

TIMOTHY DAVIS
SCHOOL OF LAW
WAKE FOREST UNIVERSITY
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TEACHING EXPERIENCE

Wake Forest University

Professor of Law, August 1998 - Present

Courses Taught: Contracts, Sale of Goods, Sports Law, NCAA Rules Compliance and Enforcement, MSL Private Law (Contracts)

University of Illinois School of Law

Visiting Professor of Law, Spring 2008

Course Taught: One-week short course on *Legal Issues in Intercollegiate Athletics*

University of North Carolina School of Law

Visiting Professor of Law, Spring 2005

Course Taught: Sale of Goods

Southern Methodist University School of Law

Professor of Law, August 1997 - July 1998

Associate Professor, with tenure, August 1994 - July 1997

Assistant Professor, August 1989 - July 1994

Courses Taught: Contracts, Advanced Contracts, Sales, Construction Law (seminar), Sports Law (seminar) and Lawyering Process

University of Colorado School of Law

Visiting Assistant Professor of Law, Fall 1991

Courses Taught: Contracts and Construction Law (seminar)

Teaching Honors:

2015—Selected by graduation 3L class as faculty-hooding speaker

2006—Wake Forest Law School Excellence in Teaching Award (voted teacher of the year by 3L class).

2001—Joseph Branch Award for Excellence in Law Teaching (given annually to a member of the Wake Forest law faculty who exhibits excellence in teaching and scholarship and whose service to the academic community reflects the highest and best ideals of a learned profession)

1996—SMU Law School Teacher of the Year

1994—SMU Golden Mustang Award (University-wide award given annually for excellence in teaching and curriculum development)

1991 Recipient of Don Smart Award for Directed Research, SMU School of Law

EDUCATION

University of California at Berkeley, Boalt Hall School of Law, J.D. 1979

Stanford University, A.B. Political Science, 1975

PUBLICATIONS

Books

THE BUSINESS OF SPORTS AGENTS (with Kenneth L. Shropshire) (University of Pennsylvania Press, 3d ed.) (in progress, anticipated publication September 2015).

SPORTS LAW: GOVERNANCE AND REGULATION (ASPEN COLLEGE SERIES) (with Matthew Mitten, Kenneth Shropshire, Barbara Osborne & Rodney K. Smith) (Wolters Kluwer) (in progress, anticipated publication January 2016).

SPORTS LAW AND REGULATION: CASES, MATERIALS, AND PROBLEMS (3d ed., Wolters Kluwer 2013) (with Matt Mitten, Rodney K. Smith and Jeremi Duru).

A READER ON RACE, CIVIL RIGHTS AND AMERICAN LAW: A MULTIRACIAL APPROACH (with Kevin Johnson and George Martinez) (Carolina Academia Press, 2001).

SPORTS AND THE LAW: A MODERN ANTHOLOGY (with Kenneth L. Shropshire and Alfred Mathewson) (Carolina Academic Press, 1999).

Law Review Articles and Essays

U.C.C. Section 2-207: When Does An Additional Term Materially Alter a Contract? (in progress will be submitted for publication fall 2015).

Majoring in Infractions: The Evolution of the National Collegiate Athletic Association's Enforcement Structure, 92 OREGON L. REV. 979 (2014) (with Christopher T. Hairston) (symposium issue).

NCAA Deregulation and Reform: A Radical Shift of Governance Philosophy?, 92 OREGON L. REV. 77 (2013) (with Christopher T. Hairston).

"Foreword to Symposium Issue, Losing to Win: Discussions of Race and Intercollegiate Athletics," 2 WAKE FOREST J. L & POL'Y 1 (2012).

American Needle, Inc. v. NFL: Reflections on its Labor Law Implications, 1 WAKE FOREST L. REV. ONLINE 1 (2011), http://lawreview.law.wfu.edu/files/2011/01/Davis_Forum1.pdf.

Eradicating Student-Athlete Sexual Assault of Women: Section 1983 and Personal Liability Following Fitzgerald v. Barnstable, 2009 MICHIGAN STATE L. REV. 629 (with Keith E. Smith).

Review: Sport and Criminal Behavior, 4 J. INTERCOLLEGIATE SPORT 204-210.

