

YLD... In Brief

The Official Newsletter of the Young Lawyers Division of the State Bar of New Mexico

July 2000

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AIDS Law Panel, Laurie Hedrich

Bar Exam Program, Melanie Patten

Call-In Programs, Trent Howell

Homeless Legal Clinic,

Sean Olivas and Jennifer Olson

Law School Mock Interviews,

Jeff Albright

Today's Law School,

Bryan Biedscheid, Santa Fe

Kim Middlebrooks, Albuquerque

Message From the YLD Chair . . . We've Been Busy!



by
Henry A.
Alaniz

Greeting Young Lawyer Division (YLD) members. As we approach the mid-year point, I'd like to give you a brief recap of the activities and progress of the division. First is the status of the YLD officer and board member elections. Early this year, the Board of Bar Commissioner decided that it was in the best interest to the State Bar to change the Bar year to a calendar year. Previously, the State Bar year turned over at the annual convention, which is usually held in the fall. Board members and officers terms begin and end at convention. But with the change, the currently sitting board will remain in office until the end of December.

To coincide with the change, the YLD board has also amended its

bylaws to address the elections of officers and the members of the YLD board of directors to follow a calendar year. So, while we would normally be gearing up for an election and a changing of the guard, current YLD board members and officers will sit until the end of the year. The officers will be elected from the YLD board of directors. In addition to the changes of officer election, we changed some of the boundaries for the regions. We did not change the number of regions but only made it easier for a region's representative to better serve the YLD members of that region. If you would like a copy of the YLD bylaws, feel free to contact me, or you can also call Maggie Gombos at the State Bar (797-6034).

LEADERSHIP PROGRAM

The YLD Leadership Program has had two meetings and is progressing at a good pace. I have asked the following individuals to serve with me on the program committee to provide leadership in developing the program budget, syllabus and qualification for participation in the program: New Mexico Supreme Court Chief Justice Pamela Minzner, Richard Kraft, Trent Howell, Alan Torgerson, Art Jaramillo, Rondolyn O'Brien, and Cheryl Bruce. As you can see, the members of this committee represent a significant part of our legal community who can contribute to the development of a quality program. This program will have a significant long-term effect on the leadership of the legal profession. As this program

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Note from the Editor



by Ann Maddox Utterback, Editor of *In Brief* and Past Chair of the Young Lawyers Division

I can tell you that we have had a busy few months at the NM YLD, especially due to the fire disasters. In this jam-packed issue, we detail how NM YLD responded to the fires and how our affiliation with the ABA/YLD allows us to be THE responding organization at the FEMA centers in the event of a disaster. We have also tried to explain further our involvement with

the ABA/YLD on broader scale and some resources the ABA/YLD provides. Finally, we have had some changes in our YLD bylaws in terms of how our region is divided up and our elections process which we want to explain to our members fully through informative articles in this issue of *In Brief*. If you have any comments about *In Brief*, please contact me at amulaw@aol.com or 299-6481.

Message from the Chair (continued from page 1)

develops, I will keep you posted. You should consider participating in the first class. I believe the time and the opportunity will be developed to fit your work and personal schedule.

LAWYERS VOLUNTEER TO HELP FIRE VICTIMS

In May, New Mexico communities were devastated by wildfires. In Los Alamos, approximately 400 individuals and families were displaced when wildfires torched their homes. In an effort to reach out to help victims of the fire, the division, with the help of Ann Maddox Utterback and Bryan Biedscheid, and the Federal Emergency Management Agency (FEMA) activated trained YLD representatives. When President Clinton declared New Mexico was in an extreme state of an emergency, the State Bar and YLD Disaster Relief Program was called into action. On a national level, the American Bar Association/Young Lawyer Division (ABA/YLD) has an agreement with FEMA to provide

legal services in the event of a major disaster declaration by the President. When this happens, as it did with the Los Alamos fire, the ABA/YLD will ask the local affiliate, in this case NM YLD, to provide those legal services.

