

Colorado County Attorney's Conference

June 5, 2009

**"Preemption Is Not Assumed: A General Overview Of Preemption Law In The
Context Of Oil And Gas Regulation"**

Presentation by:

David Baumgarten & Jeffery P. Robbins

I. Introduction

Jeff and David, in their respective capacities as county attorneys for La Plata and Gunnison Counties, were in 2008 heavily involved in the rulemaking by the Colorado Oil and Gas Conservation Commission ("COGCC"). They assisted several counties and local governments in the successful effort to have the Commission include within its rules a provision recognizing local authority and ensuring that its rules were not meant to negate local authority. At last summer's CCAA conference, the two of them lead a small group discussion on oil and gas preemption law as this issue was at the forefront of the COGCC rulemaking. The CCAA Board requested Jeff and David to expand upon this discussion and this time to also include an overview of preemption law in general as it relates, in particular, to Colorado counties.

In our preliminary discussions, David came up with the catchy title: "Preemption Is Not Assumed" which captures two fundamental points that we would like to convey to you. First, many state and federal agencies (and those regulated by these agencies) will advocate for the opposite proposition, i.e., that there is an assumption of preemption whenever there is a local regulation in an area where there are also state or federal

regulations. The COGCC rulemaking is a prime example of this assumption. Throughout the year of the rulemaking, local governments and Colorado counties repeatedly beat down the assumption that their historic land use rules and regulations over oil and gas operations were to be preempted by the Commission's new rules which also dealt with surface and land-use issues. In the end, local governments were successful in the Commission's adoption of a statement that its rules were not meant to preempt local land use regulations over oil and gas operations, however, the "assumption" remains alive and well, spoken and not spoken, by Commission staff as well as the industry it regulates.

The second fundamental point captured by our presentation title is the concept that in the large majority of preemption cases the local regulation and the conflicting state or federal regulation can, and, perhaps more importantly, should be materially harmonized in a manner that appropriately allows for attention to the local regulatory interest in a manner that does not materially impede the state or federal interest or goal.

With that stage set, and as we all know, several Colorado statutes vest local governments with broad authority to regulate land use within their respective jurisdictions. The earliest of these statutes, the county zoning enabling statute, dates to 1939, while the Local Government Land Use Control Enabling Act (C.R.S. § 29-10-101, et. seq.) was enacted in 1974.¹ For instance, C.R.S. § 29-20-104 provides local governments with broad authority to regulate and plan for the use of land. Similarly,

¹ An interesting side note here. In undertaking a preemption analysis, local government attorneys are encouraged to track back through the historical evolution of the local government's enabling authority. One argument effectively advanced at the rulemaking was the simple fact that local government land use authority preexisted the creation of the Colorado Oil and Gas Commission. Further, we pointed out that the original enabling act for the Commission (Oil and Gas Conservation Act) as well as all subsequent amendments thereto contained language recognizing and preserving local land use authority. This, we believe, was the legislature's express intent that preemption was not intended or "presumed" in the development of the state agency.

C.R.S. § 30-28-102 provides that Counties are authorized to provide for the physical development of the unincorporated territories in the state. Local governmental authority, however, may be preempted by either federal authority under the Supremacy Clause of the United States Constitution or the authority of a state agency under applicable case law and, perhaps, C.R.S. § 30-15-411.²

As noted, the example of application of the principles of preemption that we will use in this paper is the regulation of oil and gas development. In that regard, the broad authority of Colorado County's to regulate land use necessarily includes the ability to regulate resource extraction such as oil and gas. Oil and gas, however, is also the subject of state and federal permitting and regulation, creating areas of overlapping authority. Despite the general principle that local regulation must yield to that of the federal government and state governments, counties still retain substantial authority to regulate the land use impacts of oil and gas development. The issues that arise out of federal and state preemption are different not only because of the different sources of preemption authority, but also because the federal and state governments take very different roles in regulating oil and gas development. Federal and state preemption in the field of oil and gas regulation are discussed separately below. Following that discussion, this paper will analyze how these examples play out in the general application of preemption principles between local, state and federal governments.

² C.R.S. § 30-15-411 states: "No county shall adopt an ordinance that is in conflict with any State statute."

