

YLD...In Brief

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

Winter 2009

YLD BOARD

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YLD PROGRAM CHAIRS

Bridge the Gap 2009 - **Roxanna Chacon**

Law Day Call-In Programs 2009 -

Albuquerque: **Martha Chicoski**

Las Cruces: **David Lutz**

Farmington: **Reagyn Germer**

Roswell: **Dustin Hunter**

YLD/Children's Court Mentorship Program -

Samantha Jarrett and Martha Chicoski

Homeless Legal Clinic -

Albuquerque: **Laurel Nesbitt**

Las Cruces: **Steven Almanza**

Santa Fe: **Donna Lynch**

In Brief - **Brent Moore**

Junior Judges - Albuquerque: **William Gilchrist and Martha Chicoski**

Las Cruces: **Roxanna Chacon**

7th Judicial District: **Matt Page**

YLD/UNM Law Mock Interview Program -

Nasha Torrez and Martha Chicoski

Summer Fellowship Program - **Brent Moore**

YLD/UNM Law Mentor Program -

Sarita Nair and Keya Koul

Greetings from the Acting Chair/Chair-Elect



Martha Chicoski

I am pleased to say that 2009 has been another wonderful year for the Young Lawyers Division. Ongoing YLD's service projects included: YLD/UNM Law Mock Interview Program; annual Law Day Call-In program; Junior Judges; Summer Fel-

lowship Program; Wills for Heroes; Homeless Legal Aid Clinics in Las Cruces, Santa Fe and Albuquerque; YLD/UNM Law Mentorship Program (ongoing). Thank you to all of our volunteers who make these programs successful.

We also launched two new public service projects - The Children's Court Mentorship and Voices Against Violence. Voices Against Violence is "a call to action for young lawyers around the country to join forces to end domestic violence" by the American Bar Association Young Lawyers Division. In May, we received a \$900 subgrant from the ABA/YLD to help us get this program going. A roundtable of service providers is scheduled for the near future. Please keep an eye out in the Bar Bulletin for volunteer opportunities as the project gets underway.

As this article goes to print, the Second Annual Justice for All Ball is scheduled for tomorrow, November 14th. YLD is proud to once again co-sponsor this event with Equal Access to Justice. At the Ball, the Pamela B. Minzner Equal Access to Justice Awards are given to those members of our profession who make extraordinary contributions to opening the legal process to all New Mexicans.

Some of the most exciting news of the year was learning that the ABA/YLD Fall 2010 Conference will be held in Santa Fe! This national conference will be an excellent opportunity for New Mexico YLD members to showcase our state and the wonderful ways in which young lawyers here contribute to our communities. We invite all YLD members to come to El Dorado Hotel and participate in the conference next fall.

In closing, I wish outgoing YLD Board members Vice Chair Clara Moran, Dustin Hunter, Reagyn Germer, Dooley Gilchrist, and Emilio Chavez the best of luck with their future endeavors. Their leadership and contributions will be missed. On behalf of the YLD Board, many thanks for their hard work and their dedication to YLD programs. For more information on YLD, please feel free to contact me at mary.martha.chicoski@farmers.com.

2009 YLD Election

Martha Chicoski

The number of YLD Nominating Petitions submitted by the October 31st deadline is fantastic. Petitions were received for Director-at-Large Position 1 from Keya Koul and John Valdez, for Director-at-Large Position 3 from Ernestina "Tina" Cruz and Carlos "Charlie" Madrid, and Director-at-Large, Position 5 from Kendrick Dane, Juan Marquez, Samantha Jarrett and Robert Lara. In addition, petitions were received for Region 2 Director from Joseph Walsh and Sarah L. Maestas Barnes. Additionally, Kinder Shamhart turned in an uncontested petition for Region 1, Jared Kallunki turned in an uncontested petition for Region 3, and

David Lutz turned in an uncontested petition for Region 4,

There will be many new faces on the YLD Board during the next few years. We look forward to the incoming Board member's ideas and energy. With the turnover, there will be many leadership opportunities both on the Board itself, and within the Board's numerous programs and projects. We hope that all Board candidates stay involved with YLD activities following the election results. Additionally, all YLD members are encouraged to participate in the Division's activities.

