

FREDERICK B. SKILLERN

Frederick B. Skillern is a shareholder and director of the law firm of Montgomery Little & Soran, P.C. in Greenwood Village, Colorado. His law practice encompasses real estate and related litigation, as well as mediation, arbitration, and appeals.

Education

J.D. UNIVERSITY OF COLORADO SCHOOL OF LAW, 1976
Case Note Editor, University of Colorado Law Review, 1975-76.
Law School Alumni Award, 1976, for contribution to the law review.

A.B. DARTMOUTH COLLEGE, 1973

Admitted to practice in Colorado, the United States District Court for Colorado, and the United States Court of Appeals for the Tenth Circuit.

Work Experience

- 2003 - now MONTGOMERY LITTLE & SORAN, P.C.
Real estate and related litigation; mediation, arbitration, and appeals.
Shareholder and director.
- 2000 - 2002 DISTRICT JUDGE, EIGHTEENTH JUDICIAL DISTRICT, COLORADO,
sitting in Arapahoe County.
Trial court of general jurisdiction. Conducted 64 jury trials.
- 1990 - 2000 ISAACSON, ROSENBAUM, WOODS & LEVY, P.C., Denver, Colorado.
Real estate, commercial litigation. Shareholder and director.
- 1984-1990 CARPENTER & KLATSKIN, P.C., Denver, Colorado.
Real estate and commercial litigation. Shareholder.
- 1983-1984 COSGRIFF, DUNN & FRENCH, P.C., Breckenridge, Colorado.
Real estate and commercial litigation. Associate attorney.
- 1980-1983 ROATH & BREGA, P.C. Commercial, real estate and criminal defense litigation.
Associate attorney.
- 1977-1980 DEPUTY DISTRICT ATTORNEY, FIRST JUDICIAL DISTRICT, Jefferson County,
Colorado. Criminal prosecution, more than thirty felony jury trials, appeals.

Professional activities

Mr. Skillern has been a member the Real Estate Law Section Council of the Colorado Bar Association in several capacities since 1997, serving successive terms as Secretary, Vice Chair, and Chairman of the Real Estate Section from 2003 to 2006. He was a member of the Real Estate Title Standards Committee of that organization for twelve years. He has served since 1988 on the Colorado Supreme Court's Standing Committee on Rules of Civil Procedure, on which he has led several subcommittees examining changes in the rules relating to civil litigation and real estate, including the rules governing foreclosure and title actions, appointment of receivers, and recovery of attorney fees in civil litigation. He assisted in drafting the statute passed in 1997 to facilitate the removal of spurious liens from property, co-authored substantial revisions to Colorado's foreclosure statutes in 1998, and was actively involved in drafting amendments to the Colorado Common Interest Ownership Act as well as the Colorado's version of the Uniform Statutory Rule against Perpetuities in the 2006 legislative session. From 1983 to 1990, Mr. Skillern was a member of the Colorado Bar Association Ethics Committee, and was the lead author of several formal opinions governing the conduct of attorneys. He is a member of the Real Property and Probate Sections of the American Bar Association, and is a Fellow of the Colorado Bar Foundation.

Mr. Skillern has served as an expert witness in cases involving malpractice, real estate titles, attorney fees, and conflicts of interest, and speaks regularly at continuing education conferences for attorneys and other trade groups. He has been designated a Colorado Super Lawyer for the last six years (2006 to 2011) as a result of professional peer surveys conducted for an affiliate of Denver's 5280 Magazine, and has been awarded Martindale-Hubbell's AV-rating continuously since 1987.

He is frequently retained to serve as a mediator and arbitrator in contested real estate cases. Mr. Skillern teaches as an Adjunct Professor at the University of Denver's Sturm College of Law, teaching a class in basic real estate transactions and finance (2006, 2011 and 2012).

