

THOMAS C. MONTOYA

Shareholder: Atkinson & Kelsey, P.A.
Rated: Martindale-Hubbell Law Directory "AV" (Very High to Preeminent)
Lead Author & Editor: **New Mexico Domestic Relations Law and Forms**
(Michie-Butterworth, 1995)
Member: **American Law Institute**
Listed: **The Best Lawyers in America**
Chair: **Supreme Court Rules of Civil Procedure Subcommittee** responsible
for promulgation of statewide rules of procedure for domestic relations
cases in New Mexico
Co-Chair: **Child Support Guidelines Review Commission** responsible for
promulgation of statutory Child Support Guidelines
Experience: 28 years of practice in domestic relations law

EDUCATION:

Undergraduate: Stanford University; 1970-1974
Law School: University Southern California; '78

PUBLICATIONS:

1995 **New Mexico Domestic Relations Law And Forms**, Michie-Butterworth;
Supplement, 1996, 1997

American Journal Of Family Law

2000 "*Troxel v. Granville: Is Court Ordered Grandparent Visitation Over?*" (Winter
2000)

American Bar Association, Family Law Quarterly

1987 "Family Law in the Fifty States", New Mexico Section
1988 "Family Law in the Fifty States", New Mexico Section

New Mexico Law Review

1982 Survey of New Mexico Law, 1980-1981, Domestic Relations Section
1988 Survey of New Mexico Law, 1986-1987, Domestic Relations Section

New Mexico Bar Journal

1995 "Recent Developments: Retirement Division and Distribution"

State Bar of New Mexico, Young Lawyers Division

1983 Outline of Domestic Relations Law
1984 Outline of Domestic Relations Law
1985 Outline of Domestic Relations Law
1986 Outline of Domestic Relations Law
1988 Outline of Domestic Relations Law

State Bar of New Mexico, Family Law Section Family Law Institute

1985- Outline of Domestic Relations Law
1988 Outline of Domestic Relations Law
1991- Outline of Domestic Relations Law
1993 Outline of Domestic Relations Law

State Bar of New Mexico, Family Law Section

1985 Newsletter Editorial Board
1986

New Mexico Trial Lawyers

12/85 Domestic Relations Seminar, Outline of Domestic Relations Law
10/86

FACULTY:

American Law Institute

02-01 **Symposium on the American Law Institute's Family Dissolution Principles:
Blueprint To Strengthen Or To Deconstruct Families**

Practice and Procedure Under The Domestic Partner Act--"The Mother Lode Of
Litigation"

Panelist, Brigham Young University, Provo, Utah

American Bar Association, Family Law Section

1985 "Transmutation of Community Property During Marriage"

American Bar Association Family Law Section

08/87 "Law in the 50 States" Panelist
08/88

University Of New Mexico School Of Law

University Of New Mexico Law School Annual Symposium: Recent Developments In New Mexico Law

03/83 University of New Mexico School of Law, Continuing Legal Education/New Mexico
04/87 Law Review; "Family Law"
04/88
06/89

State Bar Of New Mexico

State Bar of New Mexico, Young Lawyers' Division

10/85 "Bridge The Gap" Family Law Seminar
10/86 "Bridge The Gap" Family Law Seminar
10/88 "Bridge The Gap" Family Law Seminar

State Bar of New Mexico, Family Law Section, Family Law Institute Annual Symposium:

06/85 "Update of Domestic Relations Law"
03/86 "Update of Domestic Relations Law"
06/87 "Update of Domestic Relations Law"
06/88 "Child Support Guidelines"
06/91 "Recent Legislative Developments"
03/92 "Update of Domestic Relations Law"
06/93 "Update of Domestic Relations Law"/
"Recent Legislative Developments"

State Bar of New Mexico, Continuing Legal Education:

11/86 "Recent Developments in Adoption"
08/89 "Uniform Parentage Act"
01/91 "Quasi-community property" Satellite Program
09/91 **State Bar Convention**, Law Practice Management Committee CLE program, "The Pursuit of Quality in the Practice of Law"
11/91 "Second Judicial District--Family Court Rules and Forms"

08/92 "The New Local Rules in the Second Judicial District"

04/93 "Review of 1993 New Mexico Session Law And Legislation"--"Family Law And Domestic Relations"

09/93 "The New Alimony Statute" Moderator, Satellite Program

10/93 **State Bar Convention**, Moderator, "The New Stalking Legislation"

03/01 "The New State-Wide Domestic Relations Rules And Forms"

11/03 "The Trial Of A Family Law Case"

09/05 **State Bar Convention** "Update Of Domestic Relations Law"

07/06 **State Bar Convention** "Update Of Domestic Relations Law"

07/07 **State Bar Convention** "Update Of Domestic Relations Law"

07/08 **State Bar Convention** "Update Of Domestic Relations Law"

07/09 **State Bar Convention** "Update Of Domestic Relations Law"

New Mexico Trial Lawyers

01/97 Faculty, Premarital & Cohabitation Agreements In New Mexico

Legal Education Institute, Inc.

07/88 "Family Law in New Mexico" Seminar

National Business Institute, Inc.

12/92 "Tax Aspects of Divorce in New Mexico"

01/94 "Tax Aspects of Divorce in New Mexico"

12/96 "Tax Aspects of Divorce in New Mexico"

06/00 "New Mexico Family Law Update"

Lorman Education Services

03/04 "Orders Of Protection Seminar" Faculty and panelist

Hispanic National Bar Association Convention

09/88 "Family Law" Continuing Legal Education Program

State Bar of New Mexico Public Interest Programs

05/90 "Ask A Lawyer" Law Week Program
05/92 Today's Law School "Domestic Relations"
08/93 Today's Law School "Divorce & The Military"
11/93 Today's Law School "Domestic Relations"

Second Judicial District Court Programs

12/86- "Reconciliation Lecture", University of New Mexico Law School (program to help
12/86 couples regarding reconciliation)

Albuquerque Career Institute

01/83 Paralegal Training; Family Law; January-March 1983

ORGANIZATIONS:

1981- State Bar of New Mexico, Family Law Section

'86 Member, Subcommittee, Joint Custody Legislation
'86 Member, Subcommittee, Child Support Guidelines Committee
'87- Legislation Committee
'87- Lobbyist, Family Law Section
'87-'97 Chair or Co-Chair, Legislation Committee

Legislative Enactments (as lobbyist)

'87 Public Retirement Division (PERA and ERA)
Grandparent Visitation Act Amendments

'88 Child Support Guidelines

'89 Child Custody Jurisdiction Amendments

'90 Child Support Enforcement
Quasi-Community Property

'91 Child Support Guidelines Amendments

- '93 Spousal Support
Life Insurance as Security
Death During Divorce
Grandparent Visitation Act Amendments
Mediation of Child Custody Disputes
Family Violence Protection Act Amendments
Child and Spousal Support Liens
- '95 Child Support Guidelines Revision Amendments
Uniform Pre-Nuptial Agreement Act
Grandparent Visitation Amendments
Joinder of Spouses in Real Estate Transactions
- '97 Post-Minority Child Support
- '01 Uniform Parentage Act Amendments
Uniform Child Custody Jurisdiction And Enforcement Act
- '04 Interest On Support Judgments
- '04 Uniform Parentage Act Amendments
- '05 Uniform Interstate Family Support Act Amendments
- '09 Uniform Parentage Act

State Bar of New Mexico, Family Law Section

- '87-'89 Board Member
- '90 Chair-Elect
- '91 Chair
- '92 Past-Chair
- '94-'96 Board Member

1981- American Bar Association - Family Law Section

- '87 Judge, National Collegiate Moot Court Championship
- '88- Executive Member, Law in the 50 States Committee
- '89
- '93 Federal Legislation Committee

