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Dr. J. Kirk McGill, Esq.

Special Counsel

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J. Kirk McGill is Special Counsel stationed in the firm's Denver Office but practices throughout the country in essentially all of the firm's practice areas. Kirk leverages his knowledge, skills, training and experience to effectively and efficiently assist his clients with transactional, litigation, and administrative/regulatory matters.

Kirk's practice is broad and routinely involves Federal and state appeals, litigation, constitutional law and civil rights defense, tax, estates and trusts, business law, administrative law & regulatory compliance, contracts, commercial transactions, and cybersecurity. Kirk is also a strong advocate for civil liberties and is one of the few attorneys in the United States who routinely represents both plaintiffs and defendants in civil rights matters involving governmental entities such as law enforcement use of force disputes. He also represents defendants in civil rights cases involving private employers.

Prior to earning his J.D., Kirk served for two years with the State of Colorado as a Revenue Agent, and for six years with the Department of Defense specializing in regulatory compliance audits and forensic investigations. In addition, Kirk is a Colorado Certified Public Accountant, and holds a number of professional certifications in accounting, auditing, and financial investigations. Kirk also provides his expertise (including as an expert witness) to companies and other law firms in a wide range of areas, including cybersecurity, corporate governance, accounting & tax, auditing & financial forensics, and commercial finance.

Kirk believes that clients are best served by zealous advocacy that is nevertheless tempered by appreciation for the experiences of all stakeholders, which creates opportunities for a mutually beneficial resolution of even the most acrimonious disputes and is as prepared to create a transactional solution to a client's problem or to carry out a client's objectives as he is to litigate or arbitrate a resolution to a dispute.

During his career, Kirk has successfully represented his clients in a variety of matters, including:

- Successfully negotiated and closed a \$5 million dollar residential real estate sale involving complex water rights and insurance issues.
- Successfully negotiated the resolution of complex probate litigation involving a more than \$4 million estate that had been ongoing for seven years and a separate \$3.5 million stock sale involving multiple closely held companies in the midst of an acrimonious family feud following the death of the family patriarch and founder of the companies. Thereafter, successfully negotiated the breakup and distribution of the family's real estate assets totaling \$4.8 million and the sale of further assets totaling nearly a half million dollars.
- Achieved early dismissal of civil rights litigation against the Jackson Hole Airport before the District of Wyoming involving an allegedly improper arrest and use of excessive force - and successfully obtained attorneys' fees against the Plaintiff and his counsel for continuing the case after probable cause was conclusively established. Plaintiff appealed. Briefed and argued the appeal before the Tenth Circuit, which affirmed both the dismissal of the litigation and the awarding of attorneys' fees in a published decision. *Frey v. Town of Jackson, Wyoming, et. al.* 41 F.4th 1223 (10th Cir. 2022).
- Briefed and argued a Lanham Act and Sherman Act case before the Tenth Circuit in an attempt to reverse the District of Colorado's dismissal of the case; the opposing party (who won before the District Court) agreed to a favorable settlement following oral argument.
- Secured a favorable settlement on behalf of a Wyoming commercial landlord in litigation with the State of Wyoming over the state's failure to pay rent for its use of a large commercial office building.

- Secured a settlement on behalf of a Colorado County Treasurer in complex multi-party litigation that resulted in the payment of 100% of the delinquent taxes owed under the Treasurer's tax lien while allowing the business to continue in operation under new ownership.
- Successfully defended a Colorado County Treasurer from allegations of misconduct, including litigating three District Court cases, three Court of Appeals cases, and five separate extraordinary writs to the Colorado Supreme Court.
- Secured a favorable settlement on behalf of a citizen of the Cherokee Nation in a civil rights dispute with the United States Department of the Interior.
- Secured a favorable settlement on behalf of a county employee in Wyoming for First Amendment retaliation and Fourteenth Amendment due process claims.

