“Greatness” is an overused term that can be difficult to define but that is easy to spot in those who truly transcend their chosen fields. In jazz, there were Dizzy and Bird and Ella. In sports, there were Ruth and Gretzky and Ali. And among Colorado lawyers, “[t]here was Dan Hoffman and then there was everyone else.”1 Daniel Steven Hoffman was a great lawyer by any measure, but as important, he was a devoted husband, father, and “Poppie” to his grandchildren, a loyal friend, a humanitarian he was a devoted husband, father, and “Poppie” to his grandchildren, a loyal friend, a humanitarian who loved all people, a passionate and lifelong storyteller, which would later become his stock in trade. His mother and Pop raised him to be self-reliant and to work hard for anything that he wanted, and his biological father was a colorful character who would occasionally have Dan “run numbers” for him.2 Although this was perhaps not where a young boy should have been spending his time, one positive by-product of this experience was Dan’s introduction to jazz, which he heard while hanging out in an occasional alley. Dan fell in love with this music, and his affection for it burned brightly for the rest of his life.

Fortunately, the influence of Dan’s mother and Pop kept Dan on track, and he immediately distinguished himself as a brilliant student, graduating two years early from South High School on Long Island. He then applied to all of the Ivy League schools, most of which accepted him but insisted on deferring his admission until he turned 18. The University of Colorado, however, was willing to accept Dan without any such stipulation, and he matriculated there at the age of 16. Unsurprisingly, Dan did remarkably well at CU, graduating in 1951 with a degree in economics and thereafter enlisting in the Air Force.3

While in the Air Force, Dan was stationed at Lowry Air Force Base, where he taught statistics.4 It was there that he showed the first glimpses of his proclivity for advocating for others, regardless of the personal risk involved. In a move that did not please his superiors, he attempted to unionize men enlisted in the Air Force. His actions resulted in his facing a court-martial. In what was probably his first (and most personally significant) courtroom victory, however, he obtained a not guilty verdict, a result that was a matter of great pride and vindication for him.5

Also during his Air Force years, and far more consequential, Dan was to meet the woman who would become his lifelong partner, chief advisor, and soulmate. One evening, Dan took a woman to a bar on a date. While they were there, one of the woman’s friends—a stunning young lady named Beverly Swenson—walked in. Dan was immediately smitten with this small-town Minnesota beauty, who, at the time, was working as a secretary at the Gates Rubber Company and making additional money as a hand model. Apparently, the feeling was mutual, and it was not too long before the two were dating. Then, in 1954, the couple married in the chapel at the Lowry Air Force Base.6

Thereafter, Dan and Bev moved to New York, and Dan enrolled at Fordham Law School. Life was not easy at the time, and Dan worked as a garbage man to put himself through school. As Dan would say, during this period, he and Bev lived on “chicken wings and peanut butter.”7 Although Dan did exceptionally well at Fordham, Bev was not enamored of New York. So, the couple moved back to Denver, and Dan finished his law studies at what is now the University of Denver Sturm College of Law, receiving his LL.B. magna cum laude in 1958. Along the way, Dan and Bev also started a family, with daughter Lisa arriving while Dan was in law school and daughters Tracy and Robin coming along in the next few years.8
Upon completing law school, Dan embarked on his illustrious career, joining the firm of Fugate & Mitchem, where he practiced plaintiffs’ personal injury law. There, Dan quickly developed a reputation as a great lawyer and a man of unimpeachable integrity who was deeply committed to his clients. As Denver lawyer Jim Lyons put it, Dan “loved justice in all its forms—civil, social, legal. And he saw the law as the tool to achieve that.”12

Dan’s reputation grew, and he soon came to the attention of some of Denver’s leading figures, including newly elected Mayor Tom Curran, who asked Dan to join his cabinet.

Manager of Safety and a Walk with Dr. King
In 1963, at the age of 32, Dan became the youngest person to be appointed Denver’s Manager of Safety, the civil authority over the city’s police, fire, and sheriff’s departments. At the time, a thiev- ery ring had been uncovered inside the Denver Police Department, and Dan was tasked with “cleaning up” the department, which he did.13

In 1965, in his capacity as Manager of Safety, the opportunity arose for Dan to join Dr. Martin Luther King’s march from Selma to Montgomery. Given his commitment to justice, participating was a no-brainer, although he and Bev were aware of the risks that the march posed. Bev, who would have joined Dan but for these risks, stayed at home, even though she fully supported her husband’s decision to participate.14 Ultimately, Dan walked with three nuns, and he would always view his participation as one of the proudest and most meaningful moments of his life.

