



Earl E. DeBrine, Jr. Shareholder

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Related Practices

Energy, Environment and Natural Resources

Air Quality

Energy

Environment

Oil and Gas

Public Lands

Water Rights and Water Quality

Litigation

Alternative Dispute Resolution

Torts / Personal Injury

Native American Law

Related Industries

Construction and Design

Energy

Manufacturing

Railroads

OVERVIEW

Earl DeBrine concentrates his practice in oil and gas, railroad, product liability and commercial litigation. For almost 30 years, he has represented major energy companies, railroads and manufacturers in lawsuits and negotiations ranging from preferential purchase rights and other disputes under joint operating agreements, environmental and title disputes to oilfield wrongful death claims. He also regularly advises oil and gas producers concerning development transactions and appears before the Oil Conservation Division and Commission in a variety of regulatory matters pertaining to oil and gas development. He serves as the firm’s Secretary-Treasurer, and is Chair of the Oil and Gas Practice Group and Co-Chair of the Railroad Practice Group. Earl joined Modrall Sperling in 1987 after receiving his law degree from Georgetown University Law Center.

Best Lawyers in America® selected Earl in 2016 and 2018 as Oil and Gas Law “Lawyer of the Year” in Albuquerque; only a single lawyer in each practice area in each community is selected Lawyer of the Year. Earl has achieved the highest rating possible from *Martindale-Hubbell* based on a peer review, and is among those listed in *Southwest Super Lawyers*®.

Earl was raised in the middle Rio Grande valley north of Socorro, New Mexico. He maintains an interest in his family’s farm in Lemitar and with his wife Joanna, owns The Capitol Bar, a historic saloon on the Socorro plaza built in 1896.

Education

Georgetown University Law Center, J.D., 1987, *cum laude*

University of New Mexico, B.B.A. in Finance and Accounting, 1984, with distinction

Bar Admissions

New Mexico

U.S. District Court for the District of New Mexico

U.S. Court of Appeals for the Tenth Circuit

United States Supreme Court



EXPERIENCE

- Represented a coal company in arbitration with utility purchasers over costs under a long-term coal supply agreement, successfully defeating claim that utilities were entitled to a refund of operating costs of approximately \$13.9 million and prevailing on a counterclaim for approximately \$5 million of additional costs.
- Obtained Rule 12(b)(6) dismissal of personal injury suit brought by the employee of an oil and gas drilling company for willful injury against his employer. *See Anchondo v. Basic Energy Services, Inc.* 14-CV-0624 MCA/SMV (D. N.M. March 18, 2015).
- Achieved dismissal of claims for increased premiums, losses due to an increased ratings modifier and lost profits resulting from unsuccessful bids on new jobs brought against the owner of a building by a roofing company whose employees were injured in an accident. *Nat'l Roofing, Inc. v. Alstate Steel, Inc.*, 2016-NMCA-020, 366 P.3d 276, 277 (N.M. Ct. App. 2015).
- Negotiated the sale of railroad right-of-way to the State of New Mexico for commuter rail service and successfully defended suit by union challenging the sale. *See Bhd. of Maint. of Way Empls. v. Burlington Northern Santa Fe Railway Co.*, 596 F.3d 1217 (10th Cir. 2010).
- Represented BP America and argued before the New Mexico Supreme Court in a case establishing the proper venue for suits against foreign corporations. *Baker v. BP America Production Co.*, 137 N.M. 334, 110 P.3d 1071 (2005).
- Obtained summary judgment for an operator who had commenced drilling on an adjacent surface tract prior to the expiration of an oil and gas lease, defeating ownership claims of a lessee who had acquired a top lease. *See Manzano Oil Corp. v. Chesapeake Operating, Inc.*, 178 F. Supp. 2d 1217 (D.N.M. 2001).
- Lead counsel who wrote the successful brief on behalf of several oil and gas producers that further clarified venue rules for suits against registered foreign corporations. *See Bank of America v. Apache Corp.*, 144 N.M. 123, 184 P.3d 435 (Ct. App.), *denied*, 144 N.M. 123 (2008).
- Succeeded in sustaining federal jurisdiction over a railroad crossing wrongful death suit which plaintiffs sought to bring as a complaint in intervention in a pending state court lawsuit involving a different accident at the same crossing. *See Stark-Romero v. Amtrak*, 763 F.Supp.2d 761 (D.N.M. 2011).
- Successfully excluded an expert report and obtained summary judgment in favor of BNSF Railway Co. in a railroad grade crossing wrongful death suit that was affirmed by the Tenth Circuit. *See Henderson v. National Railroad Passenger Corp.*, 412 Fed. Appx. 74;2011 U.S. App. LEXIS 207 (10th Cir. Jan. 5, 2011).
- Successfully excluded expert testimony concerning train event recorder data under *Daubert* and Fed.R.Civ.P 26(a) and obtained partial summary judgment dismissing various claim based upon federal preemption. *See Vigil v. Burlington Northern & Santa Fe Ry.*, 521 F.Supp.2d 1185 (D.N.M. 2007).
- Successfully enjoined the prosecution of a railroad grade crossing accident suit filed in tribal court based on a lack of tribal court jurisdiction. *See Chiwewe v. Burlington Northern & Santa Fe Ry. Co.*, 239 F.Supp.2d 1213 (D.N.M. 2002).
- Wrote the successful brief in a case affirming the right of review by mandamus of court order allowing for discovery in arbitration and recognizing the limited nature of discovery in arbitration under the Texas General Arbitration Act and the Federal Arbitration Act. *See Mewbourne Oil Co. v. Blackburn*, 793 S.W.2d 736 (Tex. App.—Amarillo 1990).

ACTIVITIES



Professional Activities

- Advisory Board, Institute for Energy Law
- National Association of Railroad Trial Counsel
- Independent Petroleum Association of New Mexico

Civic Activities

- Member, Association of Commerce & Industry Agricultural Committee
- Rocky Mountain Mineral Law Foundation, Audit and Risk Management Committee

NEWS & ARTICLES

News

Modrall Sperling Announces New Slate of Officers

Posted on [January 23, 2019](#) By [Daniel Schueler](#)

Modrall Sperling Attorneys Recognized by Best Lawyers® 2019

Posted on [August 15, 2018](#) By [Daniel Schueler](#)

Articles

Seismic Operations Held Subject to Notice and Negotiation Requirements of Surface Owners Protection Act

January 14, 2016

By [Earl E. DeBrine, Jr.](#)

No Mora Moratorium on Drilling

April 16, 2015

By [Earl E. DeBrine, Jr.](#)

HONORS

- Best Lawyers® Oil and Gas Law “Lawyer of the Year” in Albuquerque, 2016, 2018
- Best Lawyers® Railroad Law “Lawyer of the Year” in Albuquerque, 2014
- *Best Lawyers in America*®, in Oil & Gas Law and Railroad Law, 2007-present
- *Martindale-Hubbell AV*® Peer Review Rated
- *Southwest Super Lawyers*® (derived from a lawyer survey), 2007-2016