Holland & Hart



PRACTICES

Real Estate Litigation
Business Litigation

INDUSTRIES

Construction and Development

EDUCATION

University of Idaho College of Law, J.D., 1994
Editor-In-Chief, *Idaho Law Review*

Gonzaga University, B.A., 1990
cum laude

La Sorbonne, L'Universite de Paris - France, 1989

L'Institute Catholique; Paris, France, 1988

BAR ADMISSIONS

Idaho

COURT ADMISSIONS

U.S. District Court for the District of Idaho
U.S. Court of Appeals for the Ninth Circuit

Mary York

Partner

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Mary York's practice focuses on condemnation cases, real estate litigation, and general commercial litigation. She helps her clients assess legal issues, evaluate resolution options, and achieve favorable outcomes.

Mary is an experienced trial lawyer who understands the range of factors that contribute to litigation and settlement of cases. She applies her knowledge, litigation skills, and experience to anticipate opposing counsel's strategies and identify stronger positions for her clients on a case-by-case basis.

As a former Deputy Attorney General for the Idaho Transportation Department, Mary gained broad experience handling eminent domain cases, transportation issues, real estate issues, and construction-related matters. She now applies that experience to representing her clients. She also handles a variety of commercial and real estate litigation matters as well as Fair Housing Act cases.

Mary served as a law clerk for the Chief Justice of the Idaho Supreme Court, Chas. F. McDevitt.

EXPERIENCE

Condemnation Litigation

- Pre-Condemnation Review and Analysis
- Managing Experts, including Appraisers, Engineers, and Other Specialists
- Land Valuation Issues and Strategies
- Litigating Condemnation Cases
- Settlement Negotiations
- Mediations
- Appeals

Fair Housing Act

Mary represents business owners in Fair Housing Act disputes and litigation.

Real Estate and Construction

- Contract Issues

- Boundary Disputes
- Title Ownership Disputes
- Construction Bid Disputes
- Construction Claims

Commercial Litigation

Mary represents clients in all stages of complex civil litigation matters, including appeals and pre-litigation negotiations.

CLIENT RESULTS

Reported Cases

Day v. Idaho Transportation Department, 533 P.3d 1227 (2023)

Ybarra v Legislature of State of Idaho, et al., 166 Idaho 902, 466 P.3d 421, (2020)

Ada County Highway District v. Brooke View, Inc., 162 Idaho 138, 395 P.3d 357 (2017)

Pennacchia v. Hays, 666 Fed. Appx. 677, 2016 WL 7367848 (2016)

State, Department of Transportation v. HJ Grathol, 158 Idaho 38, 343 P.3d 480 (2014)

State, Idaho Transportation Board v. HI Boise, LLC, 153 Idaho 334, 282 P.3d 595 (2012)

State, Department of Transportation v. HJ Grathol, 153 Idaho 87, 278 P.3d 957 (2012)

Curtis-Klure, PLLC v. Ada County Highway District, 154 Idaho 618, 301 P.3d 624 (2011)

Other Experience

Lead counsel in condemnation action taken to the Idaho Supreme Court. On appeal, the Supreme Court wholly affirmed the district court's summary judgment decision and rejected the landowner's arguments in their entirety. This case established precedent in Idaho that loss of visibility is not compensable. Our success saved the client the $2.2-$7 million damage claim sought by the landowner.

Lead counsel in condemnation jury trial, which resulted in favorable jury verdict supporting client's positions taken in case and rejecting opposing side's positions.

Successfully defended client against Fair Housing Act claim and obtained a favorable settlement and dismissal of claims.

Lead counsel in utility relocation and condemnation dispute. The case was resolved with terms beneficial to client and that resolved manner in which

future utility relocations within client's jurisdictions would be handled.

Obtained favorable settlement for client in Fair Housing Act claim involving several allegations of discrimination at two different apartment complexes.

Lead counsel in a real estate dispute resulting in dismissal of claims asserted by large mining company to obtain mineral rights belonging to landowners. Our clients prevailed on summary judgment.

Lead counsel on several condemnation actions on behalf of governmental agency resulting in favorable settlements of all cases on behalf of clients.

