



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.

As a former Deputy Attorney General for the Idaho Transportation Department, Mary gained broad experience handling eminent domain cases, transportation issues, 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 also handles a variety of commercial and real estate litigation matters and Fair Housing Act cases.

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

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

EXPERIENCE

Fair Housing Act

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

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

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.

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

"COVID-19: Idaho," *Holland & Hart Coronavirus Resource Site*, May 1, 2020

SPEAKING ENGAGEMENTS

"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

"Eminent Domain," *Idaho Municipal Attorneys Winter Conference 2021*, 01/22/2021

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

RECOGNITION

- Mountain States Super Lawyers®, Eminent Domain, 2023
- American College of Trial Lawyers, Fellow

- Idaho State Bar Professionalism Award, 2019
- *Chambers USA*, Litigation: General Commercial, 2014-2019; Real Estate, 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
Fourth District Commissioner, 2022-2025
Appellate Section, Member
Government and Public Lawyers Section, Former Member
- American Bar Association, Member
- American College of Trial Lawyers, 2022-Present
- American College of Trial Lawyers, Judicial Independence Committee, 2022-2023
- 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-Present
- University of Idaho College of Law, Dean's Advisory Council, Chair, 2022-Present
- Idaho State Committee, 2022-Present
- 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)