Of course, Dan’s passion for justice did not begin or end with this civil rights march. He was always advocating for justice, and he had no qualms about stirring up protest wherever he thought it necessary. He even did so on a cruise ship when, although purportedly on vacation, he sought to represent the ship’s workers to improve their wages and working conditions.15 And when Robert F. Kennedy launched his bid for the presidency, Dan jumped in with both feet and ultimately landed in the role of advisor to Kennedy.

Return to Practice
Dan loved his role as a public servant, but his desire to advocate directly on behalf of those in need was equally strong. So, he returned to private practice, establishing a firm that eventually would become Hoffman, McDermott & Hoffman, the preeminent plaintiffs’ personal injury firm in the region. As always, Dan “was great at his craft,” and “[t]here was no one who worked harder at it.”16 Unfortunately, in April 1970, his propensity for workaholism (and his three- to five-pack-a-day smoking habit) caught up with him, and in the course of a trial, he suffered his first of several heart attacks.17 The recollections of this event from those who were there have probably been embellished with the passage of time. Apocryphal or not, however, they capture Dan, who was known to embellish a story or two here and there himself.

One retelling suggests that Dan was representing a plaintiff in a case involving a cardiologist. As the story goes, Dan collapsed in the courtroom and had the presence of mind to instruct his co-counsel, “Don’t let him [the cardiologist] touch me.” Dan was concerned that the jury might sympathize with the cardiologist had he assisted.18

Another telling of the story suggests that Dan had the heart attack the night before this trial, and while the medics were working on him, he introduced everyone to everyone else. (He knew all of them from his time as Manager of Safety).19 Quintessential Dan Hoffman.

All agree, however, that while Dan recovered, he refused to give up on his clients or his beloved sports. While in intensive care, Dan was not allowed visitors other than family, and Bev strictly enforced this rule. Undeterred, he conspired with his law partner, Jerry McDermott, who was instructed to sign in as Dan’s “brother,” Jerry Ostrov. Jerry did so and then snuck up files to discuss with Dan.20 Dan’s concern for his clients was paramount.

Along the same lines, Dan was forbidden from watching sports during his recovery because he would get too worked up and his heart would race. Again, not to be deterred, he had someone sneak a small television into his room so that he could watch a Broncos game. The game must have been close, because Dan’s heart rate spiked. The nurses ran in and ultimately discovered—and confiscated—the television.21

Dan eventually recovered and went back to work trying cases, mentoring young lawyers, and teaching. He relished the roles of mentor and teacher, although he generally taught by example rather than by telling others what to do. Occasionally, however, Dan would give specific advice. For instance, when working with junior lawyers on a brief, he was fond of telling them to “take out the adjectives and adverbs.” Dan was not a “table pounder.”22 Those who worked with Dan also learned rather quickly that he hated the word “inapproriate.”23

And Dan’s bar review courses became the stuff of legend. Whenever Dan taught these courses—and he taught several different subjects—the room was overflowing. And all who were present vividly recall his pacing back and forth in front of a long table, with cigarettes burning in ashtrays at both ends of the table and one behind his ear. The master at work!

Dan’s teaching prowess eventually attracted the attention of those at DU’s law school, and they approached him about teaching there. He respectfully declined, but when the deanship opened, he expressed interest, and in 1978, he got the job.24

“Dean Dan”
DU’s hiring of Dan as its dean was notable on many fronts, not the least of which was that he was not a traditional academic. He was a famed trial lawyer, albeit one who was also known for his exceptional intellect and love of the law. Dan, however, used his unique experience to the great advantage of his students.

