

Local litigation firms

Highly recommended

Keleher & McLeod

Modrall Sperling Roehl Harris & Sisk

Peifer Hanson & Mullins

Rodey Dickason Sloan Akin & Robb

Sutin Thayer & Browne

Recommended

Carpenter & Stout

Freedman Boyd Daniels Hollander Goldberg & Cline

Hinkle Hensley Shanor & Martin

Madison Harbour & Mroz

Miller Stratvert

Montgomery & Andrews

New Mexico

Insiders say medical malpractice is huge in New Mexico right now. The presence of several large laboratories, including Los Alamos National Laboratory, add litigation in the area – as well as bring local firm’s into the national spotlight. Most firms are centered in the state’s largest city, Albuquerque in the center of the state.

Highly recommended firms

More than 30 attorneys make up the mid-size Albuquerque firm **Keleher & McLeod**. They are equipped to handle a wide range of litigation, with particular bench strength in commercial and civil law. Specific focus is spent on construction, employment, health care, insurance defense and product liability matters. The firm successfully handled an amicus curiae brief on behalf of 53 school districts in a Supreme Court case concerning the proper method for certain educational spending calculations in the state. In another victory, the firm represented a client in New Mexico Supreme Court in a dispute regarding a utility’s recovery rights. Other firm clients include the State of New Mexico, the City of Las Cruces and the Public Service Company of New Mexico.

With more than 35 years of litigation experience, particularly insurance and commercial defense and general civil litigation, **Arthur Beach** handles matters involving antitrust claims, medical and legal malpractice, products liability and real estate. Fellow partner **Thomas Keleher** practices in regards to construction, insurance and real estate law, representing engineers, contractors and property owners in related issues.

Competitors consistently recognize **Modrall Sperling** as a go-to firm in the region. In addition to strong administrative and complex litigation practices, the firm is also boasts a well-equipped appellate practice and exhibits a wealth of knowledge in alternative dispute resolution. Handling cases throughout the state, the Modrall Sperling team of 25 litigators has developed a presence in a number of subspecialties, including oil and gas, Indian law, products liability, class actions and antitrust cases. The firm serves as primary and general counsel for Albuquerque Public Schools and represent several other big-name and local clients, including BNSF and Johnson & Johnson, handling the company’s product

liability litigation and tax matters.

Peers have nothing but good words for partner **Douglas Schneebeck**, who also acts as chairman of the class action and mass torts practice group. “He has very good judgment,” says one competitor, who also commended his thinking and strategy. Focusing on commercial litigation, he is also equipped to take on antitrust and securities matters as well. However, his work in class action and products liability cements his status as a lead New Mexico litigator. Representative clients include DaimlerChrysler, Medtronic, Walgreen’s, 3M and Merck. In recent matters, he worked on three purported class actions for client Physicians Life Insurance as well as five derivative claims for client Westland Development Company.

Although the Albuquerque-based boutique **Peifer Hanson & Mullins** boasts an attorney base in the single digits, the firm’s bench strength is top notch. The group is composed of former large-firm attorneys who now focus civil suits on both the plaintiff and defense side. Local peers have nothing but good words for name partner, and former Rodey Dickason Sloan Akin & Robb attorney, **Charles Peifer**, who focuses his practice on commercial litigation and class actions. “He is a great lawyer,” says one competitor. In agreement, another says he is “excellent.” Peifer recently handled a series of cases for client America Online. “He is great at organizing a case, discarding things that aren’t important and focusing on the things that matter,” one peer says.

Firmwide, attorneys have extensive experience in high stakes cases involving securities fraud, business and partnership disputes and employment matters. Representative clients include Shell Canada, Federated Service Insurance, Leegin Creative Leather Products and Washington Group.

With an “unbeatable” team of 41 partners and 13 associates devoted to litigation, **Rodey Dickason Sloan Akin & Robb** is

“With an ‘unbeatable’ team of 41 partners and 13 associates devoted to litigation, Rodey Dickason Sloan Akin & Robb is perhaps most lauded for its insurance defense work.”

