



## Mary York

Partner

800 W. Main Street, Suite 1750, Boise, ID 83702

P 208.342.5000

[myork@hollandhart.com](mailto:myork@hollandhart.com)

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

### PRACTICES

Eminent Domain  
Construction  
Commercial Litigation  
Linear Infrastructure

### 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. Court of Appeals for the Ninth  
Circuit

U.S. District Court for the District of Idaho

As a former Deputy Attorney General for the Idaho Transportation Department, Mary gained broad experience in eminent domain cases and transportation- and construction-related matters. She now applies that experience to representing her clients, which include both governmental agencies and landowners alike, in condemnation disputes and other litigation matters.

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

In addition to condemnation matters, Mary helps her clients resolve a variety of real estate issues as well as general litigation.

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

#### 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

### Condemnation Law

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.

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.

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

### Real Estate Law

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 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.

## SPEAKING ENGAGEMENTS

"Briefing Strategies," *Strategies for the Appellate Practitioner, Idaho State Bar Appellate Practice Section Sponsored CLE*, October 4, 2019

"Condemnation/Inverse Condemnation Case Law Review," *Idaho Association of Highway Districts Annual Convention, Co-presenter*, November 2017

"Eminent Domain 101," *Idaho Association of Highway Districts Annual Convention*, November 2017

"How to Be a Persuasive Witness and Presenter," *Idaho Association of Highway Districts Annual Convention, Co-presenter*, November 2017

"Eminent Domain Case Law Review and Update," *International Right of*

*Way Association, Snake River Chapter, April 2017*

*"Remedies," Concordia University School of Law, Guest Lecturer, 2017*

*"Externship Program," Concordia University School of Law, Guest Lecturer, 2015 & 2016*

*"Idaho Eminent Domain Overview," Idaho Association of Paralegals Seminar, October 14, 2016*

*"Eminent Domain Principles," Idaho Municipal Attorney's Association Summer Workshop, June 2016*

*"Public Transit in Idaho," Idaho Business Review Breakfast Series Panel Discussion, Moderator, April 2016*

*"Law Firm's Strategic Thinking," Idaho State Bar, February 2016*

## **RECOGNITION**

- Martindale-Hubbell®, AV Preeminent® Rating
- Martindale-Hubbell®, AV Preeminent® Rating – Judicial Edition
- *Chambers USA: America's Leading Lawyers for Business*, Litigation: General Commercial, 2014-2019
- *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

## **PROFESSIONAL AND CIVIC AFFILIATIONS**

- Idaho State Bar Association, Government & Public Lawyers Section, Former Member
- Idaho State Bar Association, Appellate Section, Member
- American Bar Association, Member
- American Inns of Court, No. 130, 1998-1999, 2017-Present
- Federal Bar Association Mentorship Program, Mentor
- Board of Advisors, Boise Metro Chamber of Commerce (2017-Present)
- Member, Transportation Committee, Boise Metro Chamber of Commerce (2017-Present)
- Idaho Women Lawyers and Idaho Women Lawyers Mentorship Program, 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-Present)