II. Federal Preemption of Local Oil and Gas Regulations

“[S]tate law can be pre-empted in either of two general ways. If Congress evidences an intent to occupy a given field, any state law falling within that field is pre-empted. If Congress has not entirely displaced state regulation over the matter in question, state law is still pre-empted to the extent it actually conflicts with federal law, that is, when it is impossible to comply with both state and federal law, or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress.” *California Coastal Com'n v. Granite Rock Co.*, 480 U.S. 572 (1987) (internal citations omitted). “[F]or the purposes of the Supremacy Clause, the constitutionality of local ordinances is analyzed in the same way as that of statewide laws.” *Hillsborough County, Fla. v. Automated Medical Laboratories, Inc.*, 471 U.S. 707, 713 (1985).

Using the context of oil and gas regulations as an example to understand federal preemption issues, it is first important to address the federal role in oil and gas development. The federal government is primarily involved in oil and gas through leases that it issues to oil and gas operators. The federal government owns the mineral rights to vast areas of land. These rights are periodically leased to private operators. Thus, the question that typically arises is whether county regulation of oil and gas wells that are drilled pursuant to federal mineral leases is impliedly forbidden under a federal leasing statute, or whether it stands as an obstacle to accomplishment of the federal purpose of developing the federal government's mineral rights.

The Colorado Court of Appeals addressed this precise question in *Board of County Com'rs of Gunnison County v. BDS International, LLC*, 159 P.3d 773 (Colo. App.

2006). There, BDS had entered into gas leases on national forest land in Gunnison County. BDS claimed on cross-appeal that the county's oil and gas regulations were impliedly preempted by a list of federal statutes, and thus that the county could not implement regulations concerning oil and gas on federal lands. BDS argued that the Mineral Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Federal Onshore Oil and Gas Leasing Reform Act of 1987, and the Energy Policy Act of 2005 (collectively MLA), the National Forest Management Act (NFMA), and the Federal Land Policy Management Act (FLPMA) collectively occupied the legislative field of regulation of oil and gas drilling under federal leases so as to leave no room for the states to supplement it. *Id.* at 783-84. The court rejected this argument, noting that the states retain jurisdiction to enforce criminal and civil statutes on national forest land, and that that the MLA expressly states that it does not affect the rights of states or local authorities. *Id.* at 784. Thus, the court held that federal mineral leasing statutes and public lands management statutes do not impliedly preempt local land use regulations.

III. State Preemption of Local Oil and Gas Regulations

The issue of whether county regulations are preempted by state regulations is more complex than that of federal preemption, not because the test for preemption is more complex, but rather because of the role that the State of Colorado has chosen to take in oil and gas development. As noted, C.R.S. § 30-15-411 provides that "No county shall adopt an ordinance that is in conflict with any state statute." In general, Courts apply the ordinary rules of statutory construction to determine whether a state statute and a local ordinance can be construed harmoniously or whether the state statute preempts the local

ordinance. *Board of County Commissioners v. Bainbridge*, 929 P. 2d 691, at 698-99 (Colo. 1996). Also, county preemption analysis is first determined by reference to whether the county is home rule or statutory. The Colorado Supreme Court in *Board of County Com'rs, La Plata County v. Bowen/Edwards*, 830 P.2d 1045 (Colo. 1992), enunciated the preemption analysis test for statutory counties as follows:

There are three basic ways by which a state statute can preempt a county ordinance or regulation: first, the express language of the statute may indicate state preemption of all local authority over the subject matter; second, preemption may be inferred if the state statute impliedly evinces a legislative intent to completely occupy a given field by reason of a dominant state interest; and third, a local law may be partially preempted where its operational effect would conflict with the application of the state statute." *Board of County Com'rs, La Plata County v. Bowen/Edwards*, 830 P.2d 1045 (Colo. 1992).

The analysis for home rule counties was enunciated recently by the Colorado Supreme Court in *Colorado Mining Association V. Board of County Commissioners of Summit County*, 199 P. 3d 718. (Colo. 2009), as follows:

[W]e utilize a four-part test when examining the validity of a local ordinance or regulation enacted by a home rule city or county, in the face of an alleged estate conflict: "whether there is a need for statewide uniformity of regulation; whether the municipal regulation has an act or territorial impact; whether the subject matter is one traditionally governed by state or local government; and whether the Colorado Constitution specifically commits the particular matter to State or local regulation." *Citing Voss v. Lundvall Bros., Inc.*, 830 P.2d 1061, 1067 (Colo. 1992).