C.R.C.P. 26(a) list of publications and seminar presentations

- “2011 Fall Case Law - Latest Interpretation of Statutory Rule Against Perpetuities and Other Difficult Questions,” CLE of Colorado , Inc., October 14, 2011, Denver, Colorado. An annual speech and written report on real estate case law in Colorado. Repeated for CLE each year since 2007.
- *Real Estate Case Law Update*, a summary of Colorado case law affecting real estate practice, 2010-2011, prepared for the CBA REAL ESTATE SYMPOSIUM, jointly sponsored by Colorado Bar Association and CLE in Colorado, Inc., July 14, 2011, Vail, Colorado. This presentation has been given annually for the real estate bar by Mr. Skillern since 1999.

- “*Real Property Law*,” in the 2011 ANNUAL SURVEY OF COLORADO LAW (CLE of Colorado, Inc.), prepared annually since 2005, co-authored with Geoffrey Anderson, Esq. in 2005-2009.
- “*Judicial Foreclosures -- Including Effect of Legislative Changes in 2009*,” in the program on FORECLOSURE LAW IN COLORADO, presented in Denver, Colorado by CLE in Colorado, Inc. on December 7, 2009.
- “*Judicial Foreclosures*,” in the program on FORECLOSURE LAW IN COLORADO, presented in Denver, Colorado by CLE in Colorado, Inc. on December 7, 2007.
- “*Colorado Court System*,” Chapter 23;
“*Commencement of the Action and Service of Process*,” Chapter 26;
“*Civil Jury Trials*,” Chapter 27;
“*Pleadings*,” Chapter 28, and
“*Executions*,” Chapter 40,
Krendl’s COLORADO METHODS OF PRACTICE, Volumes 1B and 1C (5th and 6th editions, Thomson West 2004-2011), with annual supplements.
- “*Future Interests*,” Chapter 72, in Krendl’s COLORADO METHODS OF PRACTICE, Volume 2A (5th edition, West 2007); earlier version of chapter was published in the 4th edition of this treatise in 1998, with annual supplements through 2011.
- “*The Spurious Lien and Document Statute – Not for Mechanic Liens*,” CBA Real Estate Section Newsletter, February, 2006.
- “*Special Statutory Claims Involving Colorado Real Estate – Boundary Actions, Partition, Spurious Liens and the RAP Trap*,” delivered at program on REAL ESTATE LITIGATION, CLE in Colorado, Inc., March 18, 2005.
- “*Attorney’s Fees: Navigating the Rules of Professional Conduct, or Getting Paid without Getting Grieved*,” delivered at program on REAL ESTATE ETHICS, CLE in Colorado, Inc., December, 2004.
- “*Current Developments in Colorado’s Real Estate Law and Hints for the Wary*,” prepared for the 5th Annual SOLO SMALL FIRM CONFERENCE, Colorado Bar Association and CLE in Colorado, Inc., September 18, 2003.
- “*Of Joint Tenants and the Case of Canterbury*,” CBA Real Estate Section Newsletter, August, 2003.
- “*Clearing Title Quickly: The Spurious Lien Statute, Curative Affidavits, and*

Other Title Tools,” prepared for the Annual SPRING REAL ESTATE UPDATE, Colorado Bar Association and CLE in Colorado, Inc., May 16, 2003.

- “*Treasurer Deeds – Tricky Dicta?*” CBA Real Estate Section Newsletter, February, 2003.
- “*New News on the Oldest of Rules – RAP Strikes Again,*” CBA Real Estate Section Newsletter, November, 2002.
- “*Presenting a Trial to the Court – Civil,*” Colorado Trial Lawyers’ Association program, TRIAL ADVOCACY FROM THE JUDGE’S PERSPECTIVE, Denver, Colorado, May, 2001.
- “*Colorado’s Common Law of Real Property at the Turn of the Century,*” Colorado Bar Association Convention, Keystone, Colorado, September 8, 2000.
- “*Title Insurance Policies and Commitments*” and “*Liability and Ethics Considerations,*” National Business Institute Program on ADVANCED PRINCIPLES OF TITLE INSURANCE IN COLORADO, December, 1997.
- “*Colorado Title Issues, Title Insurance, and Risk Avoidance*”, Colorado Bar Association Convention, September, 1996.
- “*Ethical Considerations in Title Insurance*” and “*Overview of Title Insurance Claims and Litigation,*” National Business Institute Program on MASTERING REAL ESTATE TITLES AND TITLE INSURANCE IN COLORADO, January, 1995, repeated February, 1996.
- “*Real Estate and Malpractice.*” 1995 REAL PROPERTY PRACTICE REFRESHER, Continuing Legal Education in Colorado, Inc., June, 1995.
- “*Public Rights vs. Public Access – Disputes Over the Creation, Use, and Vacation of Public Roads,*” 12th Annual Real Estate Symposium, Colorado Bar Association and CLE in Colorado, Inc., July, 1994.
- “*Resolution of Boundary Disputes*” and “*Handling Right-of-Way Problems,*” National Business Institute Program on BOUNDARY LAW, April, 1994.
- “*Colorado Rules of Professional Conduct: Application to Real Estate Practice,*” 10th Annual Real Estate Symposium, Colorado Bar Association and CLE in Colorado, Inc., July, 1992, with L. Donnelly, K. Covell, and A. Stein.

