



TOM DOWNEY

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EXPERTISE Alternative Dispute Resolution · Regulatory Affairs & Govt. Relations

Tom Downey is a regulatory attorney and shareholder at Ireland Stapleton with extensive experience in both government service and private practice. He advises clients on all aspects of regulatory law and is widely recognized for resolving complex issues governed by local, state, and federal agencies.

Tom's practice focuses primarily on advising and representing corporate clients in administrative, transactional, and disciplinary matters involving liquor licensing, legalized marijuana, and professional licensing regulated by the Colorado Department of Regulatory Agencies. He also represents investors, creditors, developers, intellectual property holders, and other stakeholders involved in licensed and highly regulated industries.

To provide comprehensive counsel, Tom regularly handles zoning and land use matters, code enforcement issues, election law, Title Board proceedings, and public policy work. He represents government entities and nonprofit organizations across the country.

In addition to his legal practice, Tom serves as an arbitrator for the American Arbitration Association and is frequently retained as an expert witness in regulatory matters. He regularly teaches continuing legal education courses and speaks nationally on regulatory and licensing law. Tom is also a frequent guest lecturer at law schools, including the University of Denver and Cornell University, and previously served on rulemaking committees for the Colorado Marijuana Enforcement Division and the Liquor Enforcement Division.

Tom began his legal career as a law clerk to Judge D. Warren Donohue of the Circuit Court of Maryland. While in law school, he spent the summer of 1992 in Budapest as a consultant to a founding member of Hungary's first opposition party, assisting in the early work to redraft the country's constitution. Prior to law school, he worked for U.S. Congressman Charles B. Rangel of New York.

Tom and his wife, Lori Fox, have three daughters, Cate, Ella, and Meg, all of whom are accomplished singers and songwriters.

EDUCATION & ADMISSIONS

Education

- University of Pennsylvania, Wharton Business School Executive Program – High Impact Leaders (non-degree), 2009
- J.D., Villanova School of Law, 1993, Vice-Chair, Villanova Law School Honor Board, Vice-President, Villanova Law School Women's Law Caucus, President, Villanova Law School Rugby Club
- Bachelor of Arts in Economics, College of William and Mary, 1989

Admissions

- Colorado Supreme Court
- U.S. District Court for the District of Colorado
- U.S. Circuit Court of Appeals, 10th Circuit

HONORS & AWARDS

- The Best Lawyers in America® "Lawyer of the Year" Honoree, 2023-2026
- Selected to The Best Lawyers in America® for Administrative/Regulatory Law and Government Relations, 2018-2025
- Selected to 5280 Magazine, Top Lawyer Marijuana Law, 2016-2026
- Selected to Law Week Colorado's 2018 "Barrister's Best" list – People's Choice for Marijuana Law

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LEGAL EXPERIENCE

- Acts as regulatory counsel for a hemp company on a national scale, utilizing local counsel for operations in specific states.
- Acts as U.S. regulatory counsel for a European agriculture supply company targeting the cannabis industry.
- U.S. regulatory counsel for Canadian cannabis companies for U.S. national issues and oversees local counsel for state operations.
- Advises regulated institutional investors in the U.S. cannabis industry.
- Designated as a Colorado Special Assistant Attorney General for specialized cannabis issues.
- Advises U.S. colleges and universities on both the use of endowment funds and course curriculum related to cannabis.
- Advises charitable foundations on cannabis-related activities.
- Advises nonprofits on liquor licensing with a specialty in theatre-related liquor licenses.
- Represents licensees and neighbors for Short-Term Rentals.
- As a result of the decision in the U.S. Supreme Court case *Murphy v. National Collegiate Athletic Association*, represented a national client through Colorado's ballot initiative, legislation, and rule-making processes to bring sports betting to Colorado.
- Led Denver's Department of Excise and Licenses, issuing and regulating 25,000 business licenses in Denver in 180 different categories.
- Redrafted Denver's Policies and Procedures for liquor licensing and wrote the original Policies and Procedures for Denver's legalized recreational marijuana licenses.
- Appointed by Governor Hickenlooper to advise the administration and General Assembly on the legislation creating recreational marijuana.
- Created and ran the Business and Licensing Division of the Colorado Secretary of State's Office.
- Served as an Assistant Attorney General in the Business and Licensing Section under A.G. Ken Salazar.
- *Avalos v. Davidson*, No. 01CV2897, slip. Op. at 2 (Denver Dist. Ct. Jan. 25, 2002). This Congressional Redistricting trial was the most contested in Colorado's history, as 30+ parties battled over the re-drawing of US Congressional lines with the addition of a 7th District. In this trial, the judge used Tom's theory of the case that the winner of a major party's primary should not automatically be set to win the general election; that the "Majority of the Majority Rule" is bad for democracy. The proposal, adopted by the court, created three safe Republican districts, two safe Democratic seats and two seats where non-major party/independents would decide who goes to Washington DC.

