, or currently represents clients in multi-million dollar environmental remediation and cost recovery matters in Colorado and Florida.

Representative Matters

- Negotiated execution of \$60 million initial cost-plus GMP agreement for construction and renovation of casino.
- Negotiated execution of \$16 million EPC agreement for construction of solar array supporting petroleum extraction field.
- Represented Forest City Enterprises in successful appeals (Colorado Court of Appeals and Colorado Supreme Court) regarding master developer liability in Colorado.
- Represented the Port of Long Beach, CA and the City of Long Beach, CA, in DBFOM procurement proposals (zero-emissions container movement system, Long Beach Civic Center).
- Represented construction contractors for Colorado's \$1.8 billion T-REX highway and light rail expansion project, as well as for the state's \$845 million E-470 Public Highway Project, the \$425 million Northwest Parkway Public Highway Project, and the (ongoing) \$1.1 billion Central 70 Project for expansion and reconstruction of I-70 through Central and East Denver.
- Counseled on contract formation, design and construction claims resolution, and litigated cases related to the Denver International Airport Terminal and Concourse C Project, Colorado's Jefferson County Government Center Project, the Black Hawk Casino by Hyatt Project, the Denver Convention Center Hotel Project, the Ray Nixon Power Plant (Colorado Springs, CO), and the \$240 million Denver Convention Center Hotel Project.
- Represented private property owners in successful cost recovery claims against U.S. Dept. of Defense for remediation of contamination conditions of Formerly Used Defense Sites in the US District Courts and the U.S. Court of Federal Claims.

Community

Board of Directors, (Secretary, 2013-14, Chairman, 2016-20), Rocky Mountain Public Broadcasting Network (RMPBS)

Board of Directors, (Chairman, 2009 - 2014) Denver Health and Hospital Authority

Emeritus Board Member, Center of the American West at University of Colorado

Board of Directors (President, 2006-2011), Stapleton Foundation

Former President, Denver Bar Association

Former Three-Term Member, Board of Governors, Colorado Bar Association

Former Trustee, Denver Museum of Nature and Science

Former Two-term Member and President, Denver Board of Water Commissioners

Former Two-term Member and Chair, Colorado Board of Parks and Outdoor Recreation

Former Board Member, Grinnell College Alumni Association

Publications & Presentations

- High Court Rules in Favor of CO Land Developers, Co-author, *Law Week Colorado*, May 1, 2017
- Rogers v. Forest City Ruling, *Brownstein Client Alert*, November 24, 2015

Education

- J.D., 1972, Yale Law School
- B.A., 1969, with honors, Grinnell College

Admissions

- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. District Court, District of Colorado
- U.S. Supreme Court
- U.S. Court of Federal Claims
- Boards of Contract Appeals for the United States Military Services and Departments of Interior and Energy
- U.S. Court of Military Appeals
- Supreme Court of Connecticut
- Supreme Court of Colorado

Recognition

Executive Committee, Mayor Michael Hancock's Denver GO Bond Process, 2017

Best Lawyers in America, Colorado Lawyer of the Year, Litigation - Construction, 2016

5280 Top Lawyers, Construction Law, 2015-2017

Best Lawyers in America, 2013-2019

Chambers USA, 2008-2018

Colorado Super Lawyers

Co-Chair, Mayor John Hickenlooper's Infrastructure Priorities Task Force Executive Committee, 2006-2007

Governor Elect Bill Ritter's Transition Team, Colorado Department of Natural Resources, 2006

Governor Bill Ritter's Business Advisory Council, 2007-2008

Co-chair, Mayor John Hickenlooper's Transition Team for Denver Public Works, 2003

Co-chair, Design and Construction Committee, Denver's Justice Center Task Force, 2004

Chair, Governor Roy Romer's Fatherhood Initiative, 1999-2000

Membership

American Bar Association

Colorado Bar Association

Denver Bar Association

National Association of Bar Presidents

Sam Cary Bar Association