Amicus Briefs, Colorado Supreme Court:

- *Hewitt v. Rice*, 154 P.3d 408 (Colo. 2007)
- *Taylor v. Canterbury*, 92 P.3d 961 (Colo. 2004)
- *Grynberg v. Agri Tech, Inc.*, 10 P.3d 1267 (Colo. 2000)

C.R.C.P. 26(a) list of cases--testimony as expert witness in trial or deposition:

Culley, et al. v. Wolf, Slatkin & Madison, P.C.

District Court City and County of Denver
10CV1723

Jury Trial, March 23, 2011 (attorney professional liability)

Southern Title Insurance Company v. U.S. Title & Abstract, et al.

Denver District Court
08 CV 3281

Deposition, July 24, 2009 (real estate titles, abstracter negligence)

Durango Visions v. Goodman, et al.

La Plata County District Court
07 CV 178

Deposition, May 13, 2009 (attorney professional liability)

Gordy v. Mariner Health Care, et al.

Denver District Court
05CV8662

Post-trial hearing, August 20, 2007 (attorney fees)

First National Business Corporation v. T Michael Installation LLC

Arapahoe County District Court
04CV2434

Post-trial hearing, May 9, 2007 (attorney fees)

Marriage of Gilligan,

Jefferson County District Court, Colorado
04 DR 2553

Arbitration, post-decree, February 6, 2006 (real property liens)

Ihire, Inc. v. Boston Market Corporation,
Jefferson County District Court, Colorado
05 CV 1008
Deposition, January 19, 2006 (attorney fees)

Gutierrez v. Cruz,
District Court, City and County of Denver, Colorado
03 CV 10027
Jury trial, April 28, 2005 (real property titles, deed interpretation)

Orr/Hall, LLC v. Otis, Coan, & Stewart, LLC, et al,
District Court, City and County of Denver, Colorado
03 CV 7523
Deposition, November 10, 2004 (attorney fees)

Nierzwicki v. Stutz, Miller & Urtz, et al.
Eagle County District Court, Colorado
Case No. 02CV550
Deposition, February 2004 (professional liability, real estate litigation)

Hartsel Springs Ranch v. Bluegreen Corporation
United States District Court, Colorado
Case No. 00-B-1653
Video deposition/trial testimony, August 2000 (real property titles)

Rael v. Taylor – Taylor Ranch litigation
Costilla County District Court, Colorado
Deposition and trial testimony, October 1997 (real property titles)
Expert opinion referenced in *Lobato v. Taylor*, 70 P.3d 1152 (Colo. 2003)

People of the State of Colorado v. Borden
Adams County District Court, Colorado
Jury trial testimony, February 1997 (real property titles)

Zimmerman v. Bank Frontier, et al.
District Court, City and County of Denver, Colorado
Arbitration testimony, December 1994 (real property titles, foreclosure procedure)

Gutrich v. Cogswell & Wehrle, et al.
District Court, City and County of Denver, Colorado
Deposition and jury trial testimony, June 1994 (professional liability, real estate litigation, conflicts of interest).

Retained as endorsed expert or consulting expert in approximately forty other cases, without testimony, since 2003.

November 1, 2011