ABA YLD 2009 Fall Conference

Roxanna M. Chacon, ABA YLD District 23 (NM & AZ) Representative



The American Bar Association Young Lawyers Division ("ABA YLD") held its Fall Conference in Birmingham, Alabama on October 22 -24, 2009. The New Mexico YLD was well represented with four board members in attendance.

The Conference began with a Welcome Reception on Thursday night for all conference attendees. On Friday, the Plenary Session featured speaker James Rotch. Mr. Rotch is the author of the *Birmingham Pledge* and the Founder of the Birmingham Pledge Foundation. The *Birmingham Pledge* is a statement of principles at the heart of a grassroots effort to eliminate racism and prejudice. Launched in 1998 in Birmingham, the pledge has spread worldwide.

After a morning of CLE programs, conference attendees marched to Kelly Ingram Park for the official launch of this year's ABA YLD Public Service Project *They Had a Dream Too: Young Leaders of the Civil Rights Movement*. The Project, developed by the Texas Young Lawyers Association, is designed to educate 11th and 12th grade students about the civil rights struggles that have occurred since the

1950s and to inspire them to become future leaders. Friday's activities concluded with a Fall Gala, which was held at the Barber Vintage Motorsports Museum.

On Saturday, the Affiliate Presidents and Presidents-Elect Roundtable was held. The Roundtable gave the present and future affiliate leaders a chance to meet one another, share ideas and discuss issues they were facing. Other conference attendees had the opportunity to attend an ethics CLE and a program on networking and business development. The conference concluded with a closing session, where ABA YLD Chair Kelly-Ann Clarke discussed the upcoming ABA YLD Mid-Year Meeting. The Mid-Year Meeting will be held in Orlando, Florida on February 4-6, 2010.

Please visit the ABA YLD website at www.abanet.org/yld for additional information on the ABA YLD Mid-Year Meeting and to learn about the other benefits of ABA YLD membership. The ABA YLD is the home for young lawyers. With over 150,000 members and 300 affiliated groups, the ABA YLD is the largest young lawyer organization in the world. Membership is open to lawyers who are under 36 years old or admitted to practice for five years or less.

Summer Law Camp

Ernestina "Tina" Cruz, Director-At-Large, Position 3



This summer the Young Lawyers Division again co-sponsored the University of New Mexico's Summer Law Camp. Twenty-four seventh and eighth grade students from throughout the state were selected to participate in the camp, which is primarily sponsored by UNM and the New Mexico Hispanic Bar Association. This year the program saw its 100th student participate in the camp.

During their week in Albuquerque, the students lived on-campus at UNM. Each morning they went on field trips to local law firms, the U.S. District Court, the Second Judicial District Court and Metropolitan Court. During the afternoon, they prepared for a mock trial which was held before a jury of local attorney volunteers, including a number of YLD members. Judges Nan Nash and Clay Campbell presided over the trials.

In the evening, the students were required to attend various programs at UNM, including a low ropes team building exercise, a community panel hosted by ENLACE, and a public service project at a local homeless shelter. In addition, the students received educational mentorship where they were introduced to the process for gaining admission into college.

This year's program was facilitated by Tim Adler, Denise Chanez and Ed Perea. The Rodey Law Firm, for the fourth year in a row, hosted the students for a question and answer session. Many other countless volunteers helped guide the students throughout the

one week camp, including Janet Blair, Brian Colon (the law camp founder), Judge Sandra Clinton, Scott Ferguson, Damon Martinez, Lisa Ortega, Judge James Parker, Lydia Piper, Phillip Sapien, the Mexican American Law Student Association, the Narvaez Law Firm, and the Sutin Law Firm.

The camp will again be hosted this upcoming summer. An announcement regarding the application deadline will be posted early next year on UNM's website at <http://specialprograms.unm.edu/new/indexsummerlaw.html>. You are invited to encourage students in your area to apply for the camp. Geographical and ethnic diversity have been a long-standing focus of the program and students from throughout the state are encouraged to apply. Likewise, if you are interested in sponsoring a student to attend the 2010 Law Camp, please contact Tina Cruz at (505)248-0500.