Again, to initiate a preemption analysis one must first analysis the breadth, scope and goals of the state's regulatory scheme. With regard to oil and gas, the State of Colorado regulates oil and gas extraction primarily through the Colorado Oil and Gas Conservation Act ("OGCA"). The declared purposes of the Oil and Gas Conservation Act are as follows:

To promote the development, production, and utilization of the natural resources of oil and gas in the state; to protect public and private interests against the evils of waste; to safeguard and enforce the coequal and correlative rights of owners and producers in a common source or pool of oil and gas so that each may obtain a just and reasonable share of production therefrom; and to permit each oil and gas pool to produce up to its maximum efficient rate of production subject to the prohibition of waste and subject further to the enforcement of the coequal and correlative rights of common-source owners and producers to a just and equitable share of profits. C.R.S. § 34-60-102(1).

These goals are pursued primarily through the Colorado Oil and Gas Conservation Commission ("COGCC").

The COGCC pursues the purposes of the OGCA by issuing permits for oil and gas drilling operations, regulating the drilling, production, and plugging of wells, the shooting and chemical treatment of wells, the spacing of wells, the disposal of salt water and oil field wastes, and limiting production from any pool or field for the prevention of waste and to allocate production from a pool or field among or between tracts of land having separate ownership on a fair and equitable basis so that each tract will produce no more than its fair and equitable share. Pursuant to authority granted in a 1985 amendment to the Act, the COGCC has produced a voluminous set of rules dealing with all areas of its authority including: permitting procedures, consultation requirements with surface owners, technical aspects of drilling, safety regulations, financial assurance, aesthetic and noise control regulations, pit lining, reclamation, pipeline regulations, and protection of wildlife resources. Some of these regulations, such as those dealing with aesthetics, noise, setbacks, and wildlife, overlap with areas that are regulated by counties under their land use powers. Preemption challenges to county regulations have arisen

where more stringent county regulations overlap with areas also addressed by the OGCA and COGCC rules.

The issue of OGCA preemption of county oil and gas regulations was first addressed in *Bowen/Edwards, supra*. There the plaintiff challenged the validity of La Plata County's land use regulations relating to oil and gas activities within the county on the grounds that these regulations were preempted by the OGCA. In applying the three-part test for preemption, the Colorado Supreme Court first noted that there was no indication in the OGCA that the Act was meant to preempt local authority, but rather that the COGCC was just meant to be the sole source of oil and gas authority at the state level. *Id.* at 1057-58. Next, the court addressed whether the OGCA impliedly demonstrated an intent to occupy all aspects of oil and gas development. The court concluded that it did not, noting that the goal of the OGCA was the efficient, equitable, and safe development of gas resources. While this necessitated regulation of many aspects of drilling, it did not necessitate control over every aspect of oil and gas development. Because of the specific goals that the OGCA was created to further, this left the possibility that other aspects of the industry could be regulated on a local level. *Id.* at 1058. Finally, the court considered whether the county's regulations were preempted on the basis of an operational conflict. The court was unable to make a determination of whether the county's regulations did operationally conflict on the basis of the record available, however, it gave examples of the type of regulation that would create an operational conflict: "the operational effect of the county regulations might be to impose technical conditions on the drilling or pumping of wells under circumstances

where no such conditions are imposed under the state statutory or regulatory scheme, or to impose safety regulations or land restoration requirements contrary to those required by state law or regulation. *Id.* at 1060.

In 1994, the OGCA was amended. These amendments included some new language that was relevant to preemption of local governments. First, the final phrase of § 34-60-106(11) was amended to read “in the conduct of oil and gas operations,” rather than “in the drilling, completion, and operation of oil and gas wells and production facilities.” Further, a broad definition of “oil and gas operations,” enumerating numerous specific activities relating to drilling and other operations, was added to the Act. *Town of Frederick v. North American Resources Co.*, 60 P.3d 758, 762-63 (Colo. App. 2002). While these changes could have implied an intent to occupy the entire subject of oil and gas, thus changing the second prong analysis in Bowen/Edwards, S.B. 94-177 also included the statement that “nothing in this act shall be construed to affect the existing land use authority of local governmental entities.” *Id.* at 763. Thus, the court in *Town of Fredrick* concluded that the analysis for the first two preemption factors remained unchanged. After having upheld the right of local governments to regulate land use aspects of oil and gas, the court then turned to an operational conflict analysis. The court found that the Town’s schedule of fines for violations, which conflicted in part with the COGCC’s fine schedule, was preempted by the COGA. *Id.* at 765-66. Finally, the Court held that an operational conflict did not arise simply because the town sought injunctive relief for violations of local regulations, reasoning that such a rule would in effect, completely deprive local governments of their regulatory powers. *Id.* at 767.