Reaction to "An Economic Look at the Economic Sustainability of FBS Athletic Departments:" Implications for Reform, 4 J. INTERCOLLEGIATE SPORT 22-27 (2010).

UCC Breach of Warranty and Contract Claims: Clarifying the Distinction, 61 BAYLOR L. REV. 783 (2009).

Athlete Eligibility Requirements and Legal Protection of Sports Participation Opportunities, 8 VIRGINIA SPORTS & ENTERTAINMENT L. J. 71 (2009) (with Matt Mitten).

The Intersection of Race and Sports: An Historical Perspective, 7 VIRGINIA SPORTS & ENTERTAINMENT L. J. 291 (2008).

Tort Liability of Coaches for Injuries to Professional Athletes: Overcoming Policy and Doctrinal Barriers, 76 UMKC LAW REVIEW 571 (symposium contribution).

Avila v. Citrus Community College District: Shaping the Contours of Immunity and Primary Assumption of the Risk, 17 MARQUETTE SPORTS L.J. 259 (2006) (symposium contribution).

Regulating the Athlete-Agent Industry: Intended and Unintended Consequences, 42 WILLAMETTE L. REV. 781 (2006) (symposium contribution).

What is Sports Law? 11 MARQUETTE SPORTS L.J. 211 (2001).

Reply to Sack and Staurowsky, 10 MARQUETTE SPORTS L. J. 123-26 (1999).

Teaching Sports and the Law: The Relevance of Race, 1 VIRGINIA J. OF SPORTS & LAW 250-61(1999).

Racism in Athletics: Subtle Yet Persistent, 21 UALR L. REV. 881-900 (1999) (contribution to symposium issue—Racial Equity in the Twenty-First Century).

Intercollegiate Athletics in the Next Millennium: A Framework for Evaluating Reform Proposals, 9 MARQUETTE SPORTS L. J. 253-71 (1999) (contribution to symposium issue—Sports Law in the 21st Century).

Student-Athlete Violence Against Women: Defining the Limits of Institutional Responsibility, 55 WASH. & LEE L. REV. 55-116 (1998).

Balancing Freedom of Contract and Competing Values in Sports, 38 SOUTH TEXAS L. REV. 1115-46 (1997) (contribution to symposium—Sports Law as a Reflection of Society's Laws and Values).

Who's In and Who's Out: Racial Discrimination in Sports: A Review Essay of Kenneth Shropshire's In Black and White: Race and Sports in America, 28 PACIFIC L. J. 341-72 (1997).

College Athletics: Testing the Boundaries of Contract and Tort, 29 UC DAVIS L. REV. 971-1017 (1996).

African-American Student-Athletes: Marginalizing the NCAA's Regulatory Structure?, 6 MARQUETTE SPORTS L.J. 199-227 (1996) (contribution to symposium issue—Race and Sports).

A Model for Institutional Governance for Intercollegiate Athletics, 1995 WISCONSIN L. REV. 599-645 (contribution to symposium issue—The NCAA and the Student-Athlete).

The Myth of the Superspade: The Persistence of Racism in College Athletics, 22 FORDHAM URBAN L.J. 615-98 (1995).

Intercollegiate Athletics: Competing Models and Conflicting Realities, 25 RUTGERS L.J. 269-327 (1994).

The Illusive Warranty of Workmanlike Performance: Constructing a Conceptual Framework, 72 NEB. L. REV. 981-1045 (1993).

Student-Athlete Prospective Economic Interests: Contractual Dimensions, 19 T. MARSHALL L. REV. 585-626 (1994) (contribution to symposium issue—Current Trends in the U.S. Sporting Arena).

Examining Educational Malpractice Jurisprudence: Should a Cause of Action be Created for the Student-Athlete?, 69 DENVER UNIV. L. REV. 57-96 (1992).

Ross v. Creighton University: Seventh Circuit Recognition of Limited Judicial Regulation of Intercollegiate Athletics?, 17 S. ILL. UNIV. L.J. 85-115 (1992).

An Absence of Good Faith: Defining a University's Educational Obligation to Student-Athletes, 28 HOUSTON L. REV. 743-90 (1991).

Book Chapters

The Student-Athlete and University Contractual Relationship in INTRODUCTION TO INTERCOLLEGIATE ATHLETICS IN AMERICAN HIGHER EDUCATION (Eddie Comeaux editor) (Johns Hopkins Univ. Press. 2014).

