Holland & Hart



PRACTICES

Environmental Litigation
Appellate
Business Litigation
Environmental
Environmental Health and Safety
Real Estate Litigation

INDUSTRIES

Energy and Resources

EDUCATION

University of New Mexico School of Law, J.D., 1999
Recipient, Frederick M. Hart Award for Excellence in Commercial Law

University of New Mexico, B.S., 1996
summa cum laude in Mathematics and General Honors
Phi Beta Kappa
Phi Kappa Phi
Kappa Mu Epsilon (Vice President of Mathematics Honor Society)
Regents Scholarship

BAR ADMISSIONS

New Mexico

COURT ADMISSIONS

Federal District Court of New Mexico
U.S. Court of Appeals, Tenth Circuit

Larry J. Montaño

Partner

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Larry J. Montaño works closely with clients to achieve optimal outcomes in natural resources litigation, commercial disputes, real property matters, and personal injury/wrongful death cases. He regularly speaks and publishes on these subjects.

Appeals as well as trials: In addition to his trial work, Larry is a Board Member and Former Chairman of the New Mexico State Bar's Appellate Practice Section and regularly handles appeals before the New Mexico Supreme Court, the New Mexico Court of Appeals, and the U.S. 10th Circuit Court of Appeals.

Business litigation. Larry has successfully defended companies, lenders, and loan servicing clients in business litigation and secured transaction cases, both in the trial and appellate courts, brought by plaintiffs under the Truth in Lending Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act, Real Estate Settlement Procedures Act, and Unfair Trade Practices statutes.

Prior to joining Holland & Hart, Larry served as law clerk to The Honorable Bruce D. Black, Federal District Court Judge for the District of New Mexico and, before that, as a law clerk to The Honorable Lynn Pickard, then Chief Judge of the New Mexico Court of Appeals.

CLIENT RESULTS

Member of appellate team in case where the New Mexico Court of Appeals reversed trial court's $2.5 million punitive damages award against client in unfair trade practices case on constitutional grounds. *Dollens v. Wells Fargo Bank, N.A.*, 2020-NMCA, P.3d, 2020 N.M. App. Lexis 18.

Lead appellate lawyer in case where the New Mexico Court of Appeals affirmed district court's vacatur of multimillion dollar arbitration awards against client pursuant to the New Mexico Uniform Arbitration Act. *Rogers v. Red Boots Invs., L.P., et al*., 2020-NMCA-028, 464 P.3d 1064.

Member of appellate team in case where the New Mexico Supreme Court affirmed district court's dismissal of voter registration claims against client. *Crum v. Duran*, 2017-NMSC-013, 390 P.3d 971.

Member of appellate team in case where the New Mexico Supreme Court clarified that, in mortgage foreclosure actions, a lender's "standing" is not jurisdictional, it need not prove prudential standing in its complaint, and completed foreclosure judgments should not be voided for lack of standing. *Deutsche Bank Nat'l Trust Co. v. Johnston*, 2016-NMSC-013,

369 P.3d 1046.

Lead appellate lawyer in case where the New Mexico Supreme Court reversed decisions of New Mexico Court of Appeals and trial court quieting title to mineral estate against energy client. *Edwin Smith, LLC v. Synergy Operating, LLC, et al.*, 2012-NMSC-034, 285 P.3d 656.

Lead appellate lawyer in case where the New Mexico Court of Appeals reversed trial court's decision precluding energy client from recouping its drilling, operation, and supervision costs based on adverse quiet title decision. *Edwin Smith, LLC v. Synergy Operating, LLC, et al*., 2011-NMCA-003, 247 P.3d 1134 (certiorari granted and ruling reversed on quiet title issue decided against energy client).

Member of appellate team in case where the New Mexico Supreme Court voided Oil Conservation Commission rule permitting it to directly cite, fine, and punish energy companies. *Marbob Energy v. N.M. Oil Conservation Comm'n*, 2009-NMSC-13, 206 P.3d 135.

Member of appellate team in case where the New Mexico Court of Appeals affirmed decision permitting energy client to relocate road necessary to access natural gas wells on surface owner's property. *XTO Energy Inc. v. Armenta*, 2008-NMCA-078, 185 P.3d 383.

