



Nathan T. Nieman Shareholder

DIRECT 505.848.1886 FAX 505.449.2086

Email: nathan.nieman@modrall.com



Related Practices

Energy, Environment and Natural Resources

Energy

Oil and Gas

Labor, Employment and Benefits

Litigation

Alternative Dispute Resolution

Appellate

Class Actions and Mass Torts

Commercial

Insurance

Product Liability

Torts / Personal Injury

Native American Law

Related Industries

Business in Indian Country

Construction and Design

Educational Services and Institutions

Energy

Manufacturing

Mining

Railroads

Ranching and Agriculture

OVERVIEW

Nathan Nieman is a litigator. His litigation experience is broad and includes handling commercial litigation, personal injury, wrongful death, insurance, prescription medication products liability, workers' compensation, unfair trade practices, and employment discrimination cases in federal, state, and agency courts. Nathan also provides day-to-day advice to property management companies and concerning human resources matters for public education entities. His recent litigation experience includes representing, as both a lead and second chair attorney, public and private entities in commercial, personal injury and employment litigation from inception to trial or arbitration. He has also successfully represented, through briefing and oral argument, a local school district before the Tenth Circuit Court of Appeals. Nathan's diverse practice combined with his trial and appellate experience has enabled him to provide advice to clients based upon first-hand litigation experience and regarding a broad range of subjects. Nathan has been selected as a Southwest Rising Star by *Southwest Super Lawyers®* and was named to *Benchmark Litigation's* "Under 40 Hot List" in 2017 and 2018.

Nathan has also successfully provided pro bono services to New Mexico residents in landlord/tenant disputes and for a non-profit organization.

Nathan received his undergraduate degree from Seattle Pacific University. While attending college, Nathan worked as a snowboard instructor, and then a laborer and forklift operator for a regional concrete construction materials supply company in the Seattle area. Nathan then moved to Chicago, Illinois to attend DePaul University College of Law, where he graduated *magna cum laude*, and was a member of DePaul's Law Review. Additionally, while attending law school, Nathan worked as a teaching assistant for legal writing classes, a mentor for first year law students, and a research assistant to Professors Stephan Landsman and Martha Pagliari. Nathan's extended family has lived and worked in western New Mexico, which led him to Albuquerque following law school.

Education

DePaul University College of Law, J.D., 2009, *magna cum laude* Member, DePaul Law Review

Seattle Pacific University, B.A. in History, 2006, *cum laude*

Bar Admissions

New Mexico

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



U.S. Court of Appeals for the Tenth Circuit

U.S. District Court for the Western District of Texas

EXPERIENCE

Litigation

Personal Injury/Premises Liability

- *Acosta v. BNSF Railway Company*, No. D-101-CV-2011-02741 – Obtained defense jury verdict on behalf of client in personal injury/Federal Employer’s Liability Act case, with Tim Fields.
- *Anchondo v. Basic Energy Services, Inc.*, 14-CV-00624 (D.N.M. 2015) – Obtained dismissal of claims of intentional conduct against client in oil field accident.
- *Martinez v. BNSF Railway Company*, No. D-1314-CV-2013-00658 – Obtained summary judgment on behalf of client in personal injury/Federal Employer’s Liability Act case.
- *Stark-Romero v. Amtrak Co.*, 763 F. Supp. 2d 1231 (D.N.M. 2011) – Drafted brief on behalf of railroad client concerning novel removal issue, and successfully received remedy sought.
- Represents public entities and national retailers from inception to resolution of claims.

Products Liability

- Represents national chain pharmacies in claims related to prescription medications.
- Represents national retailer in products liability lawsuits.
- Represents prescription medication manufacturers in lawsuits involving claims of product defect, failure to warn, and New Mexico UPA violations.

Other Litigation

- *Latham v. Board of Education for the Albuquerque Public Schools* 489 Fed. Appx. 239, 2012 U.S. App. LEXIS 14472, 26 Am. Disabilities Cas. (BNA) 1332 (July 12, 2012) – Successfully defended school district in federal district court and on appeal before the Tenth Circuit Court of Appeals, which resulted in a complete dismissal of all claims against client. Completed both briefing and oral argument on behalf of the school district during appeal.
- *State ex rel. King v. Lyons*, 2011-NMSC-004 – Drafted amicus brief on behalf of Easter Seals El Mirador and Union Pacific Railroad Company.
- Have represented both public and private entities in numerous litigated matters from inception to ultimate resolution, including trial and appeal.

Insurance Coverage

- Represents insurers in coverage disputes related to commercial general liability and similar policies.
- Provides coverage opinions and analyses to insurers in New Mexico.
- *Carl Kelley Construction, LLC v. Mountain States Indemnity Co.*, D-1215-CV-2010-00926 – Obtained summary judgment on behalf of insurer in relation to construction defect claims.

Human Resources, Labor & Employment Experience

School Employee Discipline

- Provide advice, on a weekly basis, to public school district regarding discipline, suspension,



termination and discharge of employees.

- Routinely represent public school district HR Department in disciplinary hearings and arbitrations pursuant to collective bargaining agreements and the New Mexico School Personnel Act.
- Advise school districts regarding employment policies and implementation of the same.

Arbitrations

- *Hart v. Albuquerque Public Schools* – Lead attorney for Albuquerque Public Schools in arbitration concerning reduction in force/termination and Americans with Disabilities Act claim. Termination was upheld.
- *Feit v. Albuquerque Public Schools* – Lead attorney for Albuquerque Public Schools in arbitration concerning termination of teacher concerning off-duty conduct. Termination was upheld.

EEOC/HRD Charges and Formal Hearings

- Have routinely assisted public and private entities, in responding to and resolving EEOC and/or HRD charges.
- *Marquez v. Albuquerque Public Schools*, HRD No. 10-10-12-0479 – Successfully defended Albuquerque Public Schools in a formal hearing before the Human Rights Commission. Employee alleged that school district discriminated against her. After a two day formal hearing, the Human Rights Commission found in favor of the school district.

ADA Accommodations

- Assist school district Equal Opportunity Services Office in evaluating and implementing accommodations in accordance with the Americans with Disabilities Act and New Mexico Human Rights Act.

ACTIVITIES

- American Bar Association
- State Bar of New Mexico
- Defense Research Institute
- Second Judicial District Voluntary Attorney Project

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](#)

[Benchmark Litigation Honors Three Modrall Sperling Shareholders](#)

Posted on [September 5, 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](#)

Nathan Nieman Selected to “Under 40 Hot List”

Posted on [October 30, 2017](#) By [Alexandra Schexnayder](#)

Articles

New Mexico State Court Judge Grants Summary Judgment For Employer in Medical Marijuana Case

September 28, 2015

By [Nathan T. Nieman](#)

Defense Win

September 25, 2013

By [Nathan T. Nieman](#)

HONORS

- *Benchmark Litigation, The Definitive Guide to America’s Leading Litigation Firms and Attorneys*
Under 40 Hot List, 2017-present
- *Southwest Super Lawyers®*, selected as a Southwest Rising Star, 2014-present