In 2006, the Colorado Court of Appeals once again heard a preemption challenge to local regulations in *Board of County Com'rs of Gunnison County v. BDS International, LLC* (which is also cited above for its federal preemption analysis). First, the court once again upheld the standards set forth in *Bowen/Edwards* and *Town of Fredrick*, rejecting a same-subject analysis advanced by BDS to determine whether there is an operational conflict. 159 P.3d at 779. In applying the operational conflict standard, the court held that the financial requirements in the County code were preempted by the state regulation's financial caps and the county's access to records requirements conflicted with those in the OGCA. *Id.* The court also identified several areas of overlap where the County and COGCC regulated similar subject matter, but where the County's regulations were not such that they facially conflicted with the OGCA or COGCC rules: water quality, soil erosion, wildlife and vegetation, livestock, geologic hazards and cultural and historic resources, wildfire protection, recreation, and permit duration. The court remanded these issues to the trial court for a determination of whether county regulation of these areas would materially impede or destroy the state interest in regulating these areas.

The next major development in the field of state preemption came as a result of two legislative actions in 2007: H.B. 07-1298 and H.B. 07-1341. H.B. 07-1298 directed the COGCC to administer the OGCA so as to minimize impacts on wildlife and to promulgate rules to further wildlife and habitat protection. H.B. 07-1341 directed the OGCC to work in concert with the Colorado Department of Public Health and the Environment to promulgate rules for the protection of public health and safety, and the

environment. Rulemaking to further the goals of these two bills was to occur simultaneously. These bills prompted a protracted rulemaking process that involved a variety of stakeholders, including industry, environmental groups, and local governments.

The concern for local governments in this new rulemaking process was twofold. First, given the wide range of topics that were now committed to COGCC authority, the new rules might redefine the scope of COGCC authority to impliedly preempt local government in the field of oil and gas. Second, the new rules would expand the scope of COGCC authority, thus increasing the overlap with local land use regulations. This in turn could lead to new operational conflicts with local regulations, and thus preemption of those regulations.

Local governments successfully argued that these bills were not meant to change the first two factors in the preemption analysis. New Rule 201 states: "Nothing in these rules shall establish, alter, impair, or negate the authority of local and county governments to regulate land use related to oil and gas operations, so long as such local regulation is not in operational conflict with the Act or regulations promulgated thereunder." The second issue remains up in the air. The new rules do include new substantive rules that could overlap with county land use regulations. Each one of these rules will have to be compared to their local counterparts on an ad hoc basis, in the manner set forth in *Gunnison v. BDS*, to determine whether specific county regulations would materially impede or destroy the state's interest advanced by the new rules.

III. Application of Preemption Principles Outside of Oil and Gas Regulation

The test for preemption in areas outside of oil and gas is the same as the test discussed above. State or local regulations can be preempted by federal law in two ways: (1) if Congress evidences an intent to occupy a given field, state or local regulation in that field is preempted; or (2) when it is impossible to comply with both state and federal law, or where the state law stands as an obstacle to the accomplishment of the full purposes and objectives of Congress. Local regulations are preempted by state laws or regulations if: (1) the state law or regulation expressly preempts all local authority over the subject matter; (2) the implied legislative intent is to occupy completely a given field; or (3) the county regulation's operational effect would conflict with application of the state statute (meaning it would materially impede or destroy the state interest in the state law or regulation). Practically speaking, there is very little difference between these two tests.

The oil and gas example discussed above is illustrative of how these tests are applied. It is important to note, however, that application of these tests will be highly fact specific depending on the particular nature of both the local regulation and the state or federal law that is claimed to preempt it. In the case of OGCA preemption of oil and gas regulations, much of the analysis above focused on operational conflicts, but only after it had been established that the first two preemption factors were not present. The entire analysis must be undertaken in any preemption inquiry, and the result of such an inquiry may change after any amendment to either relevant statute or regulation. A couple

sentences or even a couple words regarding the general purpose of the statute may determine the outcome of the preemption analysis.

