

KELLY HART

ATTORNEYS AT LAW

DEREK L. MONTGOMERY Partner

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Midland



BIOGRAPHY

Derek L. Montgomery is a partner in Kelly Hart's Litigation and Appellate practices and handles a variety of complex civil litigation and appellate matters for individuals, corporations, and other institutional clients. He has extensive experience representing plaintiffs and defendants in a wide range of matters, including business disputes, oil & gas litigation, wind energy matters, personal injury, professional malpractice claims, real property disputes, breach of contract, and termination of parental rights. Mr. Montgomery has tried cases to verdict in both state and federal courts, briefed and argued appeals throughout the State of Texas, and litigated matters in trial and appellate courts in Alabama, Arkansas, California, Hawai'i, Illinois, Louisiana, Ohio and Wyoming.

Mr. Montgomery also has experience as a felony prosecutor where he served as trial and appellate counsel for the State of Texas in cases for murder, aggravated sexual assault of a child, aggravated assault, engaging in organized criminal activity, indecency with a child, delivery of controlled substances, assault on a public servant, burglary of a habitation, robbery, and theft. Mr. Montgomery continues his involvement in criminal jurisprudence by teaching law enforcement officers on the subject of lawful searches and seizures across the State of Texas.

Mr. Montgomery also served as a briefing attorney at the Fort Worth Court of Appeals, where he gained invaluable insight into research, writing, and formulating a winning strategy both at trial and on appeal.

Mr. Montgomery earned his J.D., *cum laude*, from Texas Tech University School of Law in 2006. For the past ten consecutive years, he has been named a Texas Super Lawyer Rising Star in the area of commercial litigation by Thomson Reuters. Additionally, Mr. Montgomery has been recognized as a Top Attorney in commercial and civil litigation by *Fort Worth, Texas* magazine. He is a Fellow of the Texas Bar Foundation, Member of the Eldon B. Mahon Inn of Court, Member of the Tarrant County Bar Association, and the Midland County Bar Association.

EXPERIENCE AND HIGHLIGHTS

- *Bitter Creek Water Supply Corporation v. Sims*, No. 11-17-00080-CV, 2019 WL 2710039 (Tex. App.—Eastland June 28, 2019, no pet.)
- *Priceline.com, Inc. v. Dir. of Taxation*, 436 P.3d 1155 (Haw. 2019)
- *State v. Priceline.com, Inc.*, 206 A.3d 333 (N.H. 2019)
- *City of San Antonio, Texas v. Hotels.com, L.P.*, 876 F.3d 717 (5th Cir. 2017)
- *Village of Bedford Park v. Expedia, Inc.*, 876 F.3d 296 (7th Cir. 2017)
- *Ochoa v. Ochoa*, No. 11-15-00103-CV, 2017 WL 1957708 (Tex. App.—Eastland 2017, pet. denied)

