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Elizabeth (Liz) Hartsel

Partner

Liz is a partner in Fortis's litigation and employment law practice groups. She counsels individuals and companies of all sizes, from family-run businesses to Fortune 100 companies. She regularly advises CBD, construction, and technology companies, as well as individuals and companies in a wide range of other industries.

Liz is an experienced trial lawyer who focuses on complex commercial litigation and employment law. Before joining Fortis, Liz practiced law in New York City, worked at another Denver law firm, and served as a law clerk to the Honorable William J. Martinez at the United States District Court for the District of Colorado.

Practice Areas

- Contract and Commercial Litigation
- Employment Litigation
- Government Investigations
- Construction Litigation
- Commercial Evictions

Commercial Litigation

Liz has assisted individuals and corporate clients in a wide range of disputes, including breach of contract, labor and employment disputes, alter ego, trade secrets, restrictive covenants, breach of fiduciary duty, fraud and other business torts, and commercial evictions. She has tried cases in Colorado and New York and has handled appeals with the Tenth Circuit and the Colorado Court of Appeals.

Liz also frequently helps homeowners and businesses manage and solve legal disputes involving construction defects and mechanics' liens.

Employment Law

Liz is a skilled employment lawyer and enjoys helping businesses and employees navigate [labor and employment laws](#). She works with her clients to proactively mitigate the risk of future employment claims both on the front end with confidentiality, non-compete, and non-solicitation agreements and on the back end with separation and release agreements.

When litigation is unavoidable, Liz has experience representing both sides of disputes regarding discrimination, harassment and retaliation claims, wrongful termination, and wage and hour (FLSA) claims.

Liz's employment practice includes drafting employment and independent contractor agreements and employee handbooks and advising employers on labor issues, such as collective bargaining and Department of Labor appeals.

Pro Bono

As Fortis Law Partners' Pro Bono Partner, Liz enjoys giving back to the community through her pro bono practice. She has represented asylum seekers and minors seeking Special Immigrant Juvenile Status, assisted domestic violence victims in obtaining civil protection orders, is an active participant in the Federal Limited Scope Appearance Program and the Federal Pro Se Clinic, and represents various nonprofit arts organizations in various legal disputes through Colorado Attorneys for the Arts.

Bar Admissions

- Colorado
- New York
- U.S. District Court, District of Colorado
- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York

Education

- The University of North Carolina at Chapel Hill, JD
 - Notes Editor of the Journal of Law & Technology
 - Staff Writer of the Carolina Law Review
- The Pennsylvania State University, BA & BS

Professional Affiliations

- Colorado Bar Association
- Colorado Women's Bar Association
- Denver Bar Association

Honors & Awards

- [Named to U.S. News – Best Lawyers List](#) – 2023

Community Activities & Personal Interests

Liz is passionate about classical music and supporting the Colorado Symphony. She is the Chair of the Colorado Symphony Associate Board, which oversees the Crescendo Society of Young Professionals. Liz previously served as Vice-Chair of the Board and was also a member of the Board of Directors of the Colorado Business Committee for the Arts (CBCA). In addition, she is a member of the CBCA Leadership Arts Alumni Association.

She enjoys running, cycling, and playing the piano in her free time.

Speeches & Publications

- Quoted, "[Business Lawyers Give Recap of 2022, Lookahead to 2023](#)," LawWeek Colorado – Dec. 2022
 - Author, [Employment Law 101: What You Should Know to Protect Your Business](#) – [HR.com](#), August 2022
 - Author, [The Most Essential Employee Handbook Updates To Make This Year](#) – [AllBusiness.com](#), March 2022
- The Economic Impact of Cultural Events in Denver, Brownstein Client Alert, November 1, 2016.
CPAs in the Spotlight: SEC Focus on Auditors and Auditing, Law360, October 17, 2016.
June Marks Upsurge in SEC Whistleblower Awards, Brownstein Client Alert, June 15, 2016.
Sandusky Meets Upjohn: A Reminder to In-House Counsel, Brownstein Client Alert and February

9, 2016.