Primarily the services are for low-income people who could not otherwise retain an attorney and are for non-fee-generating cases. Some of the issues program volunteers addressed or are currently assisting with involve landlord/tenant problems and replacing lost documents, such as wills. Initially volunteers were onsite at the legal booth at the Los Alamos Disaster Center to offer assistance. A statewide toll-free number - 1-800-310-7029 - has also been set up. Incoming calls are sent to a voice-messaging mailbox for retrieval regularly by our attorney volunteers. This allows the program to reach those affected by the fires in southern New Mexico as well. Anyone interested in volunteering for the Disaster

Relief Program may contact Ann Maddox Utterback by e-mail, amulaw@aol.com; or by telephone, (505) 299-6481.

In addition to Ann and Bryan, we need to show our appreciation to Alvin Garcia, YLD Board Member, Nicole Schamban, former Chair of the NM YLD, Cheryl Bruce of the State Bar and Susan Wissink who is the current ABA/YLD District 23 Representative. These folks, with their already busy schedule, jumped right in to get things done. We cannot recognize all the other folks at this time for their participation but we will when we have a complete list. You do not have to be a young lawyer to volunteer. If you know others who might be interested in volunteering, invite them to help. Remember, YOU are important to the YLD.

ABA/YLD DISTRICT 23 REPRESENTATIVE

Finally, the ABA/YLD District 23 Representative position, which rotates between New Mexico and Arizona, is now coming back to New Mexico. Nicole Schamban of Albuquerque will fill the term. Since NM YLD is an affiliate of the ABA/YLD, Nicole's representation will give us greater access to news of what's going on with the ABA/YLD on a national level.

Henry Alaniz can be reached at 505-841-7067 or by email at halaniz@da2nd.state.nm.us.

Thanks to
Melanie Patten

for coordinating another successful
YLD Bar Exam Program with the Board of Bar Examiners
explaining to persons taking the bar exam
the truths and myths of taking that exam.

In the Spotlight: YLD FEMA PROGRAM & THE NM FIRE DISASTERS

by
Bryan Biedscheid and Ann Utterback



BACKGROUND OF YLD'S FEMA PROGRAM

The American Bar Association's Young Lawyers Division (ABA/YLD) has an agreement with the Federal

Emergency Management Agency (FEMA) to provide legal services to disaster victims in the event a federal major disaster is declared in which legal services are requested. The NM YLD as an affiliate of the ABA/YLD for the State of New Mexico is the actual responding organization if the major disaster is declared in this state. The legal services to be provided under the agreement are for cases that are non-fee-generating and are for low income persons, although we do try to steer anyone who requests our help in the right direction. Although NM YLD's FEMA Program has been in place for many years, the recent fire disasters in New Mexico has prompted NM YLD's first response to a disaster. Our NM YLD actually had a preliminary disaster plan in place that provides for a lead person in New Mexico for the disaster who has had some national training on the ABA/YLD/FEMA program, at present, Ann Utterback, as well as regional leadership across the state. The lead person we have found is essential in the early times of a disaster to provide one contact from the NM YLD to the State Bar, FEMA, news organizations etc..., as information comes in on a minute by minute basis. Also, essential has been our

regional contact, in this particular disaster in Santa Fe, Bryan Biedscheid, Vice-Chair of the NM YLD. The person truly is the organizing force behind the operation as he is present at the disaster and is able to access the volunteer response needed for the specific area. One other thing we had in place in each region was a team of volunteers who through the years have put their names on a list to volunteer in the event of a disaster. Once a disaster is declared, we attempt to get some initial training to the volunteers about FEMA and the services it provides. Further, we are given a maximum amount of \$5,000.00 to set up a 1-800 number and for other expenses. In addition to manning the 1-800 number (usually through an answering service that is responded to on a daily basis), we have access to personally manning booths at the FEMA Disaster Centers that are set up at major disaster areas when that is deemed helpful in a disaster.

YLD staffed an information desk in the Recovery Center to assist victims with disaster-related legal concerns. YLD and FEMA also organized a toll-free telephone hotline through which victims could obtain legal information.