Local litigation stars

Paul Bardacke
Sutin Thayer & Browne

Arthur Beach
Keleher & McLeod

William Carpenter
Carpenter & Stout

Nelson Franse
Rodey Dickason Sloan Akin & Robb

David Freedman
Freedman Boyd Daniels Hollander & Goldberg

Scott Gordon
Rodey Dickason Sloan Akin & Robb

Gail Gottlieb
Sutin Thayer & Browne

Bruce Hall
Rodey Dickason Sloan Akin & Robb

Tom Keleher
Keleher & McLeod

Walter Melendres
Montgomery & Andrews

Charles Peifer
Peifer Hanson & Mullins

Douglas Schneebeck
Modrall Spering Roehl Harris & Sisk

Andrew Schultz
Rodey Dickason Sloan Akin & Robb

Stuart Shanor
Hinkle Hensley Shanor & Martin

Tom Stahl
Rodey Dickason Sloan Akin & Robb

David Stout
Carpenter & Stout

perhaps most lauded for its insurance defense work. Recently, the firm has split its practice between business work and litigation, with a large chunk of the latter practice dedicated to mass torts cases involving pharmaceutical and medical device manufacturers. The firm has a strong bench of lawyers in a number of specialties, including general commercial work, employment, health law, professional liability and products liability. A healthy client base has grown to include a variety of entities, both local and national, with the firm providing “outstanding services.” Rodey

Dickason represents the City of Las Cruces, Presbyterian Healthcare Services, SuperValu and the University of New Mexico, and also Bank of America and Ford Motor Company. The firm is currently embroiled in litigation regarding its defense of several life insurance companies being sued

denying the FTC’s request for a temporary restraining order stopping the purchase. The “highly regarded” Schultz was also involved in the life insurance class actions, in which policyholders alleged they were not informed of price differences between paying premiums annually versus more frequently. Rodey Dickason represented six defendants in the 19 suits pending in the state. Key rulings were secured limiting the scope of the remedy available to the plaintiffs and restricted the size of classes before several of the cases were settled.

As chairman of the firm’s litigation department, **Scott Gordon** specializes in civil work and labor and employment issues, with a further focus on breach of contract, wrongful termination and personal injury claims. Clients praise Gordon, one of which says he is “extremely knowledgeable of both

“Pushing 50 attorneys, the firm is one of the largest in the state in terms of lawyer capacity, with an equally impressive client base that has grown to include Bank of America, Wild Oats Market and Sun Healthcare Group.”

-Sutin Thayer & Browne

for allegedly failing to adequately disclose to policyholders the dollar differences between paying premiums on an annual basis and more frequently. Microsoft, Visa, Dow Chemical and Dupont are some of the clients the firm represents in indirect purchaser antitrust matters. “If the firm was willing to do it, I would have them represent us nationally,” says one major client, who went on to say they are “one of the best firms I have worked with.”

Practicing for more than 40 years, **Bruce Hall** is “hands down the best lawyer in the Southwest,” according to one insider. Another localized the designation a bit more, calling him “the best litigator in the state of New Mexico.” The partner devotes his practice to complex litigation and appeals in a number of areas, including products liability, employment, environmental and professional liability matters. Among his representative clients is the Los Alamos National Laboratory, which he successfully defended in a recent matter in which former employees sought millions in damages. Former president and managing director **Andrew Schultz** is currently head of the firm’s complex and high-risk litigation practice group, focusing his specific practice on class action and civil rights litigation, as well as appellate work. He recently acted as local counsel for Western Refining and Giant Industries after both entered into a purchase agreement, which the Federal Trade Commission attempted to block. The case, which was one of the few federal antitrust suits ever brought by the federal government in New Mexico, resulted in federal court

the law of the State of New Mexico and of federal law” and he is “an extremely good technician at applying said law.” He assisted in representing American Airlines in a race discrimination case brought by a former employee. After a trial lasting several days in district court, the residing judge entered a decision in favor of American Airlines, dismissing the case and awarding the airline its costs. Partner **Nelson Franse** focuses his practice on professional and medical malpractice defense, products liability, personal injury defense, entertainment and sports law. He is the professional liability group leader within the firm. Franse represented client Lovelace in a recent matter involving the plaintiff’s claims of invasion of privacy and intentional infliction of emotional distress by Lovelace employees. A defense verdict was received after a trial held in District Court. He also represented the Department of Energy and Washington Tru Solutions in a nuclear waste storage facility permit hearing. In an outcome favorable to his clients, a new permit was granted allowing the storage of waste. Leading the firm’s labor and employment law section, **Thomas Stahl** focuses his practice on the defense of employers in state and federal court. He is also well-versed and recognized for his mediation and arbitration methods. Clients say his work ethic is “remarkable” and his overall practice is “top notch.”