The Coach and Athlete Recruitment: Ethical and Legal Dimensions in THE ETHICS OF COACHING SPORTS: MORAL, SOCIAL AND LEGAL ISSUES (Robert L. Simon ed. 2013).

Athlete Eligibility Requirements and Legal Issues in HANDBOOK ON INTERNATIONAL SPORTS LAW (J.A.R. Nafziger & S. F. Ross, eds. 2011) (edited version of *Athlete Eligibility Requirements and Legal Protection of Sports Participation Opportunities*, 8 VA. SPORTS & ENT. L.J. 71 (2009) (with Matthew J. Mitten).

From Barry Bonds to USADA: Protecting the Interests of “Drug-Free” Athletes in REVERSING FIELD: EXAMINING COMMERCIALIZATION, LABOR, GENDER, AND RACE IN 21ST CENTURY SPORTS LAW, WEST VIRGINIA UNIVERSITY PRESS (2010).

The Persistence of Unconscious Racism in College Sport, published in *DIVERSITY AND SOCIAL JUSTICE IN COLLEGE SPORTS* (D. Brooks & R. Althouse, eds. 2007).

Academic Inequity and the Impact of NCAA Rules, published in *DIVERSITY AND SOCIAL JUSTICE IN COLLEGE SPORTS* (D. Brooks & R. Althouse, eds. 2007).

Crossing the Color Line: The New York Yankees and Race Relations, book chapter in *COURTING THE YANKEES: LEGAL ESSAYS ON THE BRONX BOMBERS* (Robert Jarvis ed.) (Carolina Academic Press 2003).

Race, Law and NCAA Rules and Regulations, book chapter in *RACISM IN COLLEGE ATHLETICS: THE AFRICAN-AMERICAN EXPERIENCE* 245-65 (2nd ed. 1999).

Other Publications

Coparticipant and Coaches' Liability in High School and College Sports, CLE Program "Amateur Sports and the Law" sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association, October 2, 2008 (with David Rea and Taylor Fleming).

The Line Between Amateur and Professional Sports ((with David Ginzer and Brian Conley) (Sports and Entertainment Law Conference, Texas Bar Association, Austin, TX, Oct. 12, 2007).

Overview of Select Legal Issues Arising in Golf, CLE Program "The Law of Golf," sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association, September 15, 2005.

Recent Developments in Sports Law, Annual Meeting of the National Federation of State High School Associations' Summit and Legal Meeting, April 2005.

Current Developments in Sports and Entertainment Law, CLE Program "Sports and Entertainment Law: Keys to Representing Athletes, Musicians and Teams," sponsored by Sports and Entertainment Law Section of North Carolina Bar Association, October 2001.

Current Developments in Sports and Entertainment Law, Meeting of Sports and Entertainment Law Section of North Carolina Bar Association, Dec. 2000.

What is Sports Law?, 30 WAKE FOREST JURIST 8 (July 2000).

What is Sports Law?, Sports and Entertainment Law for the New Millennium, CLE sponsored by North Carolina Bar Association.

Review of Kenneth Shropshire, In Black and White: Race and Sports in America (1996), 15 ENTERTAINMENT & SPORTS LAWYER 12 (Spring 1997).

University Duty to Provide Educational Opportunity to Student Athletes, 5 TEXAS ENTERTAINMENT & SPORTS L.J. (1995).

Race and Sports in Intercollegiate Athletics, 6 FOR THE RECORD 3 (Aug/Sept. 1995).

An Absence of Good Faith: Defining A University's Educational Obligation to Student-Athletes (edited and condensed version) 25:1 THE BRIEF (Fall 1992).

PRESENTATIONS

July 27, 2015, *The Future of Intercollegiate Athletics*, 2015 SEALS Annual Meeting, Boca Raton, FL(fortcoming July 27, 2015).

May 14, 2014, Facilitate workshop of law faculty on *Guidelines to Drafting Multiple Choice Questions*, School of Law, North Carolina Central University.

April 11, 2014, *Majoring in Infractions: The Evolution of the NCAA's Enforcement Structure*, School of Law, University of Oregon, School of Law.