Practices

- Acquisitions, Dispositions & Commercial Transactions
- Alternative Dispute Resolution (ADR)
- Alternative / Renewable Energy
- Antitrust
- Appellate
- Asset Protection Planning
- Banking & Financial Services
- Bankruptcy, Restructuring & Creditor's Rights
- Catastrophic Injury
- Civil Rights
- Commercial Collection
- Complex Commercial Issues
- Construction
- Construction Transactions & Disputes
- Corporate & Business Services
- Corporate Governance & Compliance
- Crisis Response Team
- Cybersecurity & Data Privacy
- Employee & Management Training
- Employment Litigation
- Entity Formation & Reporting
- Environmental Litigation
- Environmental Services
- Estate Planning & Administration
- Estate Planning & Trusts
- Executive Compensation, Other Employee Benefits & ERISA
- Family Law

- Franchising
- Fraud and Forensic Financial Investigation
- Homeowner / Condominium Associations
- Information Technology
- Insurance Law & Tort Defense
- Intellectual Property
- Intellectual Property Litigation
- Labor & Employment
- Leasing
- Litigation
- Marital Agreements
- Media & First Amendment
- Mergers, Acquisitions & Divestitures
- Municipal & Public Authority
- Name, Image & Likeness (NIL)
- Native American Law
- Non-Profit & Private Foundations
- Oil & Gas
- Oil & Gas Litigation
- Pharmaceutical & Medical Device
- Probate
- Products Liability
- Public Utility Law
- Real Estate
- Real Estate Development
- Regulatory Compliance
- Securities Regulation & Compliance
- Tax
- Tax Controversies
- Tax Planning & Structuring
- Transactions/Real Estate/Finance
- Trusts & Estates Litigation
- Water Law
- Wrongful Discharge, Failure to Hire or Promote
- White Collar Compliance, Defense & Investigations
- Zoning and Land Use Entitlements

Education

- University of Denver - Sturm College of Law (J.D., 2018)

- Certificates in Legal Research and Advanced Legal Research
- Order of the Coif
- Law Review Editor
- Capella University (Doctor of Business Administration, 2023)
 - Specialization in Management
- University of Colorado - Denver (M.S. in Accounting, 2014)
 - Specializations in Taxation, Auditing and Forensic Accounting
- Regis University (B.S. in Accounting, *summa cum laude*, 2009)
 - Minor in English Literature
- Regis University (B.S. in Business Administration, *summa cum laude*, 2009)
 - Emphasis in Finance
 - Completed the University Honors Program

Admissions

- United States Supreme Court
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Tax Court
- Colorado and the U.S. District Court for the District of Colorado
- Oklahoma and the U.S. District Courts for the Eastern, Western, and Northern Districts of Oklahoma
- Texas and the U.S. District Court for the Western District of Texas
- Utah and the U.S. District Court for the District of Utah
- Wyoming and the U.S. District Court for the District of Wyoming
- Montana
- Washington
- Muscogee (Creek) Nation
- Cherokee Nation

Certifications

- Certified Public Accountant (CPA) (2012–Present)—Colorado License No. CPA.0030444
- Certified Fraud Examiner (CFE) (2012–Present)
- Certified Information Systems Auditor (CISA) (2014–Present)
- Certified Internal Auditor (CIA) (2013–Present)
- Certified Management Accountant (CMA) (2014–Present)
- Certified Forensic Accountant (CRFAC) (2012–Present)
- Certified Forensic Auditor (CRFAU) (2022–Present)
- Chartered Global Management Accountant (CGMA) (2012–Present)

- Certified Information Technology Professional (CITP) (2021–Present)
- Certified Government Auditing Professional (CGAP) (2014–Present)

Experience

- 2022–Present Hall Estill
- 2018–2022 Godfrey Johnson, P.C.
- 2012–2018 United States Department of Defense
- 2010–2012 State of Colorado

Community & Professional Involvement

Professional Involvement

- Colorado, Oklahoma, Wyoming, Texas, Washington and Utah State Bar Associations
- Muscogee (Creek) Nation and Cherokee Nation Bar Associations
- Faculty of Federal Advocates (Colorado)
- American Institute of Certified Public Accountants
- Institute of Internal Auditors
- Association of Certified Fraud Examiners
- Institute of Management Accountants
- Information System Audit and Control Association (ISACA)
- American Board of Forensic Accounting

Community Involvement

- Treasurer and Director, Colorado Adult Soccer Association

Honors & Awards

- Recognized as a Colorado Super Lawyers Rising Star in Appellate Law

Articles & Presentations

- McGill, J.K.: *Development of Cybersecurity Culture for Law Firm Managers in the United States*. (Capella University, 2023).
- McGill, J.K. & B. McGill: *Lucia v. SEC: Justice Breyer Warns of a Dramatic Expansion of the President's Control Over the Federal Civil Service*, 96 Den. L. Rev. Online 91 (2018).
- McGill, J.K., Z. McGill & B. McGill & B. Symmes (R.J. Margesson, D. Palmer, and T. Bowie, Editors): *The Right to Be Left Alone - The Evolution of the Right of Privacy in American Jurisprudence*. (Regis University, 2009).