Among other things, Dan “breathed life” into DU’s moot court programs.25 Although experiential learning has now become a core part of law school curricula, when Dan promoted it, he was far ahead of his time. He devoted enormous amounts of time to coaching moot court
teams. He also leveraged his stature in the legal community to bring in titans of the bench and the bar, including former Colorado Chief Justice Eddie Pringle and U.S. District Judge John Kane, to help coach students. And Dan practiced what he preached, continuing to try an occasional case even while serving as dean (and always drawing an audience of DU law students, who were eager to watch the master at work).27

In addition, Dan oversaw the dramatic expansion and diversification of DU’s law faculty. To that end, during Dan’s tenure, DU hired several female faculty members, as well as the school’s first African-American professor, Gregory Kel-لام Scott, who went on to become the first and only African-American justice of the Colorado Supreme Court to date.28

Perhaps most important, Dan led the effort to move DU’s law school from its overcrowded and aging downtown space to a state-of-the-art, gleaming facility, to be called the Lowell Thomas Law Building, on the former Colorado Women’s College campus.29

Shortly after the law school’s transition to its new facility was complete, Dan announced his intention to return to private practice.30 In recognition of his contributions as dean, the Law Alumni Council adopted a resolution of commendation, stating, among other things, “Hoffman’s relationship with the local law firms and individual lawyers has increased the visibility, viability, and credibility of the College of Law in the legal community and has enhanced the professional relationships to heights never before achieved.”31 Dan was also given the honorary titles of dean emeritus and professor emeritus, which he cherished.

“The Best There Was”

After leaving DU, Dan joined the firm of Holme Roberts & Owen (now Bryan Cave), where he practiced from 1984 until 1995. From there, he joined the Denver office of McKenna & Cuneo (now Denton’s), where he worked until forming a new firm, Hoffman, Reilly, Pozner & Williamson (now Reilly Pozner), in 2000. He then joined Hogan Lovells in 2006, where he worked until his passing in 2009.

During these years in private practice, Dan cemented his reputation as the ultimate lawyer’s lawyer. Peers who themselves would appear on any list of Colorado’s greatest lawyers looked to Dan for counsel. Contemporaries like Ben Aisenberg viewed Dan as a role model.32 And Jim Lyons said of Dan, “He literally was the best there was.”33

But what made Dan Hoffman such an extraordinary lawyer? The answers from those who knew him best are remarkably consistent:

- He was a “maniacal preparer” with a photographic memory, which he used to great effect when cross-examining opposing ex-

erts (e.g., to impeach an expert—without notes—by quoting passages, complete with page references, from the expert’s own book).34
- He was a great storyteller: “He could see the picture and translate it into words for the jury.”35
- He knew the law, and he could see the “practical aspects” of any issue.36
- He knew all the tricks of the trade (e.g., when opposing counsel was conducting a particularly effective examination, Dan would feign dozing off to convey to the jury that the examination was unimportant; he also was not above spilling a glass of water when he deemed a distraction necessary).37
- He was “charismatic” and “oozed credibility and ethics,”38 and although competitive (he hated to lose), he was always civil and collegial, and he always took the high road.39
- “Watching Dan in court was like watching Willie Mays in the outfield. He did the incredible and made it look easy.”40

Perhaps no trial highlighted Dan’s unique constellation of gifts as much as the case of Crystal Cartier v. Michael Jackson, in which a Denver singer–songwriter sued Michael Jackson for copyright infringement. The case came to Dan through his relationship with Music Corporation of America, for which Dan had handled concert venue noise litigation. The Jackson case went to trial in February 1994 and featured, among many key moments, testimony from Michael Jackson about how he wrote songs. (He demonstrated his process by singing portions of “Billie Jean.”) Dan is rightly lauded for his masterful examination of Mr. Jackson, as well as for his cross-examina-

tion of the plaintiff. What the public did not see, however, was the intense preparation that led to those moments. Dan personally studied and notated each deposition in the case. He led hours of discussions to develop the right trial theme: “He wrote his song. He didn’t steal hers.” He had
to navigate the unique challenges of managing a world-famous client and preparing him for trial. And he had to confront the David versus Goliath nature of the case and all that it entailed.

The case also reflected Dan's generosity of spirit and his commitment to the young lawyers with whom he worked. He easily could have tried the case with another senior partner, which would have been perfectly understandable given the nature of the case. Dan, however, gave this once-in-a-lifetime opportunity to a senior associate and mentee with full trust and confidence. This was Dan Hoffman at his best: master teacher and mentor, master strategist, and master trial lawyer—the one to call when losing was not an option. He did not disappoint.