March 27-30, 2014, Chaired meeting of the Contracts Drafting Committee of National Conference of Bar Examiners

March 15, 2014, Facilitate workshop of law faculty on *Guidelines to Drafting Multiple Choice Questions*, School of Law, Southern University.

Oct. 18, 2013, Presented *Current Legal Developments in College Athletics*, at conference titled Current Legal and Business Issues Affecting Collegiate, Olympic and International Sports at Marquette University School of Law.

Oct. 22, 2013, Facilitate workshop of law faculty on *Guidelines to Drafting Multiple Choice Questions*, Loyola (New Orleans) School of Law.

Sept. 6-7, 2013, Chaired meeting of the Contracts Drafting Committee of National Conference of Bar Examiners.

March 3, 2012, *Using the Case Method to Teach Sports Law*, 2012 Sport, Physical Activity, Recreation and Law Conference, Greensboro, NC.

January, 5, 2012, *Taking Stock of Title IX's 40th Anniversary*, Panel discussant, AALS Annual Meeting, Washington, DC.

November 10, 2011, *NCAA Rules Compliance and Enforcement* (with Todd Hairston), Triad WFU Alumni Reception, Nov. 10, 2011.

October 2, 2011, *Anatomy of A Bar Exam: How NCBE's Tests Are Developed* at National Conference of Bar Examiner's Academic Support Conference, Madison, WI, Oct 2, 2011.

July 28, 2011, *Labor Law, Sports Agents and Collective Bargaining*, 2011 SEALS Annual Meeting, Hilton Head, SC July 28, 2011.

May 2, 2011, *Preparing Multiple-Choice Questions*, National Conference of Bar Examiners Annual Meeting, San Francisco, CA.

April 13 & 14, 2011, Co-organizer and moderator: *Losing to Win: Discussions of Race and Intercollegiate Athletics*, Wake Forest University.

August, 1, 2010, *The Role of Agents in Intercollegiate Athletics*, Southeastern Association

of Law Schools Annual Meeting, Palm Beach, Florida.

January 12, 2010, *Reaction to "An Economic Look at the Economic Sustainability of FBS Athletic Departments:" Implications for Reform*, NCAA Scholarly Colloquium, Atlanta, Georgia.

September, 2009, *Title IX Overview*, Title IX Program sponsored by Sports and Entertainment Law Association, Wake Forest University School of Law (September 2009).

March 12, 2009, *Title IX Liability for Sexual Harassment*, Diversity and Sports Symposium, Widener University School of Law.

October 2, 2008, *Coparticipant and Coaches' Liability in High School and College Sports*, CLE Program "Amateur Sports and the Law" sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association.

September 11, 2008, *Race and Sports in America: An Historical Overview*, Sports Law Symposium, School of Law, University of West Virginia.

January 6, 2008, *The Intersection of Race and Sports: An Historical Perspective*, AALS Annual Meeting, New York.

October 12, 2007, *The Line Between Amateur and Professional Sports*, Sports and Entertainment Law Conference, sponsored by Texas Bar Association, Austin, TX.

April 12, 2007, *Tort Liability of Coaches for Injuries to Professional Athletes: Overcoming Policy and Doctrinal Barriers*, "Emerging Legal Issues Affecting Amateur and Professional Sports Symposium," sponsored by UMKC Law Review.

March 17, 2006, *Regulating the Athlete-Agent Industry: Intended and Unintended Consequences*, "Sports Law Symposium," sponsored by the Willamette Law Review.

September 15, 2005, *Overview of Select Legal Issues Arising in Golf*, CLE Program "The Law of Golf," sponsored by the Sports and Entertainment Law Section of North Carolina Bar Association.

April 23, 2005, *Recent Developments in Sports Law*, Summit and Legal Meeting, National Federation of State High School Associations.

March 10, 2005, *Legal Issues Arising in Sports*, Raleigh Professional Women's Forum.

October 16, 2003, *Current Developments in Professional and Amateur Sports*, CLE Program "Sports and Entertainment Law", sponsored by Sports and Entertainment Law Section of North Carolina Bar Association.

February 16, 2002, University of North Carolina, School of Law, *Current Issues in Intercollegiate Athletics*, Seminar sponsored by Young Lawyers' Division of North Carolina Bar Association.

