



Susan E. Miller Shareholder

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OVERVIEW

Susan Miller's primary areas of interest are in water resources and environmental law, as well as insurance, medical malpractice, tort and personal injury litigation.

Susan currently serves as Chair of Modrall Sperling's Natural Resources, Energy and Environment Department and is the past Chair of the firm's Water Law Practice Group. She brings over 20 years of experience providing representation, advice and counsel to businesses, industries, ranchers, farmers and individuals throughout New Mexico with respect to water rights transactions, administrative proceedings with the New Mexico Office of the State Engineer and litigation in state and federal court. Her water law practice involves issues of permitting, purchases and leases of water rights, and litigation. Susan has also represented clients in administrative proceedings before the New Mexico Environment Department on matters of air quality and hazardous waste permitting.

In addition to her water and environmental law practice, Susan has significant experience in state and federal court litigation defending healthcare providers including multiple hospitals in medical malpractice actions, and insurance companies in the areas of coverage and bad faith. She has defended many businesses in personal and property damage, contract and commercial disputes. Susan is also experienced in appellate tort practice.

Prior to joining Modrall Sperling, Susan clerked for the New Mexico Court of Appeals. Susan has achieved *Martindale-Hubbell's* AV[®] Preeminent peer review rating, the highest rating possible, and is listed in *Best Lawyers in America*[®] for her work in Environmental Law and Litigation-Health Care.

Education

University of New Mexico School of Law, J.D., 2000, Administrative and Special Edition Editor of the New Mexico School of Law's Natural Resources Journal, 1999-2000

Miami University of Ohio, 1993

Bar Admissions

New Mexico

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

EXPERIENCE

- Represented water utilities, property owners' associations, ranchers and farmers in proceedings before the New Mexico



Office of the State Engineer regarding protests of water rights transfers. See *In re Applications by The Hideout of Lincoln County*, OSE Hearing Nos. 08-010 *et al.*; *In re Application of the New Mexico Spaceport Authority*, OSE Hearing No. 09-006; *In re Application by Toby Romero and FNF Construction*, No. LRG-430 *et al.* into LRG-10140, OSE Hearing No. 09-095.

- Represented commercial industries in transfers of water rights.
- Represented railroad in personal injury and commercial dispute cases, as well as water rights issues.
- Represented trucking company and landfill operator in administrative permitting compliance action before the New Mexico Environment Department and in negotiations of future permitting for hazardous and nonhazardous waste disposal. See *NMED v. Lea Land, Inc., et al.*, SWB 08-18 (CO).
- Represented out-of-state corporations in successfully challenging personal jurisdiction. See *Dinkle v. Crane Care, Inc. et al.*, No. 1:09-cv-00388; *Fireman's Fund Ins. Co. et al. v. Thyssen Mining Construction of Canada, Ltd. et al.*, Case No. 10-cv-00401.
- Defended construction contractor at a New Mexico power plant in complex commercial litigation regarding property damage resulting from a fire.
- Represented insurance companies in bad faith and commercial general liability coverage lawsuits. See *Diana Willis & George Willis v. Government Employees Insurance Company et al.*, 1:13-CV-00280; *Donna Rzepka v. Great Northwest Insurance Company*, D-101-CV-2012-02311; *Sylvienne Higgins v. Great Northwest Insurance Company*, D-202-CV-2014-04405; *Mountain States Mutual Casualty Company v. Southern Colorado Construction et al.*; *Mountain States Indemnity Co. v. Advantage Asphalt & Seal Coating, LLC*, CV-2009-02107; *Century Surety Company v. Jose Roybal d/b/a Red's Steakhouse et al.*, 1:11-CV-01107.
- Represented small car dealership and successfully obtained summary judgment in case involving question of duty to inspect used vehicles, *Lark v. Ford Motor Co., et al.*, CV-2009-3103.
- Represented large corporate manufacturers in product liability cases.

ACTIVITIES

Professional Activities

- Foundation for Natural Resources and Energy Law (f/k/a Rocky Mountain Mineral Law Foundation) Trustee-at-Large, 2018-present
- American Bar Association
- State Bar of New Mexico
- Law clerk for the Honorable Roderick T. Kennedy, New Mexico Court of Appeals, 2002
- Law clerk for the Honorable M. Christina Armijo, New Mexico Court of Appeals, 2000-2001
- Judicial Extern for the Honorable C. Leroy Hansen in the U. S. District Court for the District of New Mexico

Public Service

- Equal Access to Justice, Treasurer
- United States Peace Corps Volunteer, Nigeria, 1993-1996. As a volunteer, Susan worked alongside Nigerian health officials and various non-governmental organizations as the coordinator for a state-based program for the prevention of the parasitic disease, River Blindness.



DISCOURSE

Presentations

- Transferring and Securing Water and Mineral Rights in New Mexico, *State Bar of New Mexico Annual Meeting*, Albuquerque, New Mexico, August 3, 2019, Susan Miller, Christina C. Sheehan, and Scott Brown of Lewis Roca Rothgerber Christie LLP
- Introduction to The Toxic Substances Control Act (TSCA) and the Lautenberg Act, *Essentials of Hazardous Materials Management*, New Mexico Society of Hazardous Materials Managers, Albuquerque, New Mexico, October 10, 2018, Susan Miller and Christina C. Sheehan
- The Toxic Substances Control Act (TSCA), *Essentials of Hazardous Materials Management*, New Mexico Society of Hazardous Materials Managers, Albuquerque, New Mexico, October 13, 2017, Susan Miller and Christina C. Sheehan
- Legislative Update: Water Law Developments in New Mexico, *Law of the Rio Grande*, Santa Fe, New Mexico, April 6, 2017
- Establishing the Validity of Agricultural Water Rights, *National Business Institute*, 2015
- Handling the Application, Lease, and Water Rights Sale/Purchase, *National Business Institute*, 2014
- Water Rights in New Mexico, *National Business Institute*, Albuquerque, New Mexico, April 16, 2014, Susan Miller, Jennifer A. Clements, Charles T. DuMars, Seth Fullerton, Peter B. Shoenfeld, and Jeffrey J. Wechsler

HONORS

- *Best Lawyers in America*® in Environmental Law and Litigation-Health Care, 2023-present
- *Martindale-Hubbell*® Bar Register of Preeminent Women Lawyers, 2014
- *Martindale-Hubbell AV*® Preeminent Peer Review Rated

RELATED PRACTICES

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