THE CERRO GRANDE DISASTER

The Young Lawyers Division and the FEMA worked together to provide legal services to victims of the Cerro Grande Fire. FEMA set up a Disaster Recovery Center in Los Alamos that housed government

personnel and emergency volunteers. Visitors to the Recovery Center were able to speak with government staff about the labyrinth of federal assistance programs and members of organizations such as the Red Cross and Salvation Army also responded to questions and requests for assistance. YLD staffed an information desk in the Recovery Center to assist victims with disaster-related legal concerns. YLD and FEMA also organized a toll-free telephone hotline through which victims could obtain legal information. While the information desk and toll-free number were organized and managed by the YLD, it was the impressive response from the State Bar of New Mexico as a whole that made the efforts successful, especially Cheryl Bruce and Joyce Stowers who organized a corps of volunteers for us to use.

The response from the Young Lawyers Division and the State Bar was swift and enthusiastic. Following the fire, FEMA and the YLD monitored President Clinton's every word about the Los Alamos disaster, listening for his magic incantation that authorizes federal legal assistance through the YLD. In an amazing feat of bureaucratic percolation, the legal assistance authorization trickled down from President Clinton to YLD in just one week. YLD received two days notice in which to organize a training session in Santa Fe for attorneys who

were willing to provide their expertise to the victims. With that short notice, more than twenty members of the State Bar attended the disaster response training session, some travelling to Santa Fe from

Continued on page 4.

YLD FEMA PROGRAM (from page 2)

Albuquerque and Taos. In addition, many YLD and State Bar members called to confirm that, while they could not attend the training, they were committed to provide legal information to the fire victims. FEMA and American Bar Association representatives flew in from both coasts to conduct the training and, after playing a helpful video they brought about how FEMA has assisted flood and earthquake victims, they stated that they were very impressed by the large turnout. YLD staffed the Disaster Recovery Center legal information desk on four consecutive Saturdays. Some fire victims came to the desk alone and others sat down as entire families. The legal information queries covered a range of issues from the coverage provided by their homeowners and renters insurance policies to whether the lynching of Park Service personnel would constitute justifiable homicide. One family came to the Recovery Center distressed because their landlord's home had burned in the fire and, as a result, the landlord informed the family that they had two days to vacate his rental property because he now needed it. The family received information about the notice requirements under the Owner-Resident Relations Act. A member of the family stopped back by the Recovery Center two weeks later to explain how much the legal information helped the family's situation (note: the landlord may not share the family's positive feelings about the legal information desk).

To date, volunteers have returned approximately two dozen hotline calls. Some of the callers' questions were handled over the telephone while other callers required the assistance of State Bar referral programs. The hotline volunteers worked together to determine the callers' needs and their capable efforts and initiative allowed YLD to devote more attention to the Recovery Center needs.

YLD is very appreciative of the attorneys that attended the Saturday morning training session. YLD especially thanks the following attorneys for their assistance in staffing the Recovery Center desk and the toll-free hotline: Alvin Garcia, Sarah Singleton, Donald Walcott, Ashley Strauss, Jeff Martin, Judy Humphrey, Peter Wirth, Mary Keleher Castle, Jack McCarthy, Karen Kilgore, Suzanne Odom, and Julie Wittenberger.

OTHER NM FIRE DISASTERS

The major disaster declaration by President Clinton was not limited to Los Alamos, instead numerous counties were affected including those surrounding Los Alamos and several other Southern New Mexico counties that were hit by separate unrelated fires. A mobile Disaster Recovery Center was established for the Southern New Mexico counties that the NM YLD could not physically man, so we were able to reach out to those communities with our 1-800 number that was publicized statewide. It remains in effect today.

Congratulations!



To
H. Nicole Schamban,
YLD Past Chair,

for being selected
as the new
ABA/YLD
District Representative.

A Bit More about How the ABA/YLD and NM YLD are Involved with Each Other

by *Ann M. Utterback*

As an affiliate of the ABA/YLD, the NM YLD not singularly involved with the ABA/YLD's FEMA Program.

