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Henry M. Baskerville

Partner

Henry Baskerville is a Managing Partner at Fortis and Head of the Litigation Department. Recognized by [Martindale-Hubbell](#), Super Lawyers, Best Lawyers in America, and National Trial Lawyers. Henry is an experienced trial lawyer who focuses on complex commercial litigation, cannabis law, white-collar criminal defense, government contracts, and construction law. Henry has received an [AV Preeminent Rating](#) from Martindale-Hubbell, the highest possible rating, for both legal ability and ethical standards. He also frequently serves as an outside general counsel or in an advisory capacity helping small businesses and startups.

Practice Areas

- [Contract and Commercial Litigation](#)
- [Cannabis Law](#)
- White Collar Criminal Defense
- Government Contracting
- Construction Litigation
- Outside [General Counsel Services](#)

Commercial Litigation

Henry has represented numerous individual and corporate clients in a wide variety of disputes, including breach of fiduciary duty, fraud, fraudulent transfers, alter ego, trade secrets, restrictive covenants, False Claims Act claims (qui tam cases), breach of contract, labor and employment disputes, securities, and bankruptcy and receivership proceedings. He has tried cases in courtrooms (and arbitration rooms) across the country and has handled appeals to the Fourth Circuit, Seventh Circuit, and Tenth Circuit Courts of Appeals, along with the Colorado and Illinois Appellate Courts. Henry frequently represents parties in disputes over ownership of closely held companies.

White Collar & Investigations

In the white-collar area, Henry handles both the defense at trial and appeal of bank, mail, securities and tax fraud matters, Anti-Trust, including the Sherman and Clayton Acts, and public corruption charges. He was named one of the Best Lawyers in America for his White-Collar Criminal Defense Practice.

Henry leads [internal investigations](#) of entities and institutions concerned about potential violations of the law or those that are already facing government probes. He conducts employee interviews, analyzes business records and consults with senior management to determine the best strategy. He also assists businesses in setting up compliance programs that provide policies and procedures aimed at eliminating potentially unlawful conduct.

Henry has represented many clients in all phases of criminal matters, from the investigation stage through appeals. He has managed numerous grand jury investigations, responded to government subpoenas, and overseen large joint-defense groups.

Cannabis Industry

Henry assists many individuals and businesses in the legalized [cannabis industry](#) as well as in the thriving CBD and THC industries. He provides general business advice and guidance on state and federal regulations governing the operation of legalized cannabis businesses and the solicitation of and contracting with investors and other business partners. He has helped companies apply for and secure the necessary licenses to cultivate and dispense cannabis and its byproducts. Henry also has represented clients in various enforcement proceedings brought by the Marijuana Enforcement Division of the Colorado Department of Revenue and the Colorado Attorney General's office. Finally, he has represented numerous clients in litigation and business disputes throughout the country.

Construction Litigation

Henry has significant construction litigation experience. He has represented clients as diverse as multinational construction conglomerates to small local contractors in various disputes. In addition, Henry has represented contractors in litigation against the government and lower-tier subcontractors. He grew up working on construction sites for his father's company and at the beginning of his legal career, Henry worked for the City of Chicago Law Department in the Building and Land Use Litigation Division.

Government Contracting

Henry has significant experience in government contracting. He has represented businesses in both civil and criminal investigations stemming from contracts those businesses signed with various governmental entities under the False Claims Act and others. He has conducted internal investigations stemming from issues with government contracts. Henry has also assisted in implementing compliance programs designed to meet the requirements of various governmental contracts.

Outside General Counsel

Henry has served as an outside general counsel or in an advisory capacity helping many small businesses. He has counseled companies on employment matters, contractual disputes, litigation and has assisted with investigations from various state labor agencies. He also helps companies rewrite their contracts and internal policies to avoid future problems. Henry has counseled companies from diverse industries, including banks, e-commerce companies, vacation rental management businesses, physician practices and even golf courses.

Bar Admissions

- Colorado
- Illinois
- U.S. District Court, District of Colorado
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Northern District of Illinois (Trial Bar)
- U.S. District Court, Central District of Illinois
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Tenth Circuit

Education

- Juris Doctor, Certificate in Trial Advocacy, cum laude, Loyola University School of Law – 2005
 - Senior Editor, Loyola Consumer Law Review
- Bachelor's Degree in philosophy, cum laude, Boston College – 2001

Professional Affiliations

- American Bar Association
- Colorado Bar Association

- American Herbal Products Association
 - Cannabis Committee
- Colorado Defense Lawyers Association

Honors & Awards

- [AV Preeminent Rated, Martindale-Hubbell](#)
- [Named to the Colorado Super Lawyers List](#) – 2020-2023
- Denver Business Journal Leadership Trust Member – 2020-2021
- Named to U.S. News & World Report’s Best Lawyers list – 2017-2019
- Named to Colorado Super Lawyers Rising Star List – 2012-2015, 2017, 2018
- Named a “Rising Star” by Super Lawyers in Illinois – 2012-2015
- Named to National Trial Lawyers’ Top 40 Under 40 – 2014

Community Activities & Personal Interests

Henry was a member of the Advancement Committee of the Board of Directors of the International School of Denver.