An “Everyman” Legacy

Like all of the greatest trial lawyers, Dan earned his share of awards and honors, including the Colorado Trial Lawyers Association’s Lifetime Achievement Award, the American Jewish Committee’s Judge Learned Hand Award, DU Law’s Outstanding Alumni Award, the DBA Award of Merit, and the first and only lifetime achievement award from the Colorado Chapter of the American College of Trial Lawyers. He was also proud to have been the only person to have served as president of the CBA and the CTLA and as state chair of the American College of Trial Lawyers.

But Dan’s legacy extends so much farther than his awards. “As much of a luminary as he was, he was an everyman.” He was deeply devoted to his beloved Bev, his children, and his grandchildren. He was proud to have served as a mentor to a “who’s who” of Colorado attorneys (and to many judges, too), all of whom carry on his commitments to service and justice. He was a “student of life” who loved learning and was conversant in the widest array of subjects, especially jazz. He always treated everyone around him, from CEOs to the building janitorial staff, with respect, care, and concern. And he always did things the right way because, as he was fond of saying, “Life is too short.”

In so many ways, Dan was larger than life. As his longtime friend and colleague Jack Hanley put it, “He was like Wyatt Earp. He was the law.” But although he well knew his stature, he never forgot where he came from, nor did he ever lose his ability to laugh at himself, particularly when a friend would call him on a freshly embellished story. It was perhaps this combined sense of stature and self-deprecating self-awareness that engendered Dan’s rare ability to connect with people on any level—and that made him so well suited to help those around him reach their greatest potential. He did it, and he believed that those around him could, too.

Conclusion

Dan Hoffman liked to explain the difference between the bebop of Dizzy Gillespie and the cool jazz of Miles Davis by saying that Dizzy filled the spaces, while Miles used spaces. By this measure, Dan was a bebopper of the first order. He filled a room with his unsurpassed intellectual gifts, his unimpeachable integrity, his endless charisma, his love of life, his sense of humor, and his passion for and commitment to all people and to equal justice for all. When he passed away on September 1, 2009, he left a significant void in this legal community, although one that will always echo with his legacy.

We will not soon see the likes of Dan Hoffman again, but how lucky we were to have had his guiding light for so long. He truly was one of the greatest.

Justice Gabriel thanks Dan Hoffman’s daughters (Lisa Ciancio, Tracy Hoffman Cockriel, and Robin Hoffman Black), his son-in-law Gene Ciancio, his legal assistant of 27 years Bonnie Sauer, his friends and colleagues at Hogan Lovells and DU’s Sturm College of Law, and the many friends and colleagues who are cited in this article for sharing materials, photos, and memories of a special man.

NOTES

2. Interview with Tracy Hoffman Cockriel and Robin Hoffman Black (Feb. 13, 2017).
3. Id.; interview with Gene and Lisa Ciancio (Feb. 18, 2017).
5. Cockriel and Black, supra note 2.
6. Id.
7. Email communication with Jim Lyons (Apr. 11, 2017).
8. Cockriel and Black, supra note 2.
9. Id.
10. Id.
15. Id.
17. McDermott, supra note 11.
20. McDermott, supra note 11.
22. Reilly, supra note 18.
24. Hanley, supra note 16.
25. Id.
27. Hanley, supra note 16.
29. Id. at 164–75.
30. Id. at 175–76.
31. Id. at 176.
32. Interview with Ben Aisenberg (Mar. 29, 2017).
33. McPhee, supra note 1.
34. McDermott, supra note 11.
35. Babcock, supra note 23.
36. Aisenberg, supra note 32.
38. Hanley, supra note 16.
40. Id. See also Babcock, supra note 23 (noting that Dan was remarkably prepared but made it look spontaneous).
41. Among other things, the trial team agreed that it should not water down its presentation to match what the plaintiff was expected to do, recognizing that a “low-tech” presentation from Michael Jackson would have lacked credibility. In addition, because of the perceived imbalance of power, Dan intentionally did some things at trial simply to elicit an admonishment from Judge Nottingham. It was just one trial lawyer’s trick to try to ensure a level playing field (and to avoid juror sympathy for his opponent).
42. Aisenberg, supra note 32.
43. Sauer, supra note 37.
44. Id.
45. Hanley, supra note 16.