

Denver Attorney Rick Rufner's

Published Appellate Cases:

[Rick Rufner](#) is an experienced and accomplished Colorado attorney. He has authored numerous legal briefs and has participated in several appellate cases which have helped shape the current laws of our state some of which are highlighted below:

Paternity & [Child Custody](#)

1. People ex rel. A.M.K, 68 P.3d 563, (Colo. App 2003); This case involved a child custody dispute between the child's biological father and non-parent caretakers of the child. The biological father, represented by the father, was a teenager and unwed to the biological mother, when the child was born. Without the father's knowledge, the biological mother left the child primarily in the care of non-related caretakers. The couple was awarded primary residential care of the child, shared-decision making authority for religious, medical, and day to day matters and sole decision making authority for educational issues. The father appealed and the court reversed the judgment. The court held that the father had a fundamental right as a [biological parent](#) to direct the custody, care and control of the child. The court held that such an order failed to accord a presumption that the child's best interests would be served by custody with the fit biological father.

Child Support

2. In re the Marriage of Morris, 32 P.3d 625, (Colo. App 2001); The case involved [enforcement of a judgment for child support](#). The daughter of the payor father, represented by Mr. Rufner, sought to enforce the Texas order for support after she became an adult. The appellate court found that Colorado's statute of limitations governed enforcement of the claim for child support arrearages asserted because the choice of law provision operated reciprocally and Texas was equally bound to recognize the law of the state with longer statute of limitations. Thus, the court concluded the action of the daughter to enforce her right to the support arrearages that had accumulated under the Texas support order was timely and was not barred by any statute of limitation.

Legal Malpractice

3. *Tripp v. Borchard*, 29 P.3d 345 (Colo. App 2001); In this case, the Plaintiff, who was represented by Mr. Rufner, brought claims for [legal malpractice](#) against a lawyer. Mr. Rufner asked the judge to recuse himself because of prior involvement with the underlying case. The judge refused and dismissed the case. On appeal Mr. Rufner contended that the trial judge abused his discretion in denying the motion for disqualification. Mr. Rufner's allegations that the judge should have been disqualified, considered in light of the policy expressed in Colo. R. Civ. P. 121,§1-17, were sufficient to raise a reasonable inference of the appearance of actual or apparent bias or prejudice and the required disqualification. The appeals court agreed and reversed the dismissal. Upon remand to the trial court, the case settled in favor of Mr. Rufner's client.

Child Support Enforcement

4. *In re the Marriage of Hamilton*, 857 P.2d 542 (Colo. App 1993); In this [child support enforcement and collection](#) matter, Mr. Rufner successfully argued that an obligor father was not involuntarily underemployed by reason of his incarceration for a felony conviction in California. Thus, the father's child support obligation continued during his imprisonment.

Legal Malpractice

5. *White v. Jungbauer, et, al.*, 128 p. 3d263 (Colo. App. 2005); In this [legal malpractice](#) action, Mr. Rufner successfully argued that settlement by his client of his underlying lawsuit in which he was represented by the defendant attorneys did not automatically preclude his claim against them for malpractice;

6. *Campbell v. Burt Toyota-Diahsu, Inc.*, 983 P.2d 95 (Colo. App 1998);

7. *Wilson v. Fireman's Fund Ins. Co.*, 931 P.2d 523 (Colo. App 1996);

8. *Machol v. Sancetta*, 924 P.2d 1197 (Colo. App 1996);

9. *Burnworth v. Adams County*, 826 P.2d 368 (Colo. App 1991);

10. *Perry Park Country Club, Inc. v. Manhattan Sav. Bank*, 813 P.2d 841 (Colo. App 1991);

11. *Boice v. Industrial Claim Appeals Office of State of Colo.*, 800 P.2d 1339 (Colo. App 1990);

12. *H2O Engineering, Inc. v. Leidy's, Inc.*, 799 P.2d 432 (Colo. App 1990);

13. *Schmidt Const. Co. v. Fast*, 776 P.2d 1175 (Colo. App 1989);

14. *Western Conference Resorts, Inc. v. Pease*, 668 P.2d 973 (Colo. App 1983);
15. *A.R.A. Mfg. Co. v. Cohen*, 654 P.2d 857 (Colo. App 1982);
16. *Bangert Bros. Const. Co., Inc. v. Kiewit Western Co.*, 310 F.3d 1278 (10th Cir. 2002);
17. *Coffey v. Dean Witter Reynolds Inc.*, 961 F.2d 922 (10th Cir. 1992); *Coffey v. Dean Witter Reynolds, Inc.*, 891 F.2d 261 (10th Cir. 1989);
18. *U.S. v. Kilpatrick*, 821 F.2d 1456 (10th Cir. 1987);
19. *John Hancock Mut. Life Ins. Co. v. Jordan*, 836 F. Supp. 743 (D. Colo. 1993);
20. *In re Hansen*, 131 B.R. 167 (D. Colo. 1991);
21. *Shewmake v. Badger Oil Corp.*, 654 F. Supp. 1184 (D. Colo. 1987);
22. *Coffey v. Dean Witter Reynolds, Inc.*, 640 F. Supp. 874 (D. Colo. 1986);
23. *U.S. v. Kilpatrick*, 594 F. Supp. 1324 (D. Colo. 1984);
24. *Victoria Oil Co. v. Lancaster Corp.*, 587 F. Supp. 429 (D. Colo. 1984);
25. *U.S. v. Kilpatrick*, 575 F. Supp. 325 (D. Colo. 1983);
26. *Centennial Petroleum, Inc. v. Carter*, 529 F. Supp. 563 (D. Colo. 1982);