October 2002, University of North Carolina, School of Law, *Crossing the Color Line: The New York Yankees and Race Relations*, Faculty Colloquium.

October 25, 2001, *Current Developments in Sports and Entertainment Law*, CLE Program "Sports and Entertainment Law: Keys to Representing Athletes, Musicians and Teams," sponsored by Sports and Entertainment Law Section of North Carolina Bar Association.

April 21, 2001, University of North Carolina, School of Law, *Current Issues in Intercollegiate Athletics*, Seminar sponsored by Young Lawyers' Division of North Carolina Bar Association.

December 8, 2000, *Current Developments in Sports and Entertainment Law*, CLE program held at Inaugural Meeting of Sports & Entertainment Law Section of North Carolina Bar.

August 12, 2000, *An Unconscionability Analysis of the Student-Athlete/University Contract: Its Implications for African American Student-Athletes*, Annual Meeting, American Sociological Association.

January 8, 2000, *Focus on Intercollegiate Athletics: The NCAA's Evolving Role in Governing Intercollegiate Athletics*, Annual Conference, Association of American Law Schools.

October 21, 1999, *What is Sports Law?*, Sports and Entertainment Law for the New Millennium, CLE sponsored by North Carolina Bar Association.

January 9, 1999, *Integrating Perspectives into the Sports Law Curriculum*, Annual Conference, Association of American Law Schools.

November 21, 1998, *Sports Law in the 21st Century*, Marquette University, AALS Section on Law and Sports and National Sports Law Institute.

February 28, 1997, *Sports Law as a Reflection of Society's Laws and Values*, South Texas University College of Law.

November 13, 1996, *Race, Law and the African-American Athlete*, Annual Conference, North American Society for the Sociology of Sport.

October 3, 1996, *Sports and Law: The African-American Experience*, Annual Conference, Association for the Study of African-American Life and History.

November 4, 1995, *African American Sport Experience*, North American Society for the Sociology of Sport Conference on Cultural Diversity and the Sport Experience.

October 16, 1995, *Legal Obligations Arising Out of the University/Student-Athlete Relationship*, DePaul University School of Law Seventh Annual Conference on Legal Issues in Intercollegiate Athletics.

Sept. 12, 1995, *Racism and College-Athletics*, Marquette University Law School, Lilli Endowment Mini-Chair and National Sports Law Institute Lecture.

April 1995, *African-American Men and the Business of Sports*, University of Pennsylvania Symposium.

February 1995, *A Model of Institutional Governance for Intercollegiate Athletics*, Wisconsin Law Review Sports Law Symposium.

January 1995, *Legal Aspects of Intercollegiate Athletics*, Annual Conference, Association of American Law Schools.

April 1994, *Student-Athlete Prospective Economic Interests: Contractual Dimensions*, Thurgood Marshall Law Review Sports Law Symposium.

October 1991, *Warranty Disclaimers Under Texas Law*, Current Developments in Business Tort Litigation, SMU School of Law Continuing Legal Education Program.

June 1991, *Recent Developments in Design Professional Liability*, Dallas Bar Association.

February 1991, *Construction Claims Preparation*, Construction Law Conference, Houston, Texas, University of Texas School of Law Continuing Legal Education Program.

PROFESSIONAL ACTIVITIES AND BAR MEMBERSHIP

Admitted: Colorado (1979)

