

Carmen N. Decker
10463 Park Meadows Drive, Suite 209
Littleton, CO 80124
(303) 226-1670
Email: carmen@hersheydecker.com

Experience

*July 2009 to
Present*

Hershey | Decker | Drake¹ *Shareholder (Jan. 2013)*

Litigation and Appeals: Represent various clients including individuals, corporations, health care facilities and professionals in Colorado County, District and Appellate Courts:

- Prepare pleadings
- Argue motions
- Obtain relief
- Negotiate settlement of claims
- Depose lay and expert witnesses
- Trial and arbitration representation
- Brief and argue appeals

Administrative Proceedings: Represent businesses and individuals in licensing, peer review, and regulatory matters before the following regulatory bodies:

- Colorado Civil Rights Division
- Equal Employment Opportunity Commission
- Colorado Medical Board
- Board of Chiropractic Examiners
- Board of Nursing
- Board of Pharmacy
- Board of Veterinary Medicine
- DEA
- Hospital Peer Review
- Mental Health Licensing Section
- Office of Attorney General
- Office of Barber and Cosmetology
- Physical Therapy Licensure

General Counsel: Provide general counsel to waste removal company, recycling facility and transfer station, large retail chains, small professional practices and various other businesses.

- Counsel clients about responding to and managing legal and employment issues
- Draft, review, negotiate, and advise clients regarding contracts
- Draft policies and staff documents
- General litigation including premises liability and auto accident liability

¹ Includes predecessor firms.

September 2004 to
July 2009

Montgomery Little & McGrew, PC Greenwood Village, Colorado
Senior Associate

Specialized in the representation of businesses, health care, and licensed professionals and entities. Practice included general litigation and administrative matters with a focus in health law and representation of business clients, physicians, nurses, pharmacists, veterinarians, and attorneys in professional malpractice actions and administrative matters. Practice also included criminal defense, insurance defense, premises liability, employment matters, auto accident liability, and oil and gas cases and appellate work.

Education

August 2001 to
May 2004

University of Denver College of Law, Denver, Colorado

Juris Doctor, May 2004

Ranked 8th in class, top 5%

Order of St. Ives

AmJur Award for Constitutional Law and Employment Law (highest grade in class)

August 1996 to
May 2000

Colorado State University, Fort Collins, Colorado

BS in Psychology, May 2000

Emphasis in Cognitive Neuropsychology

Cum Laude

Phi Beta Kappa

Memberships

Colorado Bar Association

Denver Bar Association / Employment and Health Law Section

Douglas/Elbert Counties Bar Association

Honors

Colorado Super Lawyers 2015, 2016

Colorado Rising Star 2012, 2013, 2014

Published Opinions

Oster v. Baack v. Horizon, 351 P.3d 546 (Colo. App. April 9, 2015) (finding CRCP 60 is the appropriate vehicle for setting aside an award of costs and fees when the underlying basis for the award is overturned and a separate appeal of such fees is unnecessary)

Colorado Medical Board v. Office of Administrative Courts, 333 P.3d 70 (Colo. June 23, 2014) reversing an office of administrative court order allowing discovery of peer review records and holding that administrative proceedings were civil suits for purposes of the professional review statute.)

Ryskin v. Banner Health, Inc., Civil Action No. 09-cv-01864-MEH-KMT, United States District Court of the District of Colorado, 2010 U.S. Dist. LEXIS 79060, July 9, 2010, Decided, July 9, 2010, Filed Summary judgment granted, in part,

summary judgment denied, in part by *Ryskin v. Banner Health, Inc.*, 2010 U.S. Dist. LEXIS 118810 (D. Colo., Nov. 9, 2010)

McCormick v. Exempla Healthcare et al, Colorado Court of Appeals, 08CA1409, March 26, 2009, Decided, (Unpublished)

Ajaj v. United States, Civil Action No. 03-cv-01959-MSK-KLM United States District Court of the District of Colorado, 2009 U.S. Dist. LEXIS 15949, February 17, 2009, Decided

Ajaj v. United States, No. 07-1073, United States Court of Appeals for the Tenth Circuit, 293 Fed. Appx. 575; 2008 U.S. App. LEXIS 19786, September 15, 2008, Filed, (Unpublished Opinion) Supreme Court certiorari denied by *Ajaj v. United States*, 2009 U.S. LEXIS 1942 (U.S., Mar. 9, 2009)