Henry previously served on the Board of Directors of the Mile High Youth Corps and as a member of the Board’s Development Committee.

He appreciates the opportunity to give back to the community by representing parties pro bono.

Henry speaks French, enjoys skiing, sailing, CrossFit, environmental issues, and youth education.

Speeches & Publications

- Quoted, [“Class-action suit filed against parental evaluator who said he disbelieves 90% of domestic violence allegations,”](#) The Gazette – March 2023
- Quoted, [“Denver Marijuana Business Wins Lease Battle,”](#) Law Week Colorado – February 2023
- Quoted, [“Can Crypto Save the Cannabis Industry?”](#) – Coindesk – August 2022
- Author, [“3 Common Legal Mistakes Cannabis Entrepreneurs Make”](#) – Green Entrepreneur – August 2022
- Panel member, “Marketing and Compliance: How to Legally Market Your CBD Company” [USA CBD Expo](#) – Oct 2020
- Quoted, [“What brands need to know about Delta-8 THC”](#) MJ Brand Insights – July 2021
- Author, [“How Not to Violate Federal Law with Text Message Marketing”](#) MG Magazine – July 2021
- Author, [“How to get the most value from a general counsel subscription service”](#) Denver Business Journal – May 2021
- Author, [“Top 5 Steps to Take Before Obtaining a Cannabis License in a Newly Legal State”](#) [Cannabis Business Executive](#) – February 2021
- Author, [“This Is What You Need to Know About Cannabis Banking Laws in 2021”](#) [Green Entrepreneur](#) – February 2021
- Interview Subject, [“Could 2021 be the breakout year for cannabis-infused food and beverages?”](#) [FoodDive](#) – January 2021
- Interview Subject, [“FTC’s Crackdown Against CBD Market Stirs Mixed Feelings Among Cannabis Pros”](#) [Benzinga](#) – January 2021
- Author, [“Three ways to avoid an acrimonious business divorce”](#) [Denver Business Journal](#) – January 2021
- Interview Subject, [“Industry Leaders’ Predictions for 2021”](#) [WeedWeek](#) – December 2020
- Interview Subject, [“Canna-executive make predictions for 2021”](#) [Pot Network](#) – December 2020
- Interview Subject, [“Industry Weighs in on DEA Cannabis Research Final Rule”](#) [Cannabis Business](#)

[Times](#) – December 2020

- Interview Subject, [“How the Georgia Runoffs Could Shape Cannabis Reform” The Fresh Toast](#) – December 2020
- Author, [“Synthetic vs. Natural Hemp: A Legal and Labeling Minefield” Cannabis Business Executive](#) – November 2020
- Interview Subject, [“Making Vapes Safer” Boulder Weekly](#) – November 2020
- Interview Subject, [“Colorado marijuana vape aerosol testing rules address key health issues” MJBiz Daily](#) – October 2020
- Interview Subject, [“Muddied Waters – DEA releases proposed rules for hemp and CBD, reigniting fear and confusion within the industry” Boulder Weekly](#) – October 2020
- Author, [“The DEA’s New Interim Hemp Rule Has Left Many Companies Confused” Green Entrepreneur](#) – Sept 2020
- Author, [“The Risks and Rewards of International CBD Markets” Cannabis Business Executive](#) – August 2020
- Author, [“What you need to know about changes to California’s Prop 65” Green Entrepreneur](#) – August 2020
- Interview subject, [“0052: Henry Baskerville | Fortis Law Partners | Phish Stories” The Deadhead Cannabis Show](#) – May 2020
- Author, [“Justice For All? How COVID-19 Is Affecting Litigation in the Cannabis Industry” Green Entrepreneur](#) – May 2020
- Author, [“For Colorado’s cannabis companies, more M&A?” Denver Business Journal](#) – February 2020
- Author, [“When the Magic Fades: Avoiding a Bad Canna-Business Breakup” Cannabis Business Exclusive](#) – February 2020
- Author, [“Colorado hemp growers should pay attention to new USDA rules” Denver Business Journal](#) – January 2020
- Interview Subject, [“USDA Releases Draft Hemp Farming Regulations” Hemp Magazine](#) – October 2019
- Author, [“What The Vaping Crisis Teaches Businesses About The Importance Of Supply Chains,” Green Entrepreneur](#) – October 2019
- Author, [“How Enforceable is Your Non-Compete Clause?” Green Entrepreneur](#) – July 2019
- Interview subject, [“CBD & FDA: Plenty of Questions, Few Answers” CBD Today](#) – July 2019
- Interview subject, [“Marijuana manufacturers flock to CBD e-commerce amid ongoing legal confusion” Hemp Industry Daily](#) – March 2019
- Author, “Important Ruling for Marijuana Businesses,” LinkedIn – March 2016
- Co-Author, “CFPB Rules Proposal May Drastically Impact School Arbitration Agreements,” Career Education Review – December 2015
- Author, “Non-Compete Clauses in Employment Contracts: How to Avoid Having Them Deemed Unenforceable,” an ExecSense eBook – November 2012

