



**MONTGOMERY  
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LAW FIRM

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## Stephen S. Hamilton

*Of Counsel*

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### Practice Areas

- Appellate Practice
- Commercial Law and Litigation
- Condemnation and Eminent Domain
- Estate and Trust Litigation
- Insurance
- Labor and Employment
- Land Use
- Litigation
- Mediation and Arbitration
- Municipal and Government Law
- Real Estate

### Overview

Mr. Hamilton is a trial lawyer with 36 years of experience in a wide range of civil litigation. His practice is currently primarily concentrated in the fields of condemnation and eminent domain, real property rights, commercial litigation, the representation of governmental entities and personal injury defense. He also is an experienced mediator of litigated cases.

### Background

**University of California at Los Angeles**  
Juris Doctor, 1974

**Claremont McKenna College**  
Bachelor of Arts, *cum laude*, 1970

### Experience

### Representative Cases and Transactions

*Powell v. New Mexico State Highway and Transportation Department*, 117 NM 415, 872, P.2d 388 (Ct. App. 1994). Successfully obtained summary judgment and defended the constitutionality of the New Mexico Tort Claims Act.  
*AG Services of America v. Nielsen*, 231 F3d 726 (10th Cir 2000), cert. denied, 532 U.S.1021,

121 S. Ct. 1961, 149 L. Ed 2d 757 (2001). Successfully defended UCC claim tried to a jury and obtained reversal of adverse trial decision as to equitable claims.

*Village of Wagon Mound v. The Mora Trust*, 2003-NMCA-035, 62 P.3d 1255 (Ct. App. 2003) cert. denied, 133 NM 413, 63 P.3d 516. Summary Judgment upheld in favor of the Village of Wagon Mound on their claim to the main waterline easement serving its citizens.

*McNeill v. Rice Engineering and Operating, Inc.*, 2010-NMSC-015, 148 N.M. 16, 229 P.3d 489. Supreme Court upheld grant of summary judgment on trespass claim. Argued case to the New Mexico Supreme Court.

*Chavez v. New Mexico Public Education Department*, 621 F.3d 1275 (2010). Obtained favorable jury verdict on Individuals with Disabilities Education Act claim brought against the NMPED.

*SECSYS, LLC v. Vigil*, 666 F.3d 678 (10<sup>th</sup> Cir. 2012). Obtained a summary judgment on constitutional claims brought against former state treasurer.

*Sunnyland Farms, Inc. v. Central New Mexico Electrical Cooperative, Inc.*, 2013-NMSC-017, 301 P.3d 387. Successfully obtained decision from New Mexico Supreme Court as to all punitive damages and the majority of consequential damages awarded by the trial court on a claim against an electrical cooperative arising out of a fire which destroyed a large commercial greenhouse.

## Representative Clients

- The New Mexico Department of Transportation
- The New Mexico State Risk Management Division
- The City of Santa Fe
- Targa Resources
- American Express
- Capital One Bank
- The Santa Fe Waldorf School

## Speaking Engagements

Featured speaker at numerous seminars on condemnation, eminent domain and real property rights sponsored by CLE of New Mexico, Inc., CLE International, the National Business Institute and by Lorman International.

## Professional Memberships and Activities

American Bar Association  
New Mexico Bar Association  
California Bar Association  
First Judicial District Bar Association  
New Mexico Defense Lawyers Association  
Oliver Seth Chapter of the American Inns of Court  
Member of the New Mexico Supreme Court  
New Mexico Rules of Civil Procedure Committee 1997-2003

## Admitted to Practice

State Bar of California  
State Bar of New Mexico  
U.S. District Court for the District of New Mexico  
Tenth Circuit Court of Appeals  
United States Supreme Court  
United States Claims Court  
United States Tax Court

## Honors

Martindale-Hubbell AV® Preeminent Peer Review Rating

Listed in Best Lawyers in America in the fields of Eminent Domain and Condemnation