Lynch v. Bulman, No. 06-1018, United States Court of Appeals for the Tenth Circuit, 2007 U.S. App. LEXIS 24210, October 15, 2007, Filed, (Unpublished Opinion), US Supreme Court certiorari denied by *Lynch v. Bulman*, 2008 U.S. LEXIS 3245 (U.S., Apr. 14, 2008)

Harrison v. Gilbert, No. 07-1273, , United States Court of Appeals for the Tenth Circuit, 259 Fed. Appx. 161; 2007 U.S. App. LEXIS 29809, December 26, 2007, Filed, (Unpublished Opinion)

Garrett v. Land West Ventures, Inc., Civil Action No. 06-cv-01358-PSF-CBS, United States District Court of the District of Colorado, 2007 U.S. Dist. LEXIS 52252, July 18, 2007, Decided, July 19, 2007, Filed

Schupper v. Cole, Colorado Court of Appeals No.: 05CA2363, El Paso County District Court No. 05CV322, April 26, 2007, Decided (Unpublished Opinion)

Trials, Administrative Hearings, and Arbitrations***

September 29, 2016 *John Does 1-9 v. Colorado Department of Public Health and Environment, et al.*
Denver District Court (Case No. 2015CV030902)
Served as first chair attorney representing 6 physicians at summary judgment oral argument hearing regarding the CDPHE's alleged violation of the Administrative Procedures Act and Colorado Open Meetings Law. The Court granted the physicians motion for summary judgment and obtained a successful ruling where the Court enjoined the CDPHE and awarded the physicians their attorneys' fees and costs.

July 22, 2016 *Dunlap et al v. Colorado Medical Board et al*
Denver District Court (Case No. 16CV032630)
Represented two physicians who had been summarily suspended by the Medical Board for alleged violation of a secret "Rule of 75." Successfully obtained a temporary restraining order against the Medical Board.

July 1, 2014 *In Re Marriage of Roberts*
 Denver District Court (14DR30055)
 Permanent Orders Hearing. Served as first chair supervisory attorney for
 Hearing.

June 18-25, 2012 *Board of Chiropractic Examiners v. Brandon Credeur, DC*
 Office of Administrative Courts (CH-2011-007)
 Licensing action seeking revocation
 Assisted with pre-trial preparations and served as hearing counsel. Final Agency
 Action finding only documentation deficiencies and resolving 34 counts with a
 Letter of Admonition

Jan. 24-27, 2011 *Heidi Oster, MD and Horizon v. Judy Baack, MD*
 Douglas County District Court
 Breach of contract
 Assisted with pre-trial preparations. Bench trial Plaintiff prevailed on certain claims
 and client Dr. Baack prevailing on certain claims. Appeal reversed findings in
 favor of Plaintiff in favor of Dr. Baack

Dec. 6-10, 2010 *Michael Ryskin, MD v. Sterling Regional MedCenter; Shirley Campbell, MD;*
Joseph Bonell, MD; John Elliff, MD; Michelle Joy; and Thomas Soper, MD
 U.S. District Court
 Wrongful termination and professional review
 Assisted with pre-trial preparations. Jury verdict in favor of all defendants
 including clients Joseph Bonell, MD and John Elliff, MD

May 2010 *West Agency v National Western Stock Show*
 District Court of City and County of Denver
 Assisted with pre-trial preparations and served as lead trial counsel.
 Breach of Contract Action
 Jury verdict in favor of client

March 2009 *Home Instead v Gossett*
 Denver District Court
 Served as lead hearing counsel
 Hearing for Preliminary Injunction regarding Non-Compete in Employment
 Contract

***Small claims court and county court trials not listed.

Presentations

Mental Health & the Law

March 14, 2006 Denver, Colorado

Guide to Deciphering Medical Records

May 26, 2011 Denver, Colorado

Publications

The Hospitalist

Alternative Access (March 2011)

Civic Activity

2011-Present

Colorado Lawyers for Colorado Veterans

2004-2009

Federal Advocacy Assignment/Pro Bono Federal Prisoner's Case