IV. Case Example: Summit Mining case

A recent Colorado Supreme Court case dealt with preemption. In *Colorado Min. Ass'n v. Board of County Com'rs of Summit County*, 199 P.3d 718 (Colo. 2009), the Colorado Mining Association brought action against Summit County seeking a declaration that a county ordinance banning use of cyanide or other toxic/acidic chemicals in heap or vat leach mining operations for all zoning districts in the county was preempted by the Mined Land Reclamation Act (MLRA). The court applied the preemption test from Bowen/Edwards that a local regulation can be preempted through express preemption, implied preemption, or operational preemption. *Id.* at 724. The court specifically discussed implied preemption, noting that there are multiple ways in which a local regulation can be impliedly preempted, and specifically focused on implied preemption by way of a state interest manifested in a state act that is "sufficiently dominant" to override the local regulation. *Id.* The court noted that while "Mere overlap in subject matter is not sufficient to void a local ordinance," "local governments generally may not forbid that which the state has explicitly authorized."

In applying these principles to the Summit County ordinance and the MLRA, the court first discussed the purpose and scope of the MLRA. "In its 1993 amendments to the MLRA... the General Assembly assigned to the Board the authority to authorize and comprehensively regulate the use of toxic or acidic chemicals, such as cyanide, for mineral processing in mining operations..." Furthermore, the MLRA defines a

“designated mining operation” as encompassing “a mining operation at which [t]oxic or acidic chemicals used in extractive metallurgical processing are present on site.” The Summit County regulation categorically banned any such mining processes. Thus, while the local regulation was not expressly preempted by the MRLA, it was impliedly preempted for three reasons: “(1) the ordinance impedes the MLRA's goal of encouraging mineral development while protecting human health and the environment; (2) the ordinance is inconsistent with both the General Assembly's decision to authorize mining operations that use chemicals for extraction and the resulting Board-regulated permitting regime for Designated Mining Operations; and (3) state statutes and canons of statutory construction require that we resolve the conflict between the MLRA and Summit County's ban ordinance in favor of the MLRA.” *Id.* at 731. In other words, the Summit County regulation was preempted both for the more general reason that the state interest in allowing and regulating the use of toxic and acidic chemicals in mining was “sufficiently dominant” to override local regulation, and for the more specific reason that the local regulation forbid an activity that was allowed (and regulated) under the MRLA.

While this case struck down a county regulation, it really did nothing to change the existing preemption analysis. It was clear from the existing line of cases that a local government could not ban an activity that was expressly allowed under state law. Here, the Colorado Supreme Court merely confirmed this. While the discussion and application of the “sufficiently dominant” test for implied preemption is more in depth than in prior cases, the analysis does not change. The decision here is entirely consistent with the statement in *Bowen/Edwards* that a county regulation that imposed technical

conditions on the drilling or pumping of wells would be preempted by the OGCA. Here, Summit County attempted to regulate technical aspects of mining that were comprehensively regulated under the MLRA, so their regulations were impliedly preempted.

One takeaway from this case was the Court's enunciation of common themes from the preemption cases as follows:

We recognize common themes in Bowen/Edwards and Voss: (1) the state has a significant interest in both mineral development and in human health and environmental protection, and (2) the exercise of local land use authority complements the exercise of state authority but cannot negate a more specifically drawn statutory provision the General Assembly has enacted.

V. Conclusion: Preemption is Not Assumed

As we stated in our opening, in our opinion, attorneys for local governments should not presume that state or federal regulations preempt local regulations merely because they are on the same subject. First, determine from the state or federal statute or regulation whether it expressly preempts the local regulation. If not, and if the local regulation is in a field in which local governments have traditionally occupied, presume that the local regulation is not impliedly preempted by the state or federal law. One method for justifying this presumption is to thoroughly analyze the goals or objectives of the State regulatory framework. Again, falling back upon our oil and gas example, we note that the COGCC goal is the effective recovery of the mineral resource in a manner that protects the health, safety, and welfare of the citizens of the State of Colorado. We assert that a local government's oil and gas regulations that do not prohibit the effective recovery of the natural resource can, in most cases, be materially harmonized with the

RESUME

DAVID BAUMGARTEN

P. O. Box 905
Gunnison, CO 81230
(h) 970/641-4258 (w) 970/641-5300
(f) 970/641-7696

EMPLOYMENT

Gunnison County Attorney
200 E. Virginia Ave.
Gunnison, CO 81230

11/89 - Present

Chief county attorney, supported by a deputy attorney, 2 paralegals and administrative assistant, for Gunnison County in rural western Colorado. I have the primary responsibility to provide legal counsel to the Board of County Commissioners, all elected County officials (Assessor, Clerk, Sheriff and Treasurer), and the various County departments and boards, including administration, airport, building, environment, finance, hospital, housing coordinator, public health, environmental health, housing, MIS, library, planning, public works and human services. I participate in the budget and audit processes, and consult on grant writing and grant administration.

