

Kevin D. Homiak

Partner & Pro Bono Chair

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Quoted in the New
York Times

Denver Bar
Association "Pro
Bono Star"



Kevin Homiak defends sophisticated clients nationwide in professional liability and catastrophic injury cases. He has won multiple jury verdicts as lead trial counsel and, through aggressive motions practice, has won the complete dismissal of high-exposure claims against his clients.

Kevin also is the Chair of the firm's Pro Bono Committee. His victories for pro bono clients include some of the largest awards in Colorado history, and his pro bono work has been featured in The New York Times, Law360, NPR's "All Things Considered," USA Today, and other national news outlets.

In addition to his trial practice, Kevin handles high-stakes appeals. His appellate experience spans multiple state and federal appellate courts, and he currently serves as appellate monitoring counsel for one of the world's largest companies in several high-exposure cases across the country. In that capacity, he recently won case-ending summary judgment in a case in which the plaintiff sought over \$130 million in damages.

Credentials

Education

Georgetown University Law Center, J.D., *cum laude*, 2014; *American Criminal Law Review*, Senior Articles Editor

Elliott School of International Affairs, B.A., *summa cum laude*, 2010; Middle East Studies

CLERKSHIPS

Law Clerk to The Honorable James O. Browning, U.S. District Court, District of New Mexico

GOVERNMENT SERVICE

U.S. Attorney's Office, Southern District of New York, Legal Intern

RECOGNITION

Benchmark Litigation

Future Star, 2026

Colorado Super Lawyers

Rising Stars, Professional Liability: Defense, 2022-2026

Denver Bar Association

Pro Bono Star, 2025

LEGAL MEMBERSHIPS

Member, Civil Pro Bono Committee of the Faculty of Federal Advocates

Appointee, Pro Se Prisoner Task Force for the U.S. District Court for the District of Colorado

Member, Steering Committee for the Federal Limited Appearance Program

Appointee, Working Group on Pro Se Prisoner Litigation for the U.S. District Court for the District of Colorado

BAR AND COURT ADMISSIONS

Colorado

New Mexico

U.S. Supreme Court

U.S. Court of Appeals, 10th Circuit

U.S. District Court, D. Colorado

U.S. District Court, D. New Mexico

U.S. District Court, S.D. New York

ARTICLES AND PRESENTATIONS

Moderator, "How to Build a Law Firm Pro Bono Program," 2025 Colorado Pro Bono Summit.

Moderator, "The Evolving Identity of Juries in the Modern Era," Spring 2025 National Legal Malpractice Conference.

Presenter, "Unauthorized Practice of Law by Real Estate Brokers," 42nd Annual Real Estate Symposium.

Moderator, "Pro Bono Opportunities with the U.S. District Court for the District of Colorado," Faculty of Federal Advocates.

Panelist, "Barriers to Competent Representation of Diverse and Underserved Populations and Strategies and Resources to Mitigate Bias," 15th Annual Rocky Mountain Elder Law Retreat.

Presenter, "Lessons Learned from \$3.5 Million Jury Verdict in ADA Intentional Discrimination Case in Colorado Federal Court," Colorado Trial Lawyers Association's Civil Rights Committee.

Presenter, "The Constitution as a Living Document," Young Lawyers Division of the Larimer County Bar Association.

Panelist, "In the Trenches with the Pro Bono Panel: How to Litigate a Pro Se Plaintiff's Section 1983 Claim from Appointment to Verdict," Faculty of Federal Advocates.

Presenter, "Practical Judicial Ethics Dilemmas: The Lawyer's Perspective," Fourteenth Biennial Judicial Ethics Training.

Practices

Appellate

Catastrophic Injury

Legal Professional Liability

Pro Bono

Cases

PROFESSIONAL LIABILITY & CATASTROPHIC INJURY

Won summary judgment dismissal of legal malpractice claims filed in Oklahoma state court seeking tens of millions of dollars from an AmLaw 100 law firm. A panel of the Oklahoma Court of Appeals unanimously affirmed the result based on our briefing.