The NM YLD has their hands in many of things the ABA/YLD does. Select board members and/or officers attend annual meetings and vote for officers and on some issues the ABA/YLD is facing, we send board members/officers to Fall and Spring Affiliate Outreach Programs (AOPs) where we find out what other young lawyers divisions nationwide are doing in terms of membership service and public service programs, and we have a rotating ABA/YLD district representative seat that we share with Arizona.

We hold this district representative seat for two years, and we are presently about to take it back over from Arizona which has had it for the last two years. We expect Nicole Schamban, a former NM YLD Chair to take over this position at the ABA/YLD's annual meeting to be held this summer. Many of our ideas for our YLD come from what other states have done, and we very much appreciate our affiliation with the ABA/YLD which allows us such exposure to neat ideas nationwide.

YLD Quadrant Reorganization

by **David M. Overstreet**
Region 4 Director

On May 4, 2000, the Board of Bar Commissioners approved an amendment to the YLD Bylaws which provides better representation and more service opportunities to the YLD members by replacing the five Quadrant or Bernalillo County directors with five regional directors.

Prior to the amendment, the YLD Quadrant Directors consisted of five members, one of whom represented Bernalillo County and four of whom represented the four Quadrants outside of Bernalillo County. The four Quadrants outside of Bernalillo County were defined as follows: Quadrant 1 consisted of the 11th and 13th Judicial Districts; Quadrant 2 consisted of the 1st, 4th, 8th and 10th Judicial Districts; Quadrant 3 consisted of the 5th, 9th and 12th Judicial Districts and Quadrant 4 consisted of the 3rd, 6th and 7th Judicial Districts. As amended, the Bylaws create five regions defined as follows: Region 1 consists of the 11th Judicial District; Region 2

consists of the 1st, 4th, 8th and 10th Judicial Districts; Region 3 consists of the 5th and 9th Judicial Districts; Region 4 consists of the 3rd, 6th and 12th Judicial Districts and Sierra County; and Region 5 consists of the 2nd and 13th Judicial Districts and Catron, Socorro and Torrance counties.

While the YLD has active members in many cities and towns throughout New Mexico, historically, YLD activities have been organized around the Quadrant structure with activities in each Quadrant primarily taking place in one central city (i.e., Bernalillo County - Albuquerque; Quadrant 1 - Farmington; Quadrant 2 - Santa Fe; Quadrant 3 - Roswell; and Quadrant 4 - Las Cruces). Under the old Quadrant system, some members would have to travel considerable distances to participate in YLD activities in their Quadrant even though the same YLD activity was being held in a more convenient location in another Quadrant. For example, members in Rio Rancho were in Quadrant 1 (which primarily operated in Farmington) even though

Albuquerque is more convenient. Additionally, members in Alamogordo were in Quadrant 3 (which primarily operated in Roswell) even though Las Cruces is more convenient.

Member participation is critical to the success of all YLD programs and the amended Bylaws facilitate member participation by structuring the regions to provide members with the most convenient primary location. YLD members are free to participate in activities outside their region if it is more convenient to do so. However, the announcements concerning YLD activities in a given region will typically be sent only to the members within that region so members interested in activities outside their region may need to contact the appropriate region director for information. If you have any questions concerning this reorganization, please contact the region director who serves your region.

Reports from the Regions. . .



REGION FOUR REPORT

(Third, Sixth and Twelfth Judicial Districts and Sierra County)

by **David M. Overstreet**
Region 4 Director

The Honorable Grace B. Duran is scheduled to host the next "Brown Bag Lunch" program in Region Four. The Brown Bag Lunch program continues to provide young lawyers

with the opportunity to meet with each other and with the judges informally and to learn valuable insights. Thanks to the young lawyers and to the Judges in Region Four for making this program a success.

On April 29, 2000, Region Four conducted its Spring "Ask-a-Lawyer" call in program. Thanks to all of the Young Lawyers in Region Four who continued the tradition of successful call in programs. Legal information was given to 25 members of the public. The call in program continues to be a great opportunity to provide a valuable public service and improve the image of our profession.

Quadrant Reorganization

Region 1

consists of the 11th Judicial District;

Region 2

consists of the 1st, 4th, 8th and 10th Judicial Districts;

Region 3

consists of the 5th and 9th Judicial Districts;

Region 4

consists of the 3rd, 6th and 12th Judicial Districts and Sierra County; and

Region 5

consists of the 2nd and 13th Judicial Districts and Catron, Socorro and Torrance counties.

TIME FOR CHANGE - YLD ELECTIONS

by Henry A. Alaniz
YLD Chair

The Young Lawyer Division (YLD) of the State Bar of New Mexico recently amended its By-Laws. These amendments have been approved by the Board of Bar Commissioners (BBC). The amendments should provide consistency for the elections of officers, better representation of YLD

Look for YLD announcements and upcoming events in the Bar Bulletin.

members state wide and easier access by individual YLD members to his or her regional representative. In this issue, you will find a very good article by David M. Overstreet detailing the changes from Quadrant or Bernalillo County directors with the five Regional Directors and six Directors At Large.

The election of officers of the YLD board was also changed. The YLD board will elect the Chair Elect and the Vice Chair. The Chair Elect will succeed to the office of Chair and the Chair will succeed to the office of Past Chair. The election to Vice Chair does not mean a succession to Chair Elect. The reasoning for this change is to provide consistency to the financial management and program development of the YLD. These changes also provide uniformity of the YLD By-Laws with the State Bar of New Mexico By-Laws.

In the upcoming election, all of the Director's (Regional and AT Large)

positions will need to be elected. Details and procedures for the election of the Regional and At Large Directors will be announced in the weekly Bar Bulletins.

If you are interested in one of these positions, you must complete the petition published in the Bar Bulletin or you may obtain a petition from the State Bar Office. In seeking a Regional director position, you must be a qualified YLD member, a resident from that Region and you must obtain signatures from ONLY qualified YLD members who reside in the regional position that you are seeking.

In seeking the At Large Director, you must complete the petition published in the Bar Bulletin or you may obtain a petition from the State Bar Office. In seeking a At Large Director position, you must be a qualified YLD member and you must obtain signatures from ANY qualified YLD members.

YLD PROGRAMS:

WHERE CAN I VOLUNTEER AND WHOM DO I CONTACT?

- **The Bridge the Gap CLE** - Aids lawyers in their new profession. (Jeff Croasdell, 765-5900)
- **Bill Kitts Mentor Program** - Mentorship program partnering new attorneys with experienced professionals. (Membership Division at the State Bar of New Mexico, 797-6043)
- **UNM Mock Interview Program** - Links law students with young lawyers who conduct mock interviews. (Jeff Albright, 247-2315)
- **Bar Exam Program** - YLD and a member of the Board of Bar Examiners speak to persons taking the bar exam to provide information about what to expect. (Melanie Patten, 346-2700)
- **Bar Journal** - Places articles in the YLD section of the quarterly State Bar publication. (YLD Board of Editors: K.C. Maxwell, 842-9960; Gabe Parra, 883-2500; Nelse T. Schreck, 842-5050)
- **AIDS Law Panel** - Statewide referral panel consisting of volunteer attorneys who give legal information and advice to low-income persons who have the HIV virus. (Laurie Hedrich, 880-8699)
- **Homeless Legal Clinic** - On-site clinic located in Albuquerque that provides legal information and advice to homeless persons. (Sean Olivias, 346-9140 and Jennifer Olson, 247-4800)
- **Today's Law School** - Monthly seminars in Albuquerque and Santa Fe that provide legal information on a variety of legal topics to the public (Kimberly Middlebrooks, Albuquerque 247-0751; Bryan Biedscheid, Santa Fe, 982-1947)
- **"Ask-a-Lawyer" Call-in Program** - Statewide program that takes place in cities throughout New Mexico in which lawyers answer telephone calls from the public and provide legal information. (Trent Howell, 883-8181)
- **FEMA Program** - Lists volunteer attorneys to be contacted in the event of a disaster. (Ann Utterback, 299-6481)
- **Elder Law Program** - Allows young lawyers to do outreach work at senior centers statewide. (Felissa Garcia Kelley, 242-1907)

WHERE TO FIND IT:

The Interesting and Informative ABA/YLD Website (www.abanet.org/yld)

by **Ann M. Utterback**

Since we are spending so much of this issue talking about NM YLD's affiliation with the ABA/YLD, we thought that it would be interest to describe their website as it has some helpful information about the ABA/YLD and some really neat links to other sites.

Obviously the site is set up to tell lawyers more about the ABA/YLD so if you have questions about the organization this is a great place to start. As a summary, it is

free to join the ABA/YLD if you are a member of the ABA and qualify as a young lawyer in age or experience. To use the website, you need NOT be a member. Some of the highlights of the website for members and non-members alike include items that are normally reserved for ABA/YLD members such as copies of their current and past newsletters which can be packed with great ideas for young lawyers.

Another informative part of the website is entitled "Career Forum"

which provides links to career-related websites. "Legal Hot Spots" is probably the best part of this website for this particular article. The links can include all kinds of legal information such as the Politician and Government Address Directory and even the Comic Book Legal Defense Fund. So, be sure to check out the website at www.abanet.org/yld. And, if you have any ideas for our "Where to Find It Section", please contact me at amulaw@aol.com or 299-6481.

You Said What: Some Conversations about the Cerro Grande Fire

by **Bryan Biedscheid**

The Cerro Grande Fire fuelled a great deal of curiosity and conversation in Santa Fe. I share excerpts of some of my conversations about the fire (that I believe to be very accurate) because they show moments in which I was in lawyer mode and I left non-lawyers around me rightfully perplexed. Any self-deprecating entertainment value that these excerpts might possibly contain can only be extracted if you remember that I was feeling fairly sincere at all relevant times.

[At my mechanic's garage picking up my wife's car shortly after the evacuation of Los Alamos]

Mechanic: "You are an attorney aren't you."

Me: "Yes, I am."

Mechanic: "Tell me if this is ethical."

[Mechanic shows me full-page lawyer advertisement in the Journal North targeted at victims of the Cerro Grande Fire]

Me: "Well, the attorney does not claim to be any sort of specialist. The ad does not promise exceptional litigation or settlement results and it doesn't have a picture of a bear chewing on an animal carcass. I think it's ethical."

Mechanic: "How can you think that's right?"

Me: "Oh, I don't like it and I wouldn't do it but I think it's probably ethical."

[Mechanic looks at me like I just crawled out of a water-filled channel on Mars and hands me my car keys.]

[My wife, Jennifer, chats with me in our kitchen following my first visit to the Disaster Recovery Center in Los Alamos]

Jennifer: "How did it go?"

Me: "Fine."

Jennifer: "What does it look like up there?"

Me: "Not like on the news. There are a lot of victims with insurance coverage problems and landlord-tenant disputes. It's not all gallant heroism."

Jennifer: "I was asking if you could see a lot of fire damage."

Me: "Oh . . ."

[Talking with my neighbor across the street about an article she wrote about food service efforts during and after the fire]

Neighbor: "I just got back from Los Alamos. I am writing a story about a restaurant owner who provided thousands of meals to victims and firefighters every day."

Me: "I think I know who you are talking about. I talked with him about legal assistance available to victims so that he could steer his patrons my way if they needed help."

Neighbor: "What have you done up there?"

Me: "Talked to victims about their legal problems and attempted to point them in the right direction."

Neighbor: "Well, the restaurant owner is really a hero. He kept all those people going during the fire."

Me: "Yeah. Legal analysis just isn't that effective for extinguishing fires or feeding people so we probably weren't as helpful."

Neighbor: "The food effort was amazing but I imagine that attorneys helped those people get their lives back."

In Brief

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CALENDAR OF YLD UPCOMING EVENTS—2000

<i>Bar Journal Articles due</i>	<i>August 1</i>
<i>YLD Board Meeting, Albuquerque</i>	<i>August 12</i>
<i>In Brief Articles due</i>	<i>October 1</i>
<i>YLD Board Meeting, Ruidoso</i>	<i>October 7</i>