



## **CODY C. BOURKE**

Cody has a long track record of success representing businesses in litigation matters in the courtroom and through advantageous settlements, focusing on a wide range of complex commercial litigation. He represents clients from a broad range of industries including food and beverage, real estate, construction, and oil and gas – in both state and federal courts across the United States. Cody has experience in disputes involving contracts, construction defects, mechanic's liens, quiet title, commercial leases, oil and gas class actions, product liability, and corporate governance and shareholder issues.

Cody enjoys advising clients on implementing litigation avoidance and risk reduction strategies to resolve issues before they need to be addressed in the courtroom. In working with clients in an outside general counsel role, it allows him to understand the client's business needs and goals to develop a long-term relationship. He is particularly adept in negotiations with contractors and service providers to resolve disputes favorable for the client without litigation. Cody is also the Vice Office Managing Partner of Fennemore's Denver office.

Cody also regularly represents clients in regulatory adversary proceedings, hearings and rulemakings before the Colorado Oil and Gas Conservation Commission and the Colorado Department of Public Health and Environment.

In his spare time, Cody likes to spend time with his daughter in the mountains or at her swim meets. Cody seeks out any competitive or outdoor activity, whether that be participating in basketball and sand volleyball leagues or hiking Colorado's Fourteeners, 58 peaks above 14,000 feet of elevation.

## **EDUCATION**

- J.D., University of Denver, Sturm College of Law
  - Order of St. Ives (Top 10%)
  - Scholastic Excellence Awards: Torts, Property
- B.A., University of Nebraska-Lincoln, with distinction

## AREAS OF PRACTICE

- Business Litigation
- Natural Resources
- Food & Beverage

## REPRESENTATIVE CASES

- As lead counsel, successfully defended global dairy company in high value premises liability dispute by prevailing on summary judgment under theory that company was a statutory-employer immune from tort liability
- Successfully argued and prevailed before the Colorado Court of Appeals that oil and gas lease automatically expired a decade prior and was not properly released by lessee and obtained an award of client's fees and costs under lease forfeiture statute
- Substantially prevailed for client in arbitration involving a dispute with post-closing adjustments made following title due diligence period
- Represented operator and franchiser of national restaurants and breweries group in commercial lease disputes, construction disputes, and pre-litigation risk reduction strategies across the United States
- Represent and advise private investment company specializing in oil and gas acquisitions with broad range of quiet title and ownership disputes
- Defended oil and gas companies in numerous statewide class action royalty disputes in Colorado and Oklahoma
- Represented trade association for the home building industry and various oil and gas companies in rulemakings before the Colorado Oil and Gas Conservation Commission related to forced pooling, flowlines and the enactment of Senate Bill 19-181
- Acted as lead counsel in representation of real estate developer in lawsuits involving multimillion-dollar construction defects and delays in Colorado and Texas
- Defended real estate developer against mechanic's lien foreclosure and breach of contract claims brought by general contractors and subcontractors
- Represented limited liability company and members asserting individual and derivative claims in an action against other members for breach of contract, breach of fiduciary duty, conversion and civil conspiracy
- Defended oil and gas companies against claims by surface owners, including claims for alleged ground water contamination and conflicts with current and planned surface operations
- Defended midstream oil and gas company in arbitration in connection with claims for breach of natural gas purchase contract
- Defended manufacturer of ladders in product liability lawsuits

## AWARDS AND HONORS

- *Best Lawyers in America*<sup>®</sup>, Commercial Litigation, Natural Resources Law, 2026
- *The Best Lawyers in America*<sup>®</sup>, Ones to Watch, Commercial Litigation, Real Estate Litigation, Oil and Gas Law, 2021-2025

- *Colorado Super Lawyers®*, Business Litigation, 2025-2026
- *Colorado Super Lawyers®*, Rising Stars Edition, Business Litigation, 2021-2022

## ARTICLES AND PRESENTATIONS

- "Criminal and Enforcement Litigation," Co-Author, ABA 2018 Edition: Recent Developments in Business & Corporate Litigation (April 2018)
- "Colorado Supreme Court Holds Privity Necessary for Homeowner to Sue Developer," Co-Author, Snell & Wilmer Under Construction Newsletter (June 2017)
- "The Foreign Corrupt Practices Act's One-Year "Pilot Program" Nears the Halfway Mark," Co-Author, Snell & Wilmer White Collar Defense, Investigations and Compliance Blog (September 9, 2016)
- "EPA Looks to Follow Colorado's Lead on Regulating Methane Emissions in the Oil and Gas Industry," Author, Snell & Wilmer Environmental, Natural Resources, Oil and Gas Law Blog (October 15, 2015)

## PROFESSIONAL AND COMMUNITY ACTIVITIES

- Colorado Bar Association
  - Young Lawyers Division
- Denver Bar Association
  - Natural Resources and Energy Law Section
- Rhone-Brackett Inn of Court
- Colorado Petroleum Association
- Colorado Association of Home Builders
- Metro Volunteer Lawyers (Present)
- Rocky Mountain Immigrant Advocacy Network (RMIAN)
  - Volunteer Attorney (2016-present)
- University of Denver Sturm College of Law Professional Mentoring Program (2016-present)
- Impact Denver Leadership Program
  - Denver Metro Chamber of Commerce (2019)
- Colorado Poverty Law Clinic
  - Volunteer Attorney (2016-2018)

## ADMISSIONS

- Colorado
- Supreme Court of Colorado
- United States District Court, District of Colorado