



Martha G. Brown

Shareholder

DIRECT 505.848.1874 FAX 505.848.9710

Email: martha.brown@modrall.com

OFFICE ALBUQUERQUE MAIN 505.848.1800



Related Practices

Litigation

Alternative Dispute Resolution

Class Actions and Mass Torts

Commercial

Product Liability

Professional Liability

Torts / Personal Injury

Related Industries

Healthcare / Senior Care Facilities

OVERVIEW

As the firm's senior female litigator, Martha Brown represents business clients in diverse areas of civil litigation in federal and state courts throughout New Mexico, at both trial and appellate levels. Martha brings more than thirty years' experience to her active tort, product and professional liability defense practice. She regularly represents professionals and professional organizations, healthcare providers, product manufacturers, retail service providers, and other commercial entities in the defense of diverse claims ranging from product, professional or other liability, wrongful death, unfair trade practices, and all other tort and contract issues. Martha provides advice and counsel to professional services entities and long term care providers on various issues, and represents them in the defense of malpractice and other liability claims. Her representation of commercial and non-profit entities has included defense of claims including lender liability, contract and other commercial disputes. She also has defended a variety of individual and public entity defendants on civil rights claims.

Martha's representation of her clients is notable for her focus on innovative and strategic approaches designed to achieve the most effective outcome consistent with the client's objectives, whether through litigation, positioning a matter for successful dispositive relief, or where appropriate, early dispute resolution.

Martha has an AV® Preeminent rating from *Martindale Hubbell* based on peer review. She is recognized by *Best Lawyers in America*® in commercial law and product liability litigation, named among those in *Southwest Super Lawyers*® and selected Litigation Star by *Benchmark Litigation*. In addition, Martha is a Fellow in the Litigation Counsel of America and has twice received the Outstanding Contribution Award from the State Bar of New Mexico.

Martha has previously served on the firm's Executive Committee, headed the Litigation Department, and chaired both the Tort, Product Liability, Class Action practice group and the Associates Committee.

Education

University of Wisconsin Law School, J.D., 1983, Graduate Teaching Assistant 1981-1983

Pomona College, B.A. in Government, 1979

Bar Admissions

New Mexico 1983



U.S. District Court for the District of New Mexico 1983

U.S. Court of Appeals for the Tenth Circuit 1984

Wisconsin 1983

EXPERIENCE

Representative Cases

- Obtained summary judgment in favor of a nursing home in a case seeking damages for wrongful death of a nursing home patient. Plaintiffs claimed that the nursing home was negligent in not implementing certain fall prevention measures and that the absence of those measures caused Decedent's death. The federal court found the Plaintiff had failed to obtain necessary expert medical testimony to establish that the Decedent's death was caused by the alleged negligence of the Defendant and entered judgment in the defense's favor. Plaintiffs appealed the trial court's ruling to the Tenth Circuit Court of Appeals. After oral argument, the Tenth Circuit affirmed the ruling of the trial court. *See Holley v. Evangelical Lutheran Good Samaritan Society* 588 Fed. Appx. 792 (10th Cir. 2014).
- Extensive experience with issues involved in enforcement of arbitration clauses in business and healthcare agreements, under New Mexico law and the Federal Arbitration Act, and in state and federal courts. Won reversal on appeal of order denying motion to compel arbitration of nursing home liability action. *See Barron v. Evangelical Lutheran Good Samaritan Society* 2011-NMCA-094, 265 P.3d 720.

Professional Liability

- Represented long-term care provider in class action tried in the New Mexico State court, alleging violation of the New Mexico Continuing Care Act.
- Provides advice and counsel concerning professional liability to architects, engineers, nursing homes and other long-term care providers, hospitality and recreational services providers, aircraft manufacturers and airlines, and other professional service providers.

Products Liability

- Represents clients in products liability litigation on diverse products and manufacturing processes, which have included pharmaceuticals and diet drugs, medical devices, exercise equipment and facilities, and aircraft components, food products, food service and equipment.

ACTIVITIES

Professional Activities

- Code of Professional Conduct Committee, appointed by the New Mexico Supreme Court, 2010-2015
- State Bar of New Mexico; former Co-Chair New Mexico Bench and Bar Relations Committee; Member of State Bar and Supreme Court's Joint Committee on Restoring Public Confidence in the Court System; twice recognized with State Bar's Outstanding Contribution Award
- American Bar Association, Member, Sections of Litigation and Tort & Insurance Practices
- Defense Research Institute



- International Association of Defense Counsel

Civic Activities

- Salvation Army, Albuquerque, Board of Directors, Past President
- Family & Children's Services
- A Child's Garden Preschool
- First Presbyterian Church Endowment Foundation, Board of Directors

NEWS & ARTICLES

News

Super Lawyers® Names 31 Modrall Sperling Attorneys to 2019 List; Four Named Top 25 New Mexico Super Lawyers

Posted on April 15, 2019 By Daniel Schueler

Benchmark Litigation Highly Recommends Modrall Sperling

Posted on November 30, 2018 By Daniel Schueler

Modrall Sperling Attorneys Recognized by Best Lawyers® 2019

Posted on August 15, 2018 By Daniel Schueler

Super Lawyers Names 32 Modrall Sperling Attorneys to 2018 List; Four Named Top 25 New Mexico Super Lawyers

Posted on April 23, 2018 By Alexandra Schexnayder

Articles

Recreational Release Enforced: Modrall Sperling Obtains Summary Judgment for Indoor Climbing Gym Sued for Negligence

May 23, 2014

By Martha G. Brown and Sarah M. Stevenson

HONORS

- *Best Lawyers in America*® in Commercial Litigation and Product Liability Litigation – Defendants, 2011-present
- *Martindale-Hubbell* rated AV® Preeminent, based on a peer review, Bar Register of Preeminent Women Lawyers, 2014
- *Southwest Super Lawyers*® (derived from a lawyer survey), 2010, 2013-present
- *Benchmark Litigation, The Definitive Guide to America's Leading Litigation Firms and Attorneys*, recognized as a Local Litigation Star, 2014-present
- Litigation Counsel of America, Fellow, 2014-present