With offices in Albuquerque and Santa Fe, **Sutin Thayer & Browne** represents both plaintiffs and defendants in commercial matters relating to contract disputes, securities fraud, lender liability, employment and



Future stars

Lisa Ortega
Rodey Dickason Sloan Akin & Robb

Todd Rinner
Rodey Dickason Sloan Akin & Robb

Seth Sparks
Rodey Dickason Sloan Akin & Robb

intellectual property. Insurance defense and real estate are other booming specialties within the firm. Pushing 50 attorneys, the firm is one of the largest in the state in terms of lawyer capacity, with an equally impressive client base that has grown to include Bank of America, Wild Oats Market and Sun Healthcare Group. Star attorney **Paul Bardacke** is at the top of his game with a thriving mediation and arbitration practice, as well as a healthy focus on class action work. Among his clients is the State of New Mexico. Commercial litigator **Gail Gottlieb** also practices with hearty aplomb within the areas of employment and civil rights litigation. Regularly representing financial institutions in bankruptcy matters, Gottlieb is also known for her work defending prison inmate civil rights and torts claims.

Recommended firms

Plaintiff's firm **Carpenter & Stout** has a strong focus on insurance and toxic tort work, but it is perhaps best known for its strong reputation as a civil litigation player, especially in regards to personal injury, wrongful death and products liability work. Since founding the firm in 1968, **William Carpenter** has litigation experience in the areas of personal injury, wrongful death and products liability matters. Joining the firm in 1987, **David Stout** developed a fierce presence in personal injury and products work as well, with additional strength in bad faith insurance work.

Founded in 1974, boutique **Freedman Boyd Daniels Hollander Goldberg & Cline** handles a spectrum of civil and criminal cases. Practice areas include personal injury and wrongful death, business litigation and class actions, with attorneys practicing in both federal and state courts, representing national and local clients. The staff of nine attorneys is also equipped to handle antitrust and commercial matters in both trial and appellate courts. Founding partner **David Freedman** practices in the areas of commercial, securities and antitrust litigation, while remaining active in personal injury and class action work as well. For more than 35 years, Freedman has been in a full-time litigation practice, bringing in successful results with national class action work and has obtained results in excess of \$1 million in regards to his personal injury, wrongful death and products liability work.

Tracing its history back to 1888, **Hinkle Hensley Shanor & Martin** is certainly one of the oldest firms in the Southwest. The offices in Roswell and Midland, Texas are located near on-shore oil and gas reserves, complementing the firm's strong oil and gas practice. Other core litigation areas are commercial, labor and employment, insurance and torts and environmental litigation. The firm's third location in Santa Fe handles more commercial and financial

matters, including ample insurance work.

Senior partner **Stuart Shanor** receives accolades for both his managerial position at the firm's Roswell office and his commercial litigation practice that also takes on banking matters.

Handling an almost exclusive caseload of medical malpractice work, **Madison Harbour & Mroz** represents major insurance companies and medical practitioners in malpractice defense. Representative clients include Farm Bureau Insurance, National Chiropractic Mutual, New Mexico Self Insurers and Colonial Penn. The firm also represents Pfizer in the company's civil matters in both state and federal courts in trial and appellate defenses.

The team of more than 50 attorneys, led by Gary Gordon and Scott Hatcher, engages in numerous types of civil litigation at leading defense firm **Miller Stratvert**. With offices in Albuquerque, Farmington, Las Cruces and Santa Fe, the firm handles complex multidistrict litigation matters and class action cases. Areas of practice have grown to include antitrust, construction, employment law, products liability, professional liability and tort litigation. Boasting one of the top medical malpractice defense practices in the region, the Miller team represents a number of physicians and dentists, with hospital work a growing presence within the firm. Clients include State Farm Mutual Automobile Insurance, Home Depot, MetLife Auto & Home, ExxonMobil, Shell Oil and Wells Fargo.

