JONES&KELLER
ATTORNEYS AT LAW



F. Brittin Clayton III

SHAREHOLDER

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In his 34 years as a litigator, Britt has helped hundreds of clients successfully resolve personal and business disputes through negotiation, mediation, arbitration, trials, and appeals. Britt is a well-rounded "Renaissance" lawyer, having an uncommonly broad range of experience that enables him to handle cases from the mundane to the unique with a combination of creativity, intellectual aggressiveness, perspective, and professionalism.

Britt's philosophy as a litigator is to achieve superior and cost-effective results for his clients through hard work, excellence in written and oral persuasion, unwavering integrity, and courtesy toward opposing parties and counsel. Britt is an effective team-builder and leader who guides his clients through even the most contentious and complex of conflicts – maximizing client outcomes while reducing the costs and misery of litigation.

EXPERIENCE IN WIDE-RANGING FIELDS OF LAW

Practicing in state, federal, and bankruptcy courts throughout the Rocky Mountain region, Britt has achieved outstanding results in cases involving myriad different fields of the law including:

BREACH OF CONTRACT

Britt has represented plaintiffs and defendants in hundreds of breach of contract cases. He was the prevailing party in a Colorado Supreme Court case that limited the reach of the implied covenant of good faith and fair dealing that exists in every contract.

BUSINESS TORTS

Many of Britt's business cases have also involved tort claims such as fraud, embezzlement, defamation, abuse of process, tortious interference, and conspiracy. He successfully defended a multi-million dollar fraud case by persuading the plaintiff to voluntarily dismiss the case without any payment – a complete victory through negotiation that averted a costly trial.

REAL ESTATE

Britt has handled numerous real estate disputes involving purchase and sale transactions, development agreements, easements, encroachments, options, and title disputes among other matters. He was the prevailing party in a Colorado Supreme Court case establishing that a Colorado deed of trust encumbers unadjudicated non-tributary water lying below the encumbered land.

CREDITOR-DEBTOR RELATIONS

Britt has handled innumerable collection actions, foreclosures, receiverships, and other proceedings to collect sums owed to lenders, including the defense of lender liability counterclaims. He has also represented lenders and borrowers in work-outs of troubled loans – achieving win-win agreements that enabled the borrowers to satisfy their obligations.

BANKRUPTCY

Britt has helped debtors and creditors in numerous disputed bankruptcy claims, adversary proceedings, and liquidation and reorganization proceedings. He achieved confirmation of a hotly disputed $55 million creditors' plan of liquidation for an insolvent resort hotel developer – thereby generating the funds to settle and pay millions of dollars in claims held by his clients.

TRUST AND ESTATES

Britt has represented beneficiaries and fiduciaries in disputes involving trust and estate administration, alleged breaches of fiduciary duty, and the validity of wills. He successfully asserted the relatively unknown doctrine of "equitable adoption" – obtaining an inheritance for adult children from their "father" despite the absence of any biological relationship or formal adoption.

SHAREHOLDER AND PARTNER DISPUTES

Britt has assisted minority shareholders in obtaining redress for breaches of fiduciary duty by majority shareholders, and in achieving advantageous business "divorces" when partnerships are irretrievably broken.

LANDLORD-TENANT RELATIONS

Britt has represented landlords in enforcing their rights under commercial leases, including contested eviction proceedings resulting in termination of the tenants' rights of possession.

INTELLECTUAL PROPERTY

Britt has represented plaintiffs and defendants in cases involving claims of copyright infringement, misappropriation of trade secrets, and non-competition agreements.

INSURANCE

Britt has successfully represented insurance policy holders in coverage, bad faith, and garnishment litigation – obtaining policy benefits that the insurance companies resisted paying.

PERSONAL AFFAIRS

> Britt has represented individuals in non-business cases involving highly personal and private subject matters, where absolute confidentiality, sensitivity, and diplomacy are necessary.

EXPOSURE TO NUMEROUS DIFFERENT BUSINESSES AND INDUSTRIES

In the course of handling these diverse matters and others, Britt has been exposed to the workings of many different types of entities, businesses, and industries including:

- Real Estate Development
- Real Estate Investment
- Real Estate Brokerage
- Banking and Lending
- Private Equity
- Hospitality
- Restaurants
- Construction and Renovation
- Resort Timeshares
- Internet Data Mining
- Greeting Cards
- Book Publishing
- Medicine and Dentistry
- Medical Device Development
- Auto Manufacturing
- Auto Sales Financing
- Auto Parking
- Airlines
- Software Development

- Cattle Feed Lots
- Cattle Financing
- Farming
- Mining
- Haunted House Attractions
- Consumer Product Development
- Sales and Marketing
- Billboards
- Insurance
- Public Accounting
- Assisted Living
- Scuba Instruction
- College Fraternity

- Schools
- Special Districts
- Ski Areas
- Golf Clubs
- Prisons
- Oil Field Services

Britt is admitted to practice before all state and federal courts in Colorado, the U.S. Courts of Appeal for the Second and Tenth Circuits, the U.S. Tax Court, and the U.S. Supreme Court. He is the recipient of the University of Colorado's "The Law School Award." When not practicing law, Britt enjoys hiking, camping, and outdoor photography.

HONORS AND DISTINCTIONS

- Best Lawyers in America® – Commercial Litigation, Construction Law, and Litigation – Real Estate, 2023-2027

LICENSED IN

Colorado

EDUCATION

Bucknell University, B.A., Philosophy and Psychology, 1981

University of Colorado School of Law, J.D., 1986

PRACTICE AREAS

Litigation
Bankruptcy & Creditors' Rights
Insurance Litigation

BADGES

