

## Daniel D. Domenico

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### LEGAL EXPERIENCE

Broad and deep legal and administrative experience, including multiple appearances in U.S. and state Supreme Courts and courts of appeals; lead counsel for three Colorado governors and their administrations; third-ranking executive, chair of ethics committee for office of over 250 attorneys; clerkship at federal circuit court; member, Colorado Supreme Court Committee on Appellate Rules

Current: **Managing Partner** – Kittredge LLC

- Founding partner of firm providing solutions for clients with high-stakes legal needs
- Focus on matters intersecting with public policy and government or public involvement, at any level and any branch of government, through appellate and other litigation, crisis response, regulatory or political process

**Adjunct Professor** – University of Denver College of Law

- Develop and teach federal and state constitutional law courses.
- Distinguished Practitioner in Residence, Natural Resources Program, 2014

2006-15 **Solicitor General** – Colorado Department of Law

- Senior executive management of 250+ lawyer department
- Oversee major litigation for state, state officials, and agencies
- State's lead counsel in dozens of cases in state and federal courts, including multiple appearances in U.S. and Colorado Supreme Courts, 10<sup>th</sup> Circuit
- Counsel to three governors (Hickenlooper, Ritter, Owens)
- National Appellate Lawyer of the Week (National Law Journal)
- Supreme Court Best Brief Award (National Association of Attorneys General)
- Youngest solicitor general in country at appointment, longest-serving in Colorado
- Chair, Department Ethics Committee

2005-06 **Special Assistant to the Solicitor** – U.S. Department of the Interior

- Counsel to Secretary, Solicitor, and senior management of the Department on issues including resource protection and extraction, endangered species, and public land use and access

2004 **Counsel** – John Thune for Senate

- Ensured compliance with local and federal law; train and supervise election day legal team

2003-04 **Clerk** – Tenth Circuit Court of Appeals – Judge Tim Tymkovich

2000-03 **Associate** – Hogan & Hartson LLP

### EDUCATION

**University of Virginia School of Law** *J.D.* 2000

*Academic Honors:* Order of the Coif; Editor, *Virginia Law Review*; Executive Editor, *Journal of Sports and Law*; Note selected for publication in Law Review

**Georgetown University** *B.A.* (Economics and Government majors) 1995

*Academic Honors:* *Magna cum laude*; First Honors; Dean's List; *Rhodes Scholarship* nominee and state finalist

**Representative cases:**

*Direct Marketing Association v. Brohl* (U.S. Supreme Court, 2015)

Counsel of record for state defendants in case concerning taxation of sales by out-of-state retailers

*Kansas v. Nebraska & Colorado* (U.S. Supreme Court, 2015)

Counsel of record for Colorado in interstate water case

*Wood v. Milyard* (U.S. Supreme Court, 2012)

Counsel of record for state defendants in appeal of murder conviction

*Kansas v. Colorado* (U.S. Supreme Court, 2009)

Counsel for Colorado, with Attorney General, in attorneys' fees dispute in long-running interstate water case

*Justus v. Colorado, P.E.R.A.* (Colorado Supreme Court, 2014)

Lead counsel for state defendants in multi-million dollar challenge to pension reform legislation.

*Grand Valley Citizens' Alliance v. Colorado Oil and Gas Conservation Commission* (Colo. Supreme Court, 2012)

Successfully argued case overturning lower court decision invalidating state Oil and Gas Conservation Commission's longstanding regulatory system for holding hearings on applications for permits to drill.

*Denver Post Co. v. Ritter* (Colo. Supreme Court, 2011)

Successfully defended former Governor Ritter against Open Records Act claim to personal cell phone bills by state's largest newspaper in Colorado Supreme Court.

*Colorado Mining Ass'n v. Huber* (Colo. Supreme Court, 2011)

Successfully led appeal defending Colorado's automatically-adjusting coal severance tax statute against challenge under Colorado Taxpayer Bill of Rights.

*Lobato v. Colorado* (Colo. Supreme Court, 2009, 2013)

Lead Counsel for State of Colorado and education officials in constitutional challenge to adequacy of state's education system.

*Vance v. Wolf* (Colo. Supreme Court, 2009)

Lead appellate counsel for State Water Engineer in case questioning whether water produced in the process of procuring natural gas is put to a beneficial use and thus subject to water rights permitting system.

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*Brown Group Retail v. Colorado Department of Transportation* (Colo. Supreme Court, 2007)

Lead counsel successfully appealing multimillion dollar award against state transportation department in complex environmental pollution case.

*Robinson v. Colorado State Lottery* (Colo. Supreme Court, 2007)

Lead counsel in successful Supreme Court defense to fraud and contract claims against state lottery.

*Danielson v. Dennis* (Colo. Supreme Court, 2006)

Lead appellate counsel in defense of state law regarding felons' voting privileges.

*Colorado Christian University v. Weaver*, (10<sup>th</sup> Cir., 2009).

Lead counsel for the State of Colorado and its education department in Free Exercise challenge to limits on use of state-funded scholarships.

*Kerr v. Hickenlooper* (U.S. Supreme Court, 2015; 10<sup>th</sup> Cir., 2014)

Lead counsel for defense of right to citizen initiative and Taxpayer Bill of Rights against challenge under Article IV, section 4 of the U.S. Constitution.

*Wilder v. Turner* (10<sup>th</sup> Cir., 2007)

Successfully led appeal reversing lower court rulings denying State Trooper qualified immunity for drunk driving arrest of local judge.

*Cooke v. Hickenlooper* (U.S.D.C. Colo. 2013)

Counsel for state defense of gun legislation.

*Boulder Valley School District v. Colorado* (Colo. Ct. App., 2008)

Successfully defended Colorado Charter School Institute and related statutory system against challenge by local school district.

**Publications:**

*Mark Madness*, 86 Virginia Law Review 597 (2000)

Cited, *inter alia*, in Harvard Journal of Law and Policy, Virginia Journal of Law and Technology, Rutgers Law Review, Suffolk Law Review, *A&H Sportswear, Inc. v. Victoria's Secret Stores, Inc.*, 237 F.3d 198 (3d Cir. 2000)

*Deference and Legislative Intent*, Denver Law Review Online (2011)

*The Constitutional Feedback Loop*, 89 Denver Law Review 161 (2011)

Cited, *inter alia*, in Yale Law Journal, Columbia Law Review