- *In re Wheeler*, 612 Fed.Appx. 763 (5th Cir. 2015)
- *In re Fisher*, 433 S.W.3d 523 (Tex. 2014)
- *Travelocity.com LP v. Wyoming Dep't of Revenue*, 329 P.3d 131 (Wy. 2014)
- *B.D.H. v. Tex. Dep't of Family & Protective Svcs.*, No. 03-13-00374-CV, 2013 WL 6002856 (Tex. App.—Austin Nov. 5, 2013, pet. denied)
- *Kohannim v. Katoli*, 440 S.W.3d 798 (Tex. App.—El Paso 2013, pet. denied)
- *City of Columbus v. Hotels.com, L.P.*, 693 F.3d 642 (6th Cir. 2012)
- *City of Birmingham v. Orbitz, LLC*, 93 So.3d 932 (Ala. 2012)
- *City of Houston v. Hotels.com, L.P.*, 357 S.W.3d 706 (Tex. App.—Houston [14th Dist.] 2011, pet. denied)
- *TXI Transp. Co. v. Hughes*, 306 S.W.3d 230 (Tex. 2010)
- *In re Russell*, 321 S.W.3d 846 (Tex. App.—Fort Worth 2010, mandamus denied)
- *Okland v. Travelocity.com, Inc.*, No. 02-08-00260-CV, 2009 WL 1740076 (Tex. App.—Fort Worth June 18, 2009, pet. denied)
- *City of Anaheim v. Superior Court*, 102 Cal. Rptr. 3d 171 (Cal. Ct. App. 2009, pet. denied)
- *Ex parte Dominquez*, No. 11-19-00223-CR, 2019 WL 6210515 (Tex. App.—Eastland Nov. 21, 2019, no pet.)
- *Hutson v. State*, No. 11-19-00037-CR, 2019 WL 4316864 (Tex. App.—Eastland Sept. 12, 2019, pet. filed)
- *Kelsey v. State*, No. 11-17-00053-CR, 2019 WL 758480 (Tex. App.—Eastland Feb. 21, 2019, pet. ref'd)
- *Jackson v. State*, 562 S.W.3d 717 (Tex. App.—Amarillo 2018, no pet.)
- *Gonzales. v. State*, No. 11-18-00099-CR, 2018 WL 5986988 (Tex. App.—Eastland Nov. 15, 2018, no pet.)
- *Barrera v. State*, No. 11-16-00332-CR, 2018 WL 3469550 (Tex. App.—Eastland July 19, 2018, no pet.)
- *Castillo v. State*, No. 11-17-00218-CR, 2018 WL 3151490 (Tex. App.—Eastland June 28, 2018, no pet.)

AFFILIATIONS AND HONORS

AFFILIATIONS

- Texas Bar Foundation, Fellow
- Tarrant County Bar Foundation, Member
- Eldon B. Mahon Inn of Courts, Member
- Midland County Bar Association, Member
- Nolan County Bar Association, President, 2017-2018
- Leadership Fort Worth, Class of 2015

HONORS

- Top Attorney in Personal Injury Law, *360 West* magazine, 2020
- Texas Super Lawyers Rising Star, Thompson Reuters, 2009-2019
- Texas Super Lawyers Rising Star, Up-and-Coming 100, Thomson Reuters, 2017, 2018
- Bob Black Bar Leaders Award, Texas Tech Law School, 2018
- Top Attorney, *Fort Worth, Texas* magazine, 2009-2016
- Pro Bono College of the State Bar of Texas, 2015-2019
- Kelly Hart Pro Bono Award Honoree, 2011

EDUCATION

- Texas Tech University School of Law, J.D., *cum laude*, 2006
 - *Texas Tech Law Review*
 - National Order of the Barristers
 - Board of Barristers, Vice-Chair of Appellate Advocacy
 - National Appellate Advocacy Competition, 2005, 2006

- New York Bar Association Moot Court Competition, 2006
- Texas Young Lawyers Association Moot Court Competition, 2004, 2005
- Texas A&M University, B.B.A.—Business Management, 2001
 - President's Scholarship

ADMISSIONS

- State Bar of Texas, 2006
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Courts, Northern and Western Districts of Texas

SPEECHES & PUBLICATIONS

- Speaker, "Bond Forfeitures: No-shows, civil suits, and then what?" Texas District and County Clerks Association, Regional Training, Sept. 27, 2019
- Speaker, "Navigating the Waters: With Attorneys," Texas District and County Clerks Association, Regional Training, Sept. 27, 2019
- Author, Texas Courts of Appeal Update - Procedural, The Appellate Advocate,
 - Vol. 27, No. 1 (Fall 2014)
 - Vol. 26, Nos. 1-4 (Fall 2013 – Summer 2014)
 - Vol. 25, Nos. 1-4 (Fall 2012 – Summer 2013)
 - Vol. 24, Nos. 1-4 (Fall 2011 – Summer 2012)
 - Vol. 23, Nos. 1-4 (Fall 2010 – Summer 2011)
 - Vol. 22, Nos. 2-4 (Winter 2009 – Summer 2010)
- Author, "A View from the Cheap Seats: The Top Ten Tips for Appellate Attorneys from Law Clerks," The Appellate Advocate, Vol. 19, No. 3, Spring 2007