

DAVIS GRAHAM

MAX HAMILTON ASSOCIATE

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EXPERTISE

Commercial Litigation, Trial,
Appellate, Intellectual Property &
Technology Transactions

EDUCATION

Georgetown University Law Center, J.D.,
magna cum laude, Order of the Coif,
2020

Washington University in St. Louis, B.A.,
magna cum laude, 2012

ADMITTED IN

Colorado, Washington, DC

Max Hamilton is an associate in the Trial Group at Davis Graham & Stubbs LLP, where he represents clients in complex civil litigation and appeals. He has extensive experience briefing and arguing motions and appeals, taking and defending depositions of key witnesses, and negotiating favorable settlements for his clients. Max's past and current clients include companies and individuals in the technology, energy, real estate, and media industries, and he has substantive expertise in patent, trademark, copyright, contract, economic and reputational tort, oil and gas, property rights, and administrative law proceedings. Max maintains an active pro bono practice focused on education and voting rights.

Max was previously an associate in the Washington, DC, office of a multinational law firm and a law clerk to the Honorable Jerome Holmes of the U.S. Court of Appeals for the Tenth Circuit. He is admitted to practice in Colorado, Washington, DC, before the U.S. District Court for the District of Colorado and before the U.S. Court of Appeals for the Tenth Circuit. Max is the Colorado Vice President of the Tenth Circuit Historical Society and a member of the Faculty of Federal Advocates (FFA) and the Colorado Intellectual Property American Inn of Court.

Max received his J.D. from Georgetown University Law Center, graduating *magna cum laude* and in the Order of the Coif. During law school, he was the Senior Notes Editor for the Georgetown Law Journal, interned for the Honorable James E. Boasberg of the U.S. District Court for the District of Columbia, and worked as a student attorney for the Georgetown Appellate Courts Immersion Clinic.

Before law school, Max worked in business development at several startups and taught high school social studies in Louisiana as a Teach for America corps member. Max graduated *magna cum laude* with a B.A. in Political Science and International and Area Studies from Washington University in St. Louis.

PUBLICATIONS & PRESENTATIONS

- Co-presenter with Ben Strawn, "Davis Graham 2023 Ethics Update," Davis Graham Seminar (November 7, 2023)
- Moderator, "Tenth Circuit Practice Panel," 2023 Colorado Bar Association Appellate Practice Update (May 5, 2023)

REPRESENTATIVE EXPERIENCE

- Won C.R.C.P. 106 appeal on novel constitutional issue regarding the right to conduct cross examination in administrative proceedings.
- Won appeal overturning finding of qualified immunity on false arrest claim before the Second Circuit.
- Won motion to dismiss mineral trespass claim in complex oil and gas title case.
- Secured dismissal of conversion and civil conspiracy claims in dispute among joint venture partners.
- Deposed key witnesses, defeated motion for punitive damages, and secured summary judgment on malicious prosecution, abuse of process, and negligent infliction of emotional distress claims in reputational tort lawsuit.
- Won motion to stay discovery in real estate dispute involving RICO, defamation, malicious prosecution, abuse of process, and civil conspiracy claims.
- Won motion to bifurcate proceedings in class action lawsuit.
- Briefed Eighth Amendment and negligence claims in appeal of prison conditions case before the Seventh Circuit.
- Drafted appellate amicus brief regarding meaning of property under federal wire fraud statute before the Second Circuit.
- Defeated motion to dismiss and motion for summary judgment on claim for tortious interference with contract.
- Briefed motion to dismiss for lack of personal jurisdiction and improper venue in patent infringement litigation and secured transfer from the Northern District of Texas to the District of Delaware.
- Drafted motion for summary judgment in real estate dispute involving tortious interference with contract.
- Argued motion to stay discovery pending ex parte review in patent infringement case.
- Drafted anti-SLAPP special motion to dismiss breach of fiduciary duty claims.
- Deposed witnesses and successfully moved to compel discovery of key financial records in breach of fiduciary duty lawsuit.