Santa Fe shop **Montgomery & Andrews** is commended for its civil and commercial practice, with more than 25 attorneys representing local and regional clients in a multitude of areas. The litigation department handles a range of civil matters, including antitrust, natural resource and environmental litigation, employment and products liability. However, the firm is lauded most for its insurance practice and work with medical malpractice matters. An impressive client base of insurance companies includes Allstate, Massachusetts Mutual Life Insurance, Farmers and American Insurance. Other clients include Bayer, Anheuser-Busch, Wyeth, ConocoPhillips, the University of New Mexico and the City of Santa Fe.

Practicing in the areas of personal injury, products liability, employment, environmental litigation, insurance bad faith claims and medical malpractice, partner **Walter Melendres** has also established himself as a go-to class action litigator, defending General Motors, Los Alamos National Laboratory and Wyeth. He has practiced with the firm since 1976. In addition to class action clients, Melendres has represented energy and mining companies in various litigation matters, including antitrust and contract disputes, and has also taken on banks as clients in creditor and debtor cases.



New Mexico's population surge brings calls for court modification

Gary L. Gordon, Miller Stratvert PA

New Mexico's economy continues to enjoy impressive growth due to many technology-based companies choosing to locate businesses in the state. The state's workforce, higher-education system, climate and the existing base of such technical companies all contribute to the steady growth pattern. The presence of major federal spending at two national laboratories, Sandia and Los Alamos National Laboratories, as well as three major Air Force bases, continues to drive the economy.

Many state initiatives also lead the way, such as tax incentives for film and media arts industries, and the institution of a rail service connecting the Albuquerque metropolitan area to Santa Fe. The central New Mexico corridor, which is home to half the state's population, contains Santa Fe, the state's capitol, and Albuquerque, the largest city and economic hub of New Mexico. The high real estate prices in Santa Fe mean that many of the people who work there must commute from the Albuquerque metropolitan area. Furthermore, the capitol is home to many of the state's cultural institutions and tourist attractions, and most out-of-state visitors have always taken the 60 mile journey from the Albuquerque International Sunport by car.

While the construction industry has seen some slowing, major planned communities near Albuquerque and Rio Rancho are still moving forward in both the residential and commercial markets. Albuquerque's population increased to the half-million mark and ranks as the thirty-fourth largest city in the US, and the sixth fastest growing in America. With the metropolitan population approaching 850,000, Albuquerque is the sixtieth largest US metropolitan area.

University of New Mexico Hospital is building its first satellite facility outside of Albuquerque to complement the existing medical school. Expected to be completed in 2010, the new hospital will be located near the new City Centre of Rio Rancho. In many ways, the university continues to contribute to the economic vitality of the state, with the School of Engineering ranked fourteenth in the Princeton review of the 20 top engineering graduate programs. For the thirteenth consecutive year, US News & World Report ranked the UNM School of Medicine among the top-15 primary care-oriented medical schools in the country. The clinical law program at the University is one of the best in the country as well, coming in fifth in the US News nationwide poll. The University of New Mexico Cancer Center achieved the designation as a national cancer institute in October 2005, one of only 63 in the nation. A state of the art comprehensive cancer treatment center and clinical research center totaling 206,000 square feet, is currently under construction on the north campus of the university.

The New Mexico Court system is striving to keep pace with the

growth of New Mexico's economy. Most of the state's judicial districts continue to add new divisions to keep up with local businesses throughout the state. In addition to the strain the population growth places upon these courts, the US-Mexico border creates demands on those courts as well. The New Mexico Federal Courts are also affected by these border issues.

Civil disputes within the state courts are generally handled at a slower rate than three years ago, but the courts are committed to an aggressive program of scheduling systems as well as mediation and settlement facilitation programs designed to resolve cases as quickly as possible. Statistically, there are fewer civil jury trials being conducted within the state on a yearly basis. The New Mexico courts make every effort to lessen jury service burdens upon citizens, and also work on reflecting a fair cross-section of the state's citizens.

