

## Jessica Black Livingston

Counsel

Denver

### Biography

Jessica Black Livingston has a passion for helping clients avoid risk, understand litigation, and navigate disputes. As a commercial, appellate, and energy and natural resources litigator, Jessica offers clients a comprehensive approach, analyzing challenges from a judicial, business, and industry perspective. With an instinct for proactive resolution, she helps clients address contentious matters before they become actual disputes.

Serving on the mining leadership team for the global Energy and Natural Resources group, Jessica counsels mining, energy, and oil and gas clients on environmental regulations, citizen-suit disputes, cybersecurity risks and threat responses, business integrity, corporate social responsibility, sustainability concerns, and general litigation matters. Her diverse experience includes representing mining clients in federal and state courts on matters in the Rocky Mountain region and throughout the United States.

As a member of the firm's Global Energy Studio, our Energy industry team think tank, Jessica engages with the latest energy sector developments and couples her legal advice with market insights.

In her commercial practice, Jessica advises on the full range of business-to-business disputes. She also works



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### Practices

Commercial

Commercial Litigation

Energy Disputes

Environment and Natural Resources

Health Law

Infrastructure, Energy, Resources,  
and Projects

Intellectual Property

Investigations, White Collar, and  
Fraud

Litigation Services

Technology Litigation

International Trade Commission  
Section 337

with technology clients, advising on intellectual property matters, including trade-secret, privacy, and data-security disputes.

As a former clerk for the Honorable Neil M. Gorsuch of the U.S. Court of Appeals for the Tenth Circuit in Denver (now associate justice of the U.S. Supreme Court), Jessica offers keen insight to the appellate arena. On matters of national importance, she helps clients make their voices heard in order to impact judicial decision-making. Before the Supreme Court, 10th Circuit, Colorado Supreme Court, and Colorado Court of Appeals she has filed amicus curiae briefs on behalf of clients on a wide range of matters, from gay marriage to health care and tax policy to First Amendment rights.

## Representative experience

Represented a state agency in a multimillion dollar dispute regarding water rights.

Assists healthcare services companies with internal investigations and advises them on litigation matters.

Advises technology companies on patent disputes, intellectual property and technology-related disputes, privacy and data security matters.

Counseled a national energy company in a citizen suit under the Clean Water Act and Resource Conservation and Recovery Act.

Successfully defended an appeal in the 8th Circuit, which affirmed the summary dismissal of a False Claims Act suit against her client.

Assists clients in mediating disputes and obtaining advantageous settlements.

## Awards and rankings

- Colorado Rising Stars: Business Litigation, *Super Lawyers*, 2015-2019

IP Litigation, Arbitration, and Alternative Dispute Resolution

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## Industries

Energy and Natural Resources  
Life Sciences and Health Care  
Technology & Telecoms

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## Areas of focus

Alternative Dispute Resolution  
Appellate and Supreme Court Litigation  
Class Actions and Group Litigation  
Clean Water Act  
IERP Dispute Resolution  
E-discovery and Information Management  
Environmental Litigation  
False Advertising and Unfair Competition  
False Claims Act and Qui Tam  
Hospitals and Health Care Providers  
Mining and Resources: Mining  
Oil and Gas: Exploration and Production  
Power: Renewable Power  
Waste - RCRA - Resource Conservation and Recovery Act

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## Education and admissions

## Latest thinking and events

- Hogan Lovells Publications
  - Trump administration issues Executive Order encouraging space mining efforts
- Insights
  - SCOTUS test for NPDES permitting under the CWA: County of Maui, Hawaii v. Hawaii Wildlife Fund et al.
- Hogan Lovells Publications
  - Reopening economies – which level of government has the last word? *Litigation, Arbitration, and Employment Alert*
- Hogan Lovells Publications
  - Navigating essential-business designations *Litigation, Arbitration, and Employment Alert*
- Hogan Lovells Publications
  - CDC issues return-to-work guidance for employees possibly exposed to COVID-19 *Litigation, Arbitration, and Employment Alert*
- Hogan Lovells Publications
  - Assessment of CISA "Memorandum on identification of essential critical infrastructure workers during COVID-19 response" guidance version 2.0

## Education

J.D., University of Colorado School of Law, 2009

B.A., Carleton College, magna cum laude, 2006

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## Memberships

Member, Colorado Bar Association

Member, Denver Bar Association

Member, World Association of Mining Lawyers

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## Bar admissions and qualifications

Colorado

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## Court admissions

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Eighth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Tenth Circuit

U.S. Court of Appeals, Federal Circuit

U.S. District Court, District of Colorado

U.S. District Court, District of Nebraska

U.S. District Court, Eastern District of Texas

U.S. District Court, Western District of Wisconsin

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