

# Snell & Wilmer

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## Cody C. Bourke

Partner | Denver

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### Main Bio

Cody Bourke focuses his practice on complex commercial litigation, with an emphasis on various disputes involving real estate, construction, and oil & gas. 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 western United States. Cody has experience in commercial disputes involving contracts, construction defects, mechanic's liens, commercial leases, oil and gas class actions, product liability, and corporate governance and shareholder issues.

Cody also has experience representing clients in regulatory hearings and rulemakings before the Colorado Oil and Gas Conservation Commission and the Colorado Department of Public Health and Environment.

### Representative Experience

- Defended oil and gas companies in statewide class action royalty disputes
- Represented global dairy company in dispute asserting claims of breach of contract and breach of warranty for defective installation of boilers at production facility
- Represented operator and franchiser of multiple restaurants and breweries in commercial lease disputes, evictions and pre-litigation risk reduction strategies across the United States
- Represented private company specializing in oil and gas acquisitions in disputes surrounding joint operating agreements, ownership interests and joint interest billings
- 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
- Represented real estate developer in multimillion-dollar construction defect lawsuits 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

## Education

- University of Denver, Sturm College of Law (J.D., 2013)
  - Order of St. Ives (Top 10%)
  - Scholastic Excellence Awards: Torts, Property
- University of Nebraska-Lincoln (B.A., Psychology, with distinction, 2010)
  - Graduate of Psychology and Law Program

## Professional Memberships & 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

## Representative Presentations & Publications

- “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 Recognition & Awards

- The Best Lawyers in America®: Ones to Watch, Commercial Litigation, Real Estate Litigation, Oil and Gas Law (2021-2023)
- Colorado Super Lawyers®, Rising Stars Edition, Business Litigation (2021-2022)

## Community Involvement

- 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)

## **Previous Professional Experience**

- Poulson, Odell & Peterson, LLC, Associate (2014-2015)
  - Law Clerk (2012-2013)
- Denver City Attorney's Office, Associate Attorney Fellow (2013-2014)
- Colorado 18th Judicial District, Intern for the Hon. Elizabeth Weishaupl (2011)

## **Bar Admissions**

- Colorado

## **Court Admissions**

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