Court Rejects “Merger Tax” Litigation Settlements That Benefit Primarily Plaintiffs’ Attorneys and Plaintiffs Who Do Not Represent Shareholder Interests, Brownstein Client Alert, February 10, 2015.

Revisiting Reasonable Reliance in Credit Fraud Cases, NEW YORK LAW JOURNAL, February 25, 2013.

Representative Cases

- Successful appellate win in the Tenth Circuit in a case involving claims of breach of the duty of loyalty and intentional interference with contract.
- Successful appellate win in the Colorado Court of Appeals for a client being forced to sell her minority membership in an LLC via a “drag along” clause.
- Successfully defended a company and individual against fraud claims in a five-day jury trial. (CO District Court)
- Represented private companies in lawsuits against claims for violation of Title III of the Americans with Disabilities Act (ADA) alleged by a blind individual who could not use the company’s website.
- Successfully represented a marijuana distributor at trial regarding purchase option to buy its retail space from its landlord. (CO District Court)
- Successfully represented employer in bench trial against claims of breach of contract and promissory estoppel. Covey v. LG-Tek, Inc. (CO District Court)
- Received a temporary restraining order for a private company against a service provider. Eldorado Artesian Springs, inc. v. U2Logic, Inc. (CO District Court)
- Represented homeowners in claims against a construction company for construction defects and breach of contract. (CO District Court)
- Represented an individual in suit against former employer for gender discrimination and unpaid wages. (D. Colo.)
- Represented an employee whose former employer wrongfully withheld severance. (CO District Court)
- Represented a CBD company in breach of contract action against CBD producer.
- Represented a CBD company in breach of contract action against company that failed to deliver final product.
- Represented a CBD company in a dispute with a broker who delivered substandard product.
- Represented an electronics accessory company in antitrust cases brought by former distributors alleging violations of Section 1 of the Sherman Antitrust Act in connection with distribution agreements and an alleged group boycott. The case also involved allegations of breach of contract, trade disparagement, and tortious interference with contract. Foreign Trade Corp., d/b/a Technocel v. Otter Products, LLC, et al; Otter Products, LLC v.H.L. Dalis, Inc., Otter Products, LLC v. Wireless Xcessories Group, Inc. (D. Colo.)
- Represented a software company in pursuit of damages for copyright infringement and trademark infringement. (C.D. Cal.)
- Represented a cosmetics company against claims for violation of Title III of the Americans with Disabilities Act (ADA) alleged by a blind individual who could not use the company’s website.
- Successfully represented an entertainment company through the collective bargaining voting process.
- Successfully represented an individual in breach of trust action. (CO District Court)
- Represented a solar panel company and its board members in three consolidated cases in the Southern District of New York against fraud claims arising out of a private placement of securities. (S.D.N.Y)
- Represented a dialysis management company in arbitrations arising out of a buy-out of the

company's dialysis centers. (AHLA)

- Represented a white-collar crime defendant against claims of municipal bond bid rigging and witness tampering in connection with municipal bond offerings in five-week jury trial. *United States v. Heinz, et al.* (S.D.N.Y.)
- Successfully defended a corporation against claims of breach of contract and fraud in an eight-day jury trial. *Greenman-Pedersen, Inc. et al. v. Berryman & Henigar, et al.* (NYS Supreme Court)
- Defended a private equity company in multiple causes of action arising out of management of foreign airline company. *Pegasus Aviation I, Inc., et al. v. MatlinPatterson Global Advisers LLC, et al.*; *Atlantic Aviation Invs. LLC v. MatlinPatterson Global Advisers LLC* (NYS Supreme Court)
- Defended a limited liability company and its members against judicial dissolution by disgruntled member of the limited liability company. (NYS Supreme Court)
- Represented non-profit art house in breach of contract action arising out of a sale from an art exhibit. (NYS Supreme Court)
- Defended broker-dealers accused of collusion in credit default swap transactions. *Dept. of Market Regulation v. GFI Securities, LLC* (FINRA Disciplinary Proceeding)