Lead appellate lawyer in case where the New Mexico Court of Appeals affirmed client's summary judgment award in lender liability action. *CitiMortgage, Inc. v. Giron*, 2010 N.M. App. Unpub. LEXIS 75, N.M. App. February 18, 2010.

Member of trial team that obtained final judgment in favor of natural resources client who challenged constitutionality of county's first-in-the-nation complete ban on hydrocarbon activity by corporations. *SWEPI, LP v. Mora County*, No. 1:14-CV-00035 JB/SCY, 2015 U.S. Dist. LEXIS 13496 D.N.M. January 19, 2015.

Member of trial team in one-week arbitration proceeding on behalf of energy client involving multiple audit disputes with royalty trust.

Member of trial team in breach of contract/bad faith claim that settled in second week of jury trial at close of plaintiff's case for trial costs.

Member of trial team in one-week jury trial on behalf of oilfield services client that went to a verdict in oilfield accident case.

Lead trial lawyer in oilfield accident case obtaining summary judgment on behalf of tubular services company on products liability and negligence claims.

Member of trial team settling brain injury case arising out of oilfield accident without payment from energy client after filing summary judgment motion.

Member of trial team settling wrongful death case arising out of industrial

accident for less than $5,000 after filing summary judgment motion.

Member of trial team in case obtaining summary judgment on behalf of client-physician arising out of medical malpractice claim.

Member of appellate team on successful appeal of city council's denial of energy client's applications to drill natural gas wells within city limits.

Member of team which obtained monetary settlement for pro bono client in civil rights/employment discrimination dispute.

Successfully obtained dismissals and summary judgments for lenders in over twenty cases brought by borrowers asserting claims under the Truth in Lending Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act, Real Estate Settlement Procedures Act, and the Unfair Trade Practices statutes.

Member of amicus curiae appellate team in case where the New Mexico Court of Appeals affirmed district court's judgment dismissing claim against acequia association under the New Mexico Open Meetings Act. *Parkview Cmty. Ditch Ass'n v. Peper*, 2019 N.M. App. Unpub. Lexis 190.

Lead appellate lawyer in case where the New Mexico Court of Appeals affirmed district court's denial of borrowers' motion for reconsideration of judgment entered in client's favor in mortgage foreclosure action. *Bank of N.Y. Mellon Trust Co. v. Jordan*, 2017 N.M. App. Unpub. LEXIS 39.

Lead appellate lawyer in case where the New Mexico Court of Appeals affirmed client's summary judgment award in mortgage foreclosure action. *Citibank, N.A. v. Martinez*, 2016 N.M. App. Unpub. LEXIS 128.

PUBLICATIONS

"Statutes of Limitations: New Mexico," *Thomson Reuters Practical Law Q&A*, August 2024

"Interview with New Mexico Supreme Court Chief Justice Charles W. Daniels," *Appellate News*, Fall 2010

"Interview with New Mexico Supreme Court Justice Barbara J Vigil," *Appellate News*, Spring 2014

RECOGNITION

- *Chambers USA*, Litigation: General Commercial, 2021-2026
- *The Best Lawyers in America*®, Commercial Litigation, 2020-2027; Appellate Practice, 2023-2027
- AV Preeminent rating from Martindale Hubbell, 2014-2022
- Southwest Super Lawyers® Rising Star, 2012, 2013
- Frederick M. Hart Award, Commercial Law

PROFESSIONAL AND CIVIC AFFILIATIONS

- State Bar of New Mexico, Member
- Board of Directors, State Bar Appellate Practice Section, 2010-present, Past Chair and Current Member
- State Bar of New Mexico Balancing Committee for the Court of Appeals Judicial Nominating Commission, Member, 2019-2021
- State Bar of New Mexico Balancing Committee for the Supreme Court Judicial Nominating Commission, Member, 2019, 2021
- Holland & Hart Foundation, Santa Fe Chapter
- American Inns of Court, Oliver Seth Chapter, Barrister
- New Mexico Defense Lawyers Association, Member
- Pro Bono work for cases in U.S. District Court, New Mexico district courts, and New Mexico Court of Appeals