

## WilmerHale Victorious in Colorado Supreme Court Decision to Extend End Date of Legislative Session

APRIL 2, 2020

WilmerHale won a significant victory in the Colorado Supreme Court on behalf of the Colorado General Assembly on a crucial question of constitutional interpretation triggered by the COVID-19 pandemic.

Due to the public-health risks posed by COVID-19, the General Assembly suspended its regular legislative session on March 14. Colorado's constitution limits the legislative session to 120 "calendar days." In normal times, by legislative rule, the General Assembly interprets this to mean "consecutive calendar days." But in the extraordinary case of a public-health emergency declared by the governor, the General Assembly rules count only "working calendar days" toward the 120-day maximum. The practical effect of this narrow exception is that the 120-day clock is tolled during the crisis, allowing the legislature to pick up right where it left off when the crisis abates.

The General Assembly adopted this exception unanimously over a decade ago in the aftermath of the H1N1 flu pandemic, but it had never before been invoked.

In an opinion that closely tracks the arguments in WilmerHale's brief, the Court ruled that the constitution's plain language was ambiguous (i.e., "calendar days" does not have to mean consecutive days), and that the General Assembly reasonably resolved that ambiguity in a manner consistent with the constitutional text and the underlying purposes of the provision—namely, maintaining a part-time "citizen legislature" while ensuring that legislators have sufficient time to complete their important work on behalf of their constituents.

The team consisted primarily of Denver-based lawyers including [John Walsh](#), [Michael Hazel](#), [Mairead Dolan](#), [Matt Worthington](#), [Heidi Ruckriegle](#), and Washington DC-based [Drew Van Denover](#). DC-based [Appellate and Supreme Court Litigation](#) Practice lawyer [Daniel Volchok](#) provided excellent input on the brief.