With a relatively small and singular school of law within the state, a good percentage of new lawyers practicing in New Mexico come from out-of-state schools. With very few exceptions, most New Mexico lawyers work to represent the best interests of their clients in a diligent and ethical manner. Lawyers, judges and the Supreme Court, which oversees the conduct of all lawyers, constantly look for ways to ensure that all persons affected by the justice system are served by competent and ethical lawyers. As is true in most states, the media portrays lawyers in ways that are not necessarily fair or correct, but the State Bar is striving to communicate that New Mexico lawyers are committed to resolving disputes on a fair and efficient basis.

There are federal courthouses located in Albuquerque, Santa Fe, Las Cruces and Roswell. The state's District Court system is composed of 13 judicial districts. The state's largest cities, Albuquerque and Las Cruces, are in single-county districts, while the other districts are composed of two or three counties each. Many of the most remote county seats in the state do not have judges in residence, but rather the judges commute to a courthouse when necessary. The majority of district court cases are handled in Las Cruces, Albuquerque and Santa Fe.

While the State Bar of New Mexico currently has more than 8,000 members, most of those in private practice live and work in four cities: Santa Fe, Albuquerque, Farmington and Las Cruces. Very few firms keep offices in more than one city, and there are only five in New Mexico that claim more than 25 lawyers. In general, the practice of law throughout the state is collegial, with lawyers well acquainted with colleagues in other firms with similar practices. While cases come and go, lawyers in New Mexico can expect to deal with their colleagues on a frequent basis for decades. Because of that fact, lawyers' reputations within various specialty areas are vitally important.

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For thirty years the law firm of Miller Stratvert has consistently provided clients with innovative and cost-effective solutions to their litigation and business needs. Our extensive experience combined with our business know-how enables us to deliver exceptional legal representation in compliance with the highest standards of professionalism.

At Miller Stratvert, client success is our fundamental goal. With our long-standing reputation for excellent service and effective representation, clients know they will receive insightful and knowledgeable legal counsel. Our clients are diverse. They range from small businesses to large public entities in a variety of sectors and industries. They rely on us to provide high-value service by leveraging our years of experience and industry knowledge on their behalf.

Since its founding in 1978, our firm has grown into one of the largest law firms in New Mexico with offices in Albuquerque, Santa Fe, Farmington, and Las Cruces. Our lawyers come from the finest law schools in the country and we offer a comprehensive approach to handling our clients' most difficult legal problems. We have expertise in all areas of civil litigation and complex litigation, as well as in business, banking & commercial transactions, utilities law, civil rights and public sector law, employment & human resources law, health law, environmental law, Indian law, estate planning, wills & trusts, real estate; workers compensation, alternative dispute resolution & mediation, insurance coverage & bad faith, natural resources, construction law, appellate practice, products liability, professional liability, medical and legal malpractice, and administrative law.

Martindale-Hubbell recognizes Miller Stratvert P.A. as an AV® rated law firm, the highest such rating available.

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Mr Laskey works diligently to achieve results for his clients and is considered by them to be a tenacious lawyer in the courtroom and out. Mr Laskey is known for reducing complex issues and explaining them in simple terms to juries. He is also adept at keeping costs down for his clients through early case assessment, mediation or successful motion practice. There are times, however, when cases simply cannot be settled. Mr Laskey is the lawyer that his clients want in front of a jury.

Mr Laskey is national counsel for multiple insurance companies and corporations. As a trial lawyer, Mr Laskey has successfully tried cases involving products liability, wrongful death and general and premises liability. He is admitted to the state and federal bars in both New Mexico and Texas. He has also defended matters in California, Oregon, Arizona, Oklahoma, Kentucky, Michigan, Nevada, Montana, Wyoming, Texas, Arkansas, Georgia and West Virginia.

Mr Laskey most recently first-chaired a difficult jury trial involving seventeen plaintiffs who were victims of a propane explosion that received nationwide attention. Initially there was a mistrial and later a change of venue. After an emotional three-week trial, the jury returned a verdict in which Mr Laskey's client was found to be only 7.5% at fault with a net award to each plaintiff averaging less than \$1000. The verdict was later upheld on appeal through both the New Mexico Court of Appeals and the New Mexico Supreme Court. Mr Laskey is preparing to defend at trial cases involving a gas explosion in Southern California and a products liability matter in New Mexico involving the death of a three-year old boy who aspirated on a ball bearing that purportedly came out of the crankshaft of a Spiderman(tm) bicycle.