Won dismissal of a wrongful death case for a social media company. The judge sided with our arguments on Section 230 of the Communications Decency Act, the First Amendment, and personal jurisdiction.

Won case-ending summary judgment for one of the world's largest companies in a catastrophic injury case in which the plaintiff sought over \$130 million in damages.

Won case-ending summary judgment in New Mexico state court for a hospital client facing significant exposure on a medical malpractice claim.

Obtained a favorable settlement for AmLaw 100 law firm client facing a \$50 million legal malpractice claim based on an effective motion for summary judgment and defending depositions of the firm's general counsel and key fact witnesses.

Obtained a nuisance-value settlement for a Colorado law firm client and the firm's named partner facing a \$4 million legal malpractice claim based on taking compelling depositions of the plaintiffs' representatives and defending the deposition of the named partner.

Obtained a complete defense verdict in a three-week federal court jury trial for three healthcare providers facing \$27 million malpractice claims involving an intracranial bacterial infection.

Led internal investigation of criminal allegations against a hospital employee in conjunction with local law enforcement, which led to the complete exoneration of the employee, no criminal charges being filed, and the related civil suit in New Mexico state court being dismissed with a nuisance-value settlement.

Won summary judgment on all claims against a hospital management company facing allegations that its employees at a psychiatric treatment facility negligently discharged a patient who later committed a triple-murder suicide.

APPEALS

Served as second chair for oral argument before the U.S. Supreme Court in a case that with potential tort reform implications for a majority of states.

Won reversal of a multi-million-dollar jury verdict and a complete retrial for an Arizona health system and physician, based on opposing counsel's misconduct during closing argument.

Serving as appellate counsel for one of the largest companies in New Mexico in a case involving an approximately \$20 million verdict.

Serving as appellate counsel for a large hospital system in Oklahoma in a case involving a \$45 million verdict.

Drafted an amicus brief arguing that the Colorado Supreme Court should hold that a third party's involvement in a conversation between an attorney and a client waives the attorney-client privilege, unless the third party's presence is reasonably necessary to facilitate the communication. The Colorado Supreme Court adopted the defendants' position.

PRO BONO

Served as lead trial counsel and won a permanent injunction in Texas federal court requiring that the State of Texas provide air conditioning in its prisons statewide. This was the first extreme heat case to go to trial against a statewide prison system, and the injunction will remedy unconstitutional conditions of extreme heat for many tens of thousands of current and future inmates.

Secured a historic \$1.1 million settlement in a civil rights case for a pro bono client stabbed 43 times in prison.

Served as trial counsel for a class of over a thousand foster children in a three-week trial in Alaska federal court seeking systemwide injunctive relief.

Won a \$340,000 damages award for a pro bono client whose landlord brought an eviction suit against them. WTO's client brought counter-claims for their landlord after physically attacking them and threatening their family, turning off their heat and water, and failing to repair electrical and dangerous conditions. The landlord's eviction case was dismissed for failure to prosecute, and an evidentiary hearing on damages was set, in which the court ordered \$100,000 in additional punitive damages on top of our client's request.

Won a record-setting \$3.5 million jury verdict as lead trial counsel against the Colorado Department of Corrections for intentionally discriminating against his pro bono client by denying him access to over 2,000 meals in a five-year period in violation of the Americans with Disabilities Act. This represented the highest reported jury verdict nationwide for an ADA claim brought against a corrections system.

Won a preliminary injunction in Colorado federal court to transfer an incarcerated pro bono client to protective custody after he was viciously stabbed over 40 times by other inmates for serving as a cooperating witness in a murder prosecution.

Won a record-setting \$750,000 settlement for a pro bono client in a case involving claims for excessive force and denial of timely medical care while the client was detained at the El Paso County Criminal Justice Center. This represented the highest settlement in any civil rights case by El Paso County, Colorado.
