

# HALL ESTILL

ATTORNEYS AT LAW



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.