



Joanne Herlihy, Director

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Practice Areas

- Environmental Litigation & Trial
- Appellate
- Contract
- Commercial
- Construction
- Insurance Defense
- Natural Resources
 - Mining
 - Oil & Gas
 - Public Lands
 - Title & Abstract Review
 - Mineral Interest Notifications
 - Surface Use Agreements
- Real Estate Law
 - Purchase/Sales/Financing
 - Development
 - Leasing
 - Agricultural
 - Title & Abstract Review
- Water Law

Education

University of Denver, College of Law, J.D., 1988

University of Colorado, B.A., 1985

Admissions

Colorado (1988), United States Supreme Court (1995), U.S. Court of Appeals 9th Circuit (1994), U.S. Court of Appeals 10th Circuit (1992), U.S. District Court for the District of Colorado (1991), U.S. Court of Appeals 8th Circuit (1995), U.S. Court of Appeals for the District of Columbia (1994)

Support Staff

Laura Lilley
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In 1996, Joanne Herlihy joined Dufford & Brown to practice in the areas of water law, environmental and natural resources. In these areas, she assists her clients with the protection of existing water rights and the acquisition, by appropriation or purchase, of new water rights as well as working with state and federal regulatory agencies to obtain and maintain various environmental permits.

While devoting the majority of her time to her main practice areas, she continues to litigate in all areas of general civil practice, focusing in the areas of appellate, real estate, mechanics liens, quiet title and contracts.

Joanne began her career in corporate law, first with Total Petroleum, then with Manville Corporation. She then joined Mountain States Legal Foundation, where she primarily practiced in federal district and appellate courts throughout the western United States, litigating public land issues with an emphasis on R.S. 2477 road issues and protection of private property rights.

Career Highlights

Represent various water users ranging from individual property owners to ditch companies and municipal subdistricts, to developers and a restaurant and lodging facility to industrial manufacturers in the protection of existing water rights and the acquisition, by appropriation or purchase, of new water rights. Published case of note: *Municipal Subdistrict, Northern Water Conservancy Dist. v. Chevron Shale Oil Co.*, 986 P.2d 918 (Colo. 1999)

Represent steel and other manufacturers, in air and water quality, permitting, compliance, rulemaking and enforcement proceedings both at the administrative and judicial levels. Published cases of note: *CF & I Steel, L.P. v. Air Pollution Control Division*, 77 P.3d 933 (Colo. App. 2003); *United Steelworkers of America v. Oregon Steel Mills, Inc.*; *CF&I Steel, L.P.*, 322 F.3d 1222 (10th Cir. 2003)

Represent entities involved in CERCLA litigation. Published case of note: *U. S. v. Friedland, et al.*, 173 F.Supp. 2d 1077 (D. Colo. 2001)

On behalf of reservoir owner, established that to the extent that the reservoir was located on National Forest Lands, it occupies those lands under the authority of a right-of-way established pursuant to § 9 of the Mining Act of 1866 and did not need FLPMA Special Use Permits for occupancy or maintenance purposes

Lead counsel in four-day court trial to quiet title to a claimed R.S. 2477 right-of-way on behalf of Camp Bird Colorado, Inc., a gold mining company, against the Board of County Commissioners of Ouray County, Colorado



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Joanne Herlihy, Continued

Career Highlights

Represented property owner in *Taylor v. Canterbury*, 92 P.3d 961 (Colo. 2004); *Canterbury v. Kovacich*, 74 P.3d 457 (Colo. App. 2003) (Whether one joint tenant may extinguish a joint tenancy by conveying his interest in real property back to himself as a tenant in common.)

Secured a compensation award for condemnee in eminent domain proceeding, brought by a government redevelopment agency - more than \$3 million above the agency's original appraisal

Obtained judgment, saving client over \$600,000 in potential liability, holding that the disputed commercial lease for retail property was not an enforceable contract

Won case guaranteeing year-round access to the Town of Yellow Pine, Idaho, over Forest Service road. Published cases of note: *Mountain States Legal Foundation v. Espy*, 833 F.Supp 808 (D. Idaho 1993); *Forest Conservation Council v. Espy*, 835 F.Supp. 1202 (D. Idaho 1993)

Won two-day hearing before the Washington State Department of Natural Resources appealing ruling designating stream to be anadromous fish habitat. Reversal of DNR's stream classification meant property owners were no longer subject to restrictive land use buffers for protection on nonexistent anadromous fish

Lead counsel in three-day quiet title trial against the United States of America on behalf of Millard County, Utah, to declare road in Wilderness Study Area a public road pursuant to R.S. 2477

Mount Evans Co. v. Madigan, 14 F.3d 1444 (10th Cir. 1994) (Attempted to require Forest Service to rebuild the Crest House atop Mount Evans after it was destroyed by fire using the insurance funds the Forest Service received.)

Community Involvement & Affiliations

Member of the American, Colorado, and Denver Bar Associations

Chair, Denver Bar Association Legal Fee Arbitration Committee Association

Member, Zonta International

Member, Colorado Water Congress

Member, Colorado Mining Association