Lead counsel in highly visible condemnation case resulting in dismissal of landowner's $7,000,000 claim against our client on summary judgment. Furthermore, following a five-day bench trial, our client prevailed with a judgment valued at $675,000, which was the amount testified to by our client's experts. In addition, the judge ordered the landowner to pay litigation costs, a precedent-setting outcome.

Successfully lead trial team in condemnation action, resulting in judgment saving the client tens of millions of dollars in claimed compensation.

PUBLICATIONS

"Preserving Independence, Impartiality, and Excellence in Idaho's Court System: A Remarkable Judiciary, If You Can Keep It," *The Idaho State Bar's – The Advocate*, October 2023

"Judicial Independence: A Cornerstone of Democracy Which Must be Defended," *The Idaho State Bar's - The Advocate*, November/December 2022

"Service Animals 101: Keep Your Business Out of the Legal Doghouse," *Holland & Hart News Update*, 03/29/2022

SPEAKING ENGAGEMENTS

"Eminent Domain Case Law Update & Business Damages in Condemnation: Statutes, Cases, Tactics and Strategies," *2026 International Right of Way Association, Region 7: Spring Forum & Symposium*, April 16, 2026

"Attorney Mentoring Programs: Building Stronger Attorneys & Benefitting Your Firm," *Inns of Court*, March 19, 2026

"Practical Lawyering Skills - Persuasive Writing and Oral Advocacy," *University of Idaho College of Law*, April 8, 2024

"Tips for Effective, Strategic & Persuasive Writing," *Idaho Women Lawyers Annual Circuit Training CLE*, 12/14/22

RECOGNITION

- Mountain States Super Lawyers®, Eminent Domain, 2023-2026

- American College of Trial Lawyers, Fellow
- Idaho State Bar Professionalism Award, 2019
- *Chambers USA*, Litigation: General Commercial, 2014-2019; Real Estate, 2024-2026
- *Lawdragon*, 500 Leading Litigators, Real Estate Litigation, 2025-2027
- Idaho Women Lawyers, Kate Feltham Award, 2026
- *Idaho Business Review*, Leaders in Law, 2024
- *Idaho Business Review*, Women of the Year Award, 2016
- *Idaho Business Review*, Accomplished Under 40 Award for emerging business leaders, 2007
- National Association of Women Lawyers, Outstanding Law Graduate, 1994
- Litigation Counsel of America, The Trial Lawyer Honorary Society Fellow
- Martindale-Hubbell®, AV Preeminent® Rating
- Martindale-Hubbell®, AV Preeminent® Rating – Judicial Edition

PROFESSIONAL AND CIVIC AFFILIATIONS

- Idaho State Bar
  - Board of Commissioners, President, 2025
  - Fourth District Commissioner, 2022-2025
  - Appellate Section, Member
  - Government and Public Lawyers Section, Former Member
- American Bar Association, Member
- American College of Trial Lawyers
  - Idaho State Committee, 2022-Present; Vice Chair, 2024-2025
  - Rule of Law Committee, 2022-Present
- American Inns of Court, No. 130, 1998-1999, 2017-Present
- Federal Bar Association Mentorship Program, Mentor
- Boise Metro Chamber of Commerce, Board of Advisors, 2017-2022
- Boise Metro Chamber of Commerce Transportation Committee, Member, 2017-2022
- Boise Women Leaders, Member
- University of Idaho College of Law, Law Advisory Council, 2019-2025
- University of Idaho College of Law, Dean's Advisory Council, Chair, 2022-2025
- Idaho Women Lawyers and Idaho Women Lawyers Mentorship Program, Member

- American Heart Association Idaho Chapter - Go Red for Women, Executive Leadership Team Member
- Treasure Valley Walk to Cure Diabetes, Co-chair, 2012 and 2013
- Juvenile Diabetes Research Foundation, Utah/Idaho Chapter, Member, Board of Chancellors (2011-2017)
- Juvenile Diabetes Research Foundation, Utah/Idaho Chapter, Member Idaho Leadership Council (2014-2017)
- Family Outreach Volunteer, Juvenile Diabetes Research Foundation (2014-2019)