Brook Laskey received his BS in finance from The Pennsylvania State University in 1992. He received his JD, cum laude, from Case Western Reserve University in 1996. He is a member of the Propane Gas Defense Association.

RUTH FUESS

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Ruth Fuess understands the value of creative advocacy both in the courtroom and out. While sometimes 'going to court' is the sole remaining recourse for a client, Ms Fuess' strength is defeating claims and narrowing the issues through motion practice such that trial is often unnecessary to prevail.

Ms Fuess graduated from Texas A&M University in 1986 with a BS in geophysics. She received her JD from Cornell Law School in 1991 and practiced at Simpson Thacher & Bartlett in New York City for two years before moving to New Mexico. She is admitted to practice in both state and federal courts in New York and New Mexico. Her current practice focuses on insurance coverage litigation, commercial litigation and appeals. Her typical clients are insurance companies and other businesses.

Ms Fuess recently prevailed in two appeals in the New Mexico Court of Appeals. In one, she represented a large insurance company in an uninsured motorist claim for damages on an issue of first impression in which the client prevailed at the Court of Appeals and the New Mexico Supreme Court declined to hear the issue. In another, she represented a claimant in a probate claim in the Supreme Court and successfully convinced the Supreme Court to reverse the Court of Appeals decision and restore real property to the claimant.

Ms Fuess is a member of the Albuquerque Bar Association, New Mexico Bar Association and New Mexico Defense Lawyers Association. She is Assistant Bar Counsel for the Disciplinary Board, an agency of the Supreme Court of the State of New Mexico that investigates disciplinary complaints. She also recently became a board member for Equal Access to Justice, a non-profit organization that raises money to provide legal services for less advantaged members of the public.

GARY L GORDON

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Mr Gordon is an experienced trial lawyer highly respected by the legal community. He practices in the areas of commercial litigation, medical malpractice, products liability, general and premises liability, antitrust in the hospital/physician staffing context and governmental tort claims. Listed in both *Best Lawyers in America* and *Southwest Super Lawyers*, Mr Gordon is recognized by his clients, as well as his peers, for being conscientious, thorough, organized and working well under pressure.

Mr Gordon received his BBA with distinction, *summa cum laude*, in general honors from the University of New Mexico in 1983. At that time he was also elected to Phi Beta Kappa and Phi Kappa Phi. He received his law degree in 1986 from the University of New Mexico School of Law and is currently licensed to practice both in New Mexico and Colorado state courts. His courtroom experience and skills have been recognized by his colleagues with his election as a member of the American Board of Trial Advocates. Martindale-Hubbell recognizes Mr. Gordon as an AV[®] rated attorney, the highest such rating available to any individual lawyer.

Mr Gordon also has a presence in the local community. He is currently vice chair of the board of trustees for the University of New Mexico Foundation, Inc. Additionally, he served for 15 years as a trustee of the Albuquerque Academy, a prestigious college preparatory day school, and was chair for three of those years.

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For Mr Hatcher, going to court is just like another day at the office. He has completed approximately 40 first chair trials for various insurance companies, self-insureds and governmental entities and has been lead counsel in eight New Mexico reported decisions. His practice focuses in the area of insurance defense law, including third party defense, bad faith, uninsured motorist claims, workers' compensation, construction defects and policy coverage disputes.

Clients appreciate his ability to evaluate complex cases and reduce them to a small number of issues. They also value his impressive track record in court. While clients want results, they also want an attorney who is responsive to their needs. Mr Hatcher is available for his clients and always quick to respond to their inquiries.

Mr Hatcher received his BA from the University of Washington in 1978 and his JD from Gonzaga University in 1981. He is licensed to practice in the states of Washington and New Mexico as well as the Ninth and Tenth Circuit Courts of Appeal.

Martindale-Hubbell recognizes Mr Hatcher as an AV[®] rated attorney, the highest such rating available to any individual lawyer. He has been elected to the American Board of Trial Advocates for 2008. Mr Hatcher has also authored several defense-related articles for *The Defense News*, a publication of the Defense Lawyers' Association.