American Law Institute

American Bar Association

Colorado Bar Association

North Carolina Bar Association

Sports Lawyers Association

SIGNIFICANT ACADEMIC AND PROFESSIONAL SERVICE

Professional Affiliations and Service

- Fellow, American Bar Foundation, June 1, 2015 – present.
- Chair, Resource Development Committee, Arbor Acres Retirement Community, January 1, 2011 – December 31, 2012.
- Member, Executive Committee of Board of Directors, Arbor Acres Retirement Community, January 1, 2011 – December 31, 2012.
- Member, Board of Directors, Arbor Acres Retirement Community, January 2011 – January 2015.
- Member, Board of NCAA Scholarly Colloquium, March 2009 – January 5, 2012
- Member, Editorial Board, Journal of Intercollegiate Sport, March 2009 – January 5, 2012.
- Member, Review Board, United States Anti-Doping Agency, January 2005-present.
- Chair, Contracts Drafting Committee, National Conference of Bar Examiners, Oct. 2003 – present.
- Member, Board of Governors, North Carolina Bar Association, June 2003 – 2006.
- Member, Council, Sports & Entertainment Law Section, North Carolina Bar Association, Dec. 2000 – present.
- Chair, Sports & Entertainment Law Section, North Carolina Bar Association, June 2001 – June 2002.
- Vice-Chair, Sports & Entertainment Law Section, North Carolina Bar Association, Dec. 2000 – June, 2001.
- Newsletter Editor, Sports & Entertainment Law Section, North Carolina Bar Association, Dec. 2000 – June, 2001.
- Member, Board of Advisors, National Sports Law Institute, Jan. 2000 - present.
- Member, Executive Committee, Law and Sports Section of Association of American Law Schools, Jan. 2000 – June 2002.
- Chair, Law and Sports Section of Association of American Law Schools, Jan. 1999 - Jan. 2000.
- Chair-Elect, Law and Sports Section of Association of American Law Schools, Jan. 1998 - Jan. 1999.

University and Community Service

- Member, Dean Search Committee, Wake Forest University School of Law, August 2014 – April 2015.
- Chair, Professionalism Committee, Wake Forest Univ., School of Law, August 2012 – May, 2013.
- Member, Scholarship Committee, United Metropolitan Baptist Church, January 2012 – present.

Co-Chair, Information Resources Committee, Wake Forest Univ., School of Law, January, 2011 – May 2011.

Member, Library Director Search Committee, School of Law, Wake Forest University, August 2011 – May 2012.

Member, Provost Search Committee, Wake Forest University, May, 2011 – March 2012.

Chair, Information Resources Committee, Wake Forest Univ., School of Law, August 2010 – June 2011.

Member, Conversation With Committee, Wake Forest Univ., School of Law, August 2010 – May 2011.

Member, University Planning Council, Wake Forest University, May 2006 – present.

Member, Dean Search Committee, Wake Forest University School of Law, May 2006 – May 2007.

Representative, University Senate professional school's representative to Wake Forest University Board of Trustees, Aug. 2007 – May 2008.

Representative, University Senate, Wake Forest University, August 2006 – May 2008.

Co-Faculty Advisor, Black Law Students Association, Wake Forest University School of Law.

Member, Provost Search Committee, Wake Forest University School of Law, Oct. 2000 – March 2001.

Member, SMU Provost Search Committee, August 1995-April 1996.

Member, SMU Non-Faculty Employee Grievance Committee, August 1995-1998.

Member, SMU Board of Trustees Standing Committee on Athletics, August 1995-1998.

Chair, Equity Subcommittee of Athletic Council, SMU, 1995-1998.

Member, Athletic Council, Southern Methodist University, 1993-1998.

Member, Steering Committee of SMU's NCAA Athletic Certification Committee, June 1995-1998.

Member, Law School Executive Committee, Southern Methodist University, August 1994-May 1996.

Faculty Advisor, Black Law Students Association, Southern Methodist University School of Law, 1991-1998.

Member, Appointments Committee, Southern Methodist University School of Law, 1990-91, 1992-94, 1996-97, 1997-98.

Member, Admissions Committee, Southern Methodist University School of Law, 1994 - 96.

Chair, Academic Subcommittee and Member Executive Committee of SMU's NCAA Athletic Certification Committee, February - September 1995.

Member, Athletic Director Search Committee, 1994.

Member, Task Force on Minority Programs, Southern Methodist University, 1992-1993.

Member, Commission on the Status of Racial Minorities, Southern Methodist University, 1992 -1994.

Member, Ad Hoc Committee on Tenure Processes and Procedures, Southern Methodist University School of Law, Spring 1993.

PRIOR EMPLOYMENT

1986-1988—Partner and Associate, Holt & Gebow, P.C., Denver, Colorado; specialized in Construction and Commercial Law.

1983 – 1986—Senior Attorney and Attorney, Manville Corporation, Denver, Colorado; specialized in Insurance, Bankruptcy and Products Liability.

1980 – 1983—Associate, Holland & Hart, Denver, Colorado; specialized in Commercial, Products and Antitrust Litigation.

1979 – 1980—Law Clerk for Honorable John L. Kane, Jr., United States District Court District of Colorado, Denver, Colorado.