INVOLVEMENT & PUBLICATIONS

Involvement

- Denver Film, Board Member (2022-present), Chair (2026)
- Colorado Bar Association, Cannabis Law Section, Member
- Colorado Charitable Gaming Board, member (2025-present)
- Community College of Denver, Advisory Board Member (2022-present)
- Coalition for Cannabis Policy, Education, and Regulation, Board Chair (2019-present)
- Colorado Secretary of State's Advisory Committee, Member (2019-present)
- Colorado State Fair Board of Authority, Member (2026)
- Bonfils-Stanton Foundation, Livingston Fellow (2007-present), focus: the creation of management theory, an execution model of Jim Collins' "Good to Great" principles
- Children's Museum of Denver, President (2005-2009)
- Civic Canopy, Board Member (2021-present)
- Colorado Children's Campaign, Board Chair (1998-2006)
- Colorado Nonprofit Association, Board Chair (2006-2012)
- Harm Reduction Action Center, Board Member (2023-present)
- Westerly Creek (Stapleton) MCA, Elected Delegate (2018-2021)
- Westerly Creek Metropolitan District, Elected Board Member (2014-2021)

Publications

- "Cannabis, CBD, and Hemp Business and Regulation Law," Continuing Legal Education Presentation, March 15, 2023
- "Opinion: More Choice, Less Regulation are on Colorado's Fall Ballot," *The Colorado Sun*, Opinion Column, October 1, 2022
- "New Sports Betting Businesses: Rules and Regs for Operating in Colorado," July 6, 2020
- "Legalized Marijuana and Hemp/CBD: What Colorado Businesses Need to Know," City Club of Denver, February 25, 2020
- "Fair Labor Standards Act Protections Apply to Employees of Marijuana Companies," November 27, 2019
- "Opinion: The Trump impeachment inquiry doesn't begin to compare to the mayhem of the very first one," *The Colorado Sun*, Opinion Column, October 13, 2019
- "CBD or Don't Nonprofits & Marijuana Philanthropy," Estes Park Nonprofit Camp, September 30, 2019
- "An Overview of Legal Marijuana," Philadelphia Marijuana and Hemp Law Symposium, March 22, 2019
- "The Future of... RiNo Development," *BusinessDen*, February 19, 2019
- "Opinion: Federal marijuana legalization may not be the dream scenario some imagine," *The Colorado Sun*, Opinion Column, December 23, 2018

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Publications (continued)

- Colorado Business Committee for the Arts Art + Cannabis Forum, November 29, 2018
- “Bankruptcy and State Alternatives for Marijuana Businesses,” September 7, 2018
- “The Enduring Manifestations of Prohibition,” Cannabis Law Institute, September 7, 2018
- Recreational Marijuana – The Impact of Federal Enforcement on Colorado, CLE Course, Colorado Law Institute, May 17, 2018
- “Rescheduling Versus Descheduling – The Impact of Legalization,” at Colorado Law Institute, May 17, 2018
- “US Attorney Jeff Sessions and Marijuana Policy – What Will It Mean for the Industry?,” Colorado Law Institute, May 17, 2018
- “An Overview of Legal Marijuana,” Mesa County Bar Association Luncheon, April 23, 2018
- “A Changing Landscape: The Federal Update,” Pennsylvania Bar Association, March 16, 2018
- “X-TEAM: An Overview of Legal Marijuana,” X-Team Conference, February 8, 2018

Media

- Quoted in Westword, “Number Thirty Eight Gets New Noise Conditions in Resolution to Years-Long Conflict,” June 2, 2023
- Quoted in Westword, “Challenge to Colorado Charitable Solicitations Act Could Decrease Trust in Nonprofits,” February 10, 2023
- Interviewed on Denver7, “Hearing postponed after RiNo’s No. 38 asks for modifications to restrictions levied,” January 9, 2023
- Interviewed on Denver7, “Denver attorney wants RiNo venue shut down after multiple noise violations,” September 21, 2022
- Quoted in Westword, “Number Thirty Eight at Risk of Losing License Over Alleged Noise Violations,” September 15, 2022
- Quoted in The Denver Post, “RiNo venue fights to keep live music license despite noise complaints,” March 2, 2022
- Quoted in BusinessDen, “RiNo venue could lose license for live music after noise complaints continue,” February 17, 2022
- Quoted in Westword, “Number Thirty Eight Could Lose Cabaret License for Live Music,” February 16, 2022
- Quoted in MJBizDaily, “An ironclad lease can help marijuana companies avoid eviction in state-legal markets,” November 1, 2021
- Quoted in the Denver Business Journal, “What nonprofits need to know about accepting cannabis cash on Colorado Gives Day,” December 8, 2020
- Quoted in Colorado Politics, “Berkenkotter to be Next Colo. Supreme Court Justice,” November 20, 2020
- Quoted in Weed Week, “Kushy Punch Wrongful Death Suit Raises Liability Issues,” November 3, 2020
- Quoted in Law Week Colorado, “Race betting and Sports Betting Different – Rules Go Back Decades,” August 14, 2020
- Quoted in Pharmacy Today, “Legalization limbo: Hemp/CBD availability,” July 1, 2020
- Can Nonprofits Accept Donations from Marijuana Businesses? January 2020
- Interviewed on The Craig Silverman Show, “The Trump impeachment inquiry doesn’t begin to compare to the mayhem of the very first one,” October 19, 2019
- Quoted in Law Week Colorado, “10th Circuit Smokes Marijuana Tax Challenge,” July 16, 2018
- Quoted on Colorado Public Radio, “The Even Money Says Colorado Will Take It Slow And Steady With Sports Betting” July 9, 2018
- Quoted on Colorado Public Radio, “US Supreme Court Opens Sports Gambling. What’s The Colorado Impact?” May 14, 2018
- Interviewed on The Craig Silverman Show, “The Trump impeachment inquiry doesn’t begin to compare to the mayhem of the very first one,” October 19, 2019
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