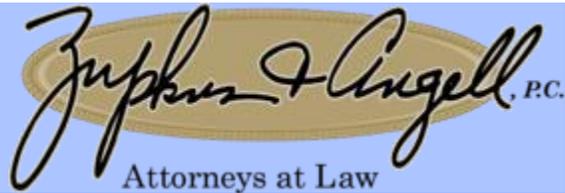


# Zupkus & Angell, P.C.

Spring  
Newsletter



Dear Friends & Colleagues,  
April snow showers here in Colorado are bound to bring the May flowers this year as we have had both snow storms and 80 degree weather this April. With the new growth of spring, we at Zupkus & Angell mark the progress of new growth in our firm as we welcome new friends and clients and continue to diversify our professional development to stay on the cutting edge of the ever-changing legal industry. This issue also marks the one year anniversary of our quarterly newsletter. We have loved the conversations it has started and the feedback we have received to help tailor our content to the topics that are important to you. Please join us in celebrating our growth and forward progress!

Sincerely,

**Zupkus & Angell, P.C.**  
**(303) 894-8948**



## The New DRI Diversity Committee's Publications Vice- Chair

Muliha Khan was recently selected as the "Publications Vice-Chair" of the DRI Diversity Committee. The goal of the committee is to advance and promote one of DRI's core values: diversity in the legal profession. Muliha is excited to be part of such an effort. Congratulations Muliha!

## Super Lawyers!

Congratulations to Kristi Lush and Robert Zupkus! For the eighth time, Super Lawyers Magazine has named Partner Robert Zupkus as one of Colorado's top attorneys. In addition, Partner Kristi Lush was named one of

### Jury Verdict Victory!

In February, Zupkus & Angell was pleased to secure a verdict in favor of its client in a bodily injury matter filed in Denver District Court. Partners Muliha Khan and Richard Angell tried the case. We were hired as defense counsel for a national security company contracted to provide security services to a downtown bank. Plaintiff accessed the bank to get to her office in an adjoining building. Plaintiff claimed she suffered injury to her shoulder in attempting to open a door in the bank. Specifically, Plaintiff claimed Defendant failed to unlock the door.

The case proceeded to trial before a jury. Plaintiff presented multiple fact witnesses, as well as seven expert witnesses, including an architect specializing in building code compliance and a psychologist who testified regarding pain management. The defense focused on the issue of causation. Among other strategies, the defense used the testimony of its one and only expert witness, an orthopedic surgeon, along with simple demonstrative exhibits to argue that the allegedly locked door could have not caused injury to Plaintiff. Ultimately, the jury agreed and returned a verdict in favor of the defense, finding that the Defendant security company was not negligent and thus it was not the cause of any injuries, damages or losses claimed by Plaintiff.

The key to winning the case was to never lose sight of the fact that a jury would determine liability. In light of this, Zupkus & Angell employed various effective trial strategies, including: refraining from over complicating the issues; developing and articulating a strong trial theme; and adjusting defense strategy, if and when necessary, during the course of the trial.

### A Short Summary of the Colorado Construction Defect Action Reform Act

By: Anne K. McMichael

For 12 years, the Construction Defect Action Reform Act (C.R.S. § 13-20-201, et.seq.), or "CDARA," has governed how construction defect litigation and arbitration actions are conducted in Colorado. While portions of this act are reasonably straightforward, several of the sections are subject to ongoing debate as to how these concepts should be applied to achieve fair and unbiased results. The purpose of this article is to provide a summary of how CDARA is applied to construction defect claims.

[Click here to read full article.](#)



### **2014 ABA Insurance Coverage Litigation Seminar Presentations**

This year, Zupkus & Angell Partners [Kristi Lush](#) and [Dina Bernardelli](#) had the privilege of being selected for panel presentations at the ABA's Tort Trial and Insurance Practice Section (TIPS) Insurance Coverage Litigation Committee's 22nd Annual

Super Lawyers' 2014 Colorado [Rising Stars](#). While we here at Zupkus & Angell already knew these two were capable of great things, it is gratifying to see them receive the public recognition they deserve.



### Upcoming Webinar

**WHEN:**

May 29, 2014

**TIME:**

11:00 am MT

**"Effective Use of Experts, Consultants, and Visuals in Winning a Coverage Case"**

Registration Will Open Soon!

[Click here to contact Kristi Lush](#) if interested!

### Contest!

[Richard Angell](#) is one of our founding partners at Zupkus & Angell. Can you guess which of these factoids about Rick are two truths and which is a lie?

Click [here](#) to read his biography for hints.

1. During childhood, his best friend was taken hostage by Navajos.

Midyear Meeting, held in Phoenix on February 20-22, 2014. This year's theme was "Quenching a Thirst for Coverage: Navigating the Shimmering Sands of Insurance."

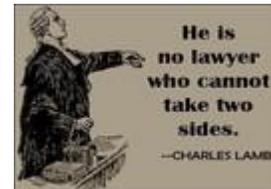
Kristi's panel, entitled Effective Use of Experts, Consultants and Visuals in Winning a Coverage Case, demonstrated the impact of visual graphics in an opening statement of a complex coverage trial, the value of expert testimony on the meaning of policy language as it applies to specific claims in a given industry and culture, and how a trial consultant who is an expert in the psychology of communication can enhance your presentation to modern fact finders. Kristi's panel was selected to recreate the presentation as a national webinar for the ABA, which is scheduled for May 29, 2014. Be sure to tune in! For details, see the right hand column of this newsletter.

Dina's panel, entitled Hotter than a Habanero! Like the Phoenix Rising from the Ashes, New Construction is on the Upswing, addressed emerging trends in builders' risk coverage, the potential impact of the new ISO additional insured forms, the legislative push to define "occurrence" to include faulty workmanship under general liability insurance policies, and recent judicial trends in this area. Panelists also provided updates on risk transfer, waiver and indemnification provisions.

2. He and his cousin once sawed the doors off of their pickup because they decided they were un unnecessary nuisance.
3. He is an expert on the pottery of the Santa Clara Pueblo.

Click [here](#) to complete the survey and win a \$25 gift card to either Starbucks or Home Depot.

(winner will be chosen by random drawing in the event of multiple correct guesses)



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