



STEESE ♦ EVANS ♦ FRANKEL, P.C.

Sandra (Sandy) L. Potter
Associate

6400 S. Fiddlers Green Circle, Suite 1820, Denver, CO 80111
spotter@s-elaw.com
(303) 830-0818 (t) (720) 200-0679 (f)

Education

JD, Stanford Law School, 1998,
Member, *Stanford Law and Technology Review*

MA, University of Chicago, 1995

BA, University of Michigan, 1992,
High Distinction, High Honors;
William J. Branstrom Freshman
Prize; James B. Angell Scholar.

Bar Admissions

Colorado
First Circuit Court of Appeals
Federal Circuit Court of Appeals

Sandra Potter joined STEESE♦EVANS♦FRANKEL, P.C. in 2002. Prior to that, she was an associate at Dorsey & Whitney LLP, and Ireland, Stapleton, Pryor & Pascoe, P.C., both in Denver.

Clients value Ms. Potter as a skilled litigator and a trusted partner in contract negotiations. She has extensive experience in civil and regulatory litigation, and she has drafted numerous winning dispositive and appellate briefs in telecommunications cases, intellectual property disputes, and other commercial litigation.

Practice

Ms. Potter's experience includes representing incumbent telecommunications carriers — both regional Bell Operating Companies and independents — in a broad variety of intercarrier arbitrations, federal and state court cases, rulemakings, and appeals. She has represented large and small computer software and hardware companies in federal litigation and contract negotiations. She has represented an independent telecommunications carrier in negotiating contracts for licensing software, intellectual property, pole attachments, and general services. She has defended national banks in consumer protection and securities fraud class actions; represented creditors in bankruptcy proceedings; represented construction companies in arbitrations and civil litigation; and defended officers and directors in securities fraud and fiduciary duty cases.

Highlights

Telecommunications Litigation and Regulation

Ms. Potter represented the long distance carrier, Qwest Communications Company, LLC (now a subsidiary of CenturyLink) in the landmark “traffic

pumping” and access stimulation case, *In re Qwest Commc’ns Corp. v. Superior Tel. Coop.*, 2009 WL 3052208, *recon. den’d*, 2011 WL 459685 (Iowa Util. Bd. Feb. 4, 2011). Qwest successfully sued nine local exchange carriers for among other claims, violation of their intrastate access tariffs and Iowa law in billing Qwest tariffed access charges on traffic generated by free calling service companies who were not end users and failed to meet other tariff requirements. This proceeding required extensive motion practice on out of state discovery subpoenas and party discovery, dispositive motions, post-hearing briefs, and briefs opposing reconsideration. The Iowa Utilities Board agreed with Qwest’s position on all counts. Ms. Potter successfully defended that decision on judicial review. *Farmers Tel. Co. Mutual of Riceville, Iowa v. Iowa Util. Bd.*, CVCV008561 (Iowa District Court for Polk County Oct. 12, 2011).

Ms. Potter has handled numerous discovery and procedural disputes and authored many dispositive briefs for Qwest Communications Company, LLC in traffic pumping cases brought in the District Courts for the District of Columbia, the Southern District of Iowa, the Northern District of Iowa, the Western District of Kentucky, the Western District of Michigan, the District of Minnesota, the Southern District of New York, the District of South Dakota, and the Northern District of Texas. Ms. Potter has succeeded in transferring venue, opposing motions for preliminary injunctions, opposing motions to dismiss, and compelling discovery.

Ms. Potter has represented carriers in FCC rulemakings on a wide variety of subjects, including mobile broadband services, VoIP, intercarrier compensation, universal service reform, and ARMIS reporting.

Ms. Potter represented Qwest Corporation (now a subsidiary of CenturyLink) before multiple state public utility commissions in various intercarrier disputes involving issues such as transit traffic and issues regarding Signaling System 7 services. Ms. Potter also helped Qwest obtain state commission approval to begin providing long distance services.

Intellectual Property Litigation

Ms. Potter represented StorageTek (subsequently merged into Oracle) in a federal court action regarding software for data storage systems. The case involved several rounds of substantive and preliminary injunction motions

and interlocutory appeals to the First Circuit Court of Appeals and the Federal Circuit Court of Appeals, including novel issues under the Digital Millennium Copyright Act.

Other Litigation

Ms. Potter has represented both large and small companies in a wide variety of complex business and consumer disputes, and has extensive experience in analyzing the contract and tort (trade secret, tortious interference, breach of fiduciary duty, unfair competition) theories that frequently arise in such disputes.

Ms. Potter defended a large national bank against consumer class action lawsuits, successfully defeating class certification at both the district court and appellate levels. *Livingston v. US Bank*, 58 P.3d 1088 (Colo. App. 2002).

Contract Negotiations

Ms. Potter helped Valor Telecom (now Windstream) review, analyze, and negotiate numerous intellectual property licenses, professional services contracts, consulting agreements, confidentiality agreements and telecom-cable pole attachment agreements.

Professional, Service, and Other Activities

Ms. Potter has served as chair of the Colorado Bar Association Securities Subsection. Through the Rocky Mountain Children's Law Center, she has represented children *pro bono* in the Denver County Court's *guardian ad litem* program.

Ms. Potter has served as a director of Street's Hope, a Colorado nonprofit organization serving women. She has also served as a catechist for the Church of the Good Shepherd parish, as a volunteer with the Hospice of St. John, and as membership director for the Rocky Mountain Stanford Association.

Ms. Potter received a varsity letter in cross-country from the University of Michigan in 1988. In 1991, she was on the all-conference team, Midwest Select Side, USA Rugby.

Publications

Ms. Potter is the author of “Contribution Rights in Colorado Securities Fraud Cases,” 29 *Colo. Lawyer* 51 (Jun. 2000), and co-author of “Doubling the Prescription: the Securities Litigation Uniform Standards Act of 1998,” 6 *Securities Reform Act Litigation Reporter* 460 (Jan. 1999).