1998- Supreme Court of New Mexico Rules of Civil Procedure Committee
2005 (responsible for promulgation of statewide rules of civil procedure)

1998- Chair, Domestic Relations Rules Subcommittee
2005 Promulgation of statewide Rules of Civil Procedure Domestic Relations Cases
Promulgation of statewide Rules of Civil Procedure Domestic Violence Cases

2003- **Supreme Court of New Mexico Domestic Relations Task Force Standing Committee**
(Advisory committee regarding rules and procedures in domestic relations matters and substantive matters)

1986- **Supreme Court Child Support Guidelines Committee**
1987

Statewide Child Support Guidelines Review Committee

1990 Member

1993 Member

1995 Co-Chair (Responsible for enactment of existing comprehensive statewide Child Support Guidelines statute)

1989- **Second Judicial District Court Domestic Relations Local Rules Committee**
1990 Promulgation of complete set of Domestic Relations Rules

1990 **Board of Bar Examiners**
Bar Exam Grader (Agency)

1994- **New Mexico Bar Foundation Member (Center For Civic Values)**
1997

1994 Judge, State Championship, High School Mock Trial Competition

REPORTED CASES:

Pillars v. Thompson, 103 N.M. 704, 712 P.2d 1366 (S.Ct. 1986) (Adoption; Grandparent Visitation)

Ruggles v. Ruggles, 116 N.M. 52, 860 P.2d 182 (S. Ct. 1993) ((leading New Mexico retirement case reversing 2 Court of Appeals cases and a Supreme Court case)

Sproul v. Huntington Bank, 116 N.M. 254, 861 P.2d 935 (S. Ct. 1993) (Community Debts, Foreclosure)

Garcia v. Gutierrez #31,263 ___ N.M. ___, ___ P.3d ___. (St. Ct. 2009) (Custody jurisdiction, Indian law, reversing Court of Appeals case)

Alfieri v. Alfieri, 105 N.M. 373, 733 P.2d 4 (Ct. App.1987) (Custody; Right To Travel)

Ruggles v. Ruggles, 114 N.M. 63, 834 P.2d 940 (Ct. App. 1992)

Leeder v. Leeder, 118 N.M. 603, 884 P.2d 494 (Ct. App. 1994) (Child Support)

Wood v. Cunnngnam, 2006-NMCA-139, 140 N.M. 699, 147 P.3d 1132 (Ct. App. 2006)

Garcia v. Gutierrez, 2008-NMCA-116, ___ N.M. ___, ___ P.3d __ (Ct. App. 2008)

HONORS:

- 1991 Selected as qualified to be District Court Judge by the Second Judicial District Court Judicial Selection Nominating Committee)
- 1993 Outstanding Contribution Award: State Bar Annual Convention (Minority Clerkship Committee)
- 1994 Selected as qualified to be District Court Judge by the Second Judicial District Court Judicial Selection Nominating Committee
- 1994 Endorsed to be elected District Court Judge **Albuquerque Tribune**, May 1994
- 1995 Outstanding Contribution Award: State Bar Annual Convention (Child Support Guidelines)
- 1997 Selected as qualified to be District Court Judge by the Second Judicial District Court Judicial Selection Nominating Committee
- 1998- Member, American Law Institute

OTHER:

Cited as authority:

Twice quoted as authority in New Mexico Court of Appeals opinions:

Macias v. Macias, 1998-NMCA-170, 126 N.M. 303, 968 P.2d 814 (Ct. App. 1998)

Mitchell v. Mitchell, 104 N.M. 205, 719 P.2d 432 (Ct. App. 1986)

Listed: Top Ten Family Law Lawyers **Albuquerque Monthly**, March 1996

Expert Witness: Testified over 60 times before New Mexico Legislature regarding pending family law legislation, frequently as expert witness