My responsibilities include extensive regulatory drafting (e.g. land use and environmental codes), judicial proceedings, and liaison and facilitation for the County with federal, state and local governments, the environmental community, extractive, recreation and development interests, and a diverse state and local population.

I have helped create and make effective short and long term coalitions as diverse as: Gunnison County, Gunnison County Stockgrowers, Upper Gunnison River Water Conservation District, High Country Citizens Alliance (AHCCA®) regarding water quality and proposed out-of-basin water diversions; facilitator for private, commercial and public recreation users and the United States Forest Service of the Gunnison National Forest (the AGang of 9"); the Community Evaluation Team including public entities, private caregivers, clergy, law enforcement and parents regarding services to children and families in need.

Gunnison County is approximately 3,259 square miles in size, 87 percent of which is federal lands, with a population of 15,064. Gunnison County employs 181 persons and has a 2005 budget of approximately \$60,000,000. Current issues before Gunnison County include balancing a pristine environment with healthy growth, maintaining high quality water and air (including decades of litigation to thwart diversion of water to the Denver metro area), protecting an historic ranching economy while encouraging new self-sustaining industry, open space conservation and fostering collegial problem solving.

Resume
David Baumgarten
Page 2

Hearing Officer/Mediator Colorado Department of Education	6/88 - 1/93
Private Legal Practice Boulder, CO	5/84 - 11/89
Public Defender Legal Aid Society Brooklyn, NY	10/77 - 5/84
Harvard Law School/Children's Defense Fund Cambridge, MA	3/77 - 9/77
Department of Youth Services Commonwealth of Massachusetts Boston, MA	4/76 - 3/77
Legal Services Hyannis, MA	12/74 - 4/76
Private Practice/Legal Services Idaho Springs, CO Fort Collins, CO	11/73 - 10/74

EDUCATION

Graduate School of Education, Harvard University	M.Ed.	1979
Fleming Law School University of Colorado	J.D.	1973
University of California Berkeley	B.A.	1970

BAR ADMISSION

Colorado	1973
Massachusetts	1974
New York	1977
United States District Court, Colorado	1973
United States Court of Appeals, Tenth Circuit	1998

JEFFERY P. ROBBINS

Jeffery P. Robbins has been an attorney practicing law in Durango, Colorado since 1996. He is a partner in the law firm of Goldman, Robbins & Nicholson, P.C. He has a wealth of experience in the representation of local governments, and has served as County Attorney for La Plata County and Archuleta County as well as special counsel for the City of Durango. In these capacities, he provided general local government legal services to the Board of County Commissioners and numerous county departments, including, the County's Community Development and Building Departments. With regard to preemption issues, Mr. Robbins has served as counsel to several Counties with regard to oil and gas regulatory issues. In this capacity, Mr. Robbins has appeared before the Colorado Oil & Gas Commission and also successfully litigated an appellate proceeding against the COGCC in which he represented a consortium of Colorado counties who challenged the Commission's attempt to negate local authority through its rulemaking. Also, Mr. Robbins was intensely involved in the most recent rulemaking of the Colorado Oil & Gas Commission where he assisted several counties and local governments in the successful effort to have the Commission include within its rules a provision recognizing local authority and ensuring that the rules were not meant to negate local authority.

As a founding partner of Goldman, Robbins and Nicholson, Mr. Robbins has developed the firm into a successful provider of legal services to businesses, governments and individuals throughout Southwest Colorado. Mr. Robbins private practice concentrates on civil litigation, real estate and land use matters. He has extensive trial experience and has appeared before the District Courts in Southwest Colorado, before numerous County and Town officials and Boards and before the United States District Court for the State of Colorado on construction litigation, election matters, tax matters, condemnation matters and land use issues. He is a member of the Southwest Colorado Bar Association and the American Bar Association. Mr. Robbins received his undergraduate degree from Washington and Lee University and his J.D. degree from the University of Georgia, School of Law. He enjoys time with his family (wife and two kids, 7 and 9), and doing anything outdoors.