Below you will find comments from some of this year's participants:

"Overall, my experience at the camp was fantastic. I would like to congratulate my colleagues and anyone else who gets into the camp. I would like to tell future campers that they will have a great time at the camp and it's a privilege to be a part of this camp." Summer Begay, Farmington

"The UNM Summer Law Camp was my first summer camp ever and I have to say that I was not disappointed! It was one of the most awesome things I have ever done! It was just so meaningful. The students, teachers and mentors were simply amazing. The classes were really fun and

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Young Lawyer Division Summer Fellowship

The Young Lawyers Division was very pleased to continue its public interest fellowship in 2009. The articles below were provided by the 2009 recipients.

Paige Duhamel

The Young Lawyers Division Fellowship provided me with the wonderful opportunity to remain clerking at the ACLU of New Mexico. I continued to be involved with cases I had worked on during the summer after my first year of law school and during my 2L year. Among these cases is a challenge to a provision of Don't Ask, Don't Tell. From this challenge, I have learned about working with national organizations on impact litigation.

I also resumed work on litigation aimed at improving conditions for New Mexico's prisoners, primarily in the area of health care and mental health care. Meeting with clients in jails and speaking with them

about the conditions of their confinement, I have learned that the ideal of fair treatment is often far from the reality. This summer at the ACLU of New Mexico, I drafted letters and worked on claims addressing both systemic problems and individual issues in prisons and jails.

During my Young Lawyers Division Fellowship, I additionally researched and drafted documents on first amendment issues involving internet filtering in public libraries, the rights of children of unmarried couples, and health insurance coverage for workers with domestic partners. I am currently clerking with the ACLU through an externship program at the law school. I expect that a lot of the work I began during my Fellowship will be completed this fall.

Amber Lea Weeks'

Thank you for awarding me with a Young Lawyer Division summer fellowship to work with Diocesan Migrant & Refugee Services, Inc. (DMRS). During the summer of 2009, I focused on improving the representation of immigrants in both criminal and immigration proceedings. My work encompassed two major areas: (1) developing a step-by-step guide to the immigration consequences of crimes in New Mexico; and (2) working under the supervision of Jennifer Landau to advise clients regarding immigration consequences and to represent immigrants in deportation proceedings.

Through a partnership between DMRS and the New Mexico Public Defender's Office, I developed a framework for analyzing the specific immigration consequences of crimes in New Mexico. Under *New Mexico v. Paredes*, an attorney's failure to affirmatively advise an immigrant client of the specific immigration consequences of a crime is considered ineffective assistance of counsel. *New Mexico v. Paredes*, 2004-NMSC-036, ¶ 19, 133 N.M. 533, 539, 101 P.3d 799, 805. Consequently, throughout the summer, I partnered with the Public Defender's Office to develop charts to guide criminal defense attorneys step-by-step through the following process for determining the specific immigration consequences for a client: (1) determining if the client is a U.S. citizen who is not subject to deportation; (2) determining whether the grounds of inadmissibility, deportability, or both grounds apply to the client; (3) referencing charts that categorize the immigration consequences of New Mexico crimes by subject area and inadmissibility versus deportability consequences; and (4) referencing memos specific to New Mexico statutes to determine the specific immigration consequences of a particular crime. During the summer, I completed the overall process charts and a memo template for analyzing domestic violence crimes (attached hereto). The next phase is to develop memos for New Mexico offenses and complete charts analyzing immigration consequences by subject area. The Immigration and Criminal sections of the State Bar of New Mexico have provided funding to continue the project.

In addition to developing charts to systemically improve representation of immigrant defendants, I also provided direct service by working with the Public Defender's Office to advise clients of the immigration consequences of charged crimes and representing clients in deportation proceedings under the supervision of DMRS. Specifically, I completed immigration intakes for public defender clients charged with shoplifting, drug paraphernalia, and domestic violence crimes and then wrote advisory memos about the immigration consequences of those crimes. I also worked under the supervision of DMRS to perform intakes of potential

clients and prepare the cases of clients in deportation proceedings. I primarily worked on two cases for non-lawful permanent residents applying for immigration relief and one case for a lawful permanent resident who was placed in deportation proceedings due to a criminal offense. I also prepared one case for a New Mexico Rule 1-060 petition based on ineffective assistance of counsel and referred the case to the UNM School of Law Clinic. In addition, I investigated Special Immigrant Juvenile Status (SIJS) options for another potential client, prepared a presentation on SIJS for the UNM School of Law Clinic, and referred the case to the UNM School of Law Clinic.

Through both direct service and analyzing the immigration consequences of crimes during my fellowship, I recognized a critical need to develop resources so that attorneys and clients understand that immigration consequences of crimes can often be more severe than the criminal consequences. One lawful permanent resident client who had pled no contest to two shoplifting charges was shocked to find out that she was deportable based on those convictions since she had never even been in jail. Another 19-year-old client cried when he found out that he was going to be deported because he did not have lawful status even though the criminal charges against him were dismissed. He said that he had been here since he was a baby, and it never occurred to him that he could be deported.

In addition to enabling me to work toward improved representation of immigrants in New Mexico this summer, the work I did this summer through the YLD fellowship affirmed my long-term goal of organizing a non-profit law center that will emphasize a community-based approach in providing free and low-cost legal services and education to immigrants. Through workshops, consultations, and legal representation, I plan to advocate for immigrants and teach immigrants to advocate for themselves regarding immigration and other legal issues. My vision is to walk alongside immigrants to empower them to grasp hold of the law and to change the law when necessary so that they may speak, work, get sick, get well, walk down the street, open the doors of their homes, and live without fear. The YLD Summer Fellowship provided a step toward actualizing this vision by allowing me to gain valuable experience working with immigrant clients collaboratively with Diocesan Migrant & Refugee Services and the New Mexico Public Defender's Office.

Thank you for providing me with this exceptional opportunity to improve legal access for immigrants in New Mexico.

(Endnotes)

¹ formerly Amber Lea Abercrombie

Luncheon with Judges

Clara Moran, Vice Chair, Director-At-Large, Position 5



On August 28, 2009, YLD sponsored a luncheon designed to introduce young lawyers to the most recently appointed judges, all of whom serve in and around Bernalillo County. Over 50 members of the Young Lawyers Division attended the luncheon, and each of the judges spoke about their role on the bench. Court of Appeals Judges Timothy Garcia, Linda Vanzi, and Robert Robles each shared their experiences in transitioning from being on the District Court bench to serving on the Court

of Appeals. Newly appointed 2nd Judicial District Court judges, Beatrice Brickhouse, Alan Malott, and Gerard Lavelle spoke in detail about the judicial appointment process. Former YLD Chair and current Metro Court Judge (5) Briana Zamora spoke about working in the busiest court in New Mexico.

YLD thanks the all the judges who attended for taking time out of their busy schedules to reach out to the younger members of the Bar. YLD also thanks the Roma Bakery and Deli for providing delicious sandwiches and pastries for the event.



Judges in attendance (L to R): Court of Appeals Judge Linda Vanzi, Court of Appeals Judge Robert Robles, Court of Appeals Judge Timothy Garcia, District Court Judge Alan Malott, District Court Judge Beatrice Brickhouse, and Metropolitan Court Judge Briana Zamora. District Court Judge Gerard Lavelle not pictured.



Bert Parnall, Christopher Moore, and Franziska Ortega-Moore listen as Court of Appeals Judge Linda Vanzi discusses her recent appointment.

Summer Law Camp *continued from page 2*

invigorating. I learned how to make arguments and how to talk correctly in a formal place." Gabe Gallegos, Las Cruces

"Law camp is one of the greatest experiences you can have. Getting to learn what goes on in a courtroom, seeing trials, having a mock trial of your own, these are all a part of what you do while you are at the one and only LAW CAMP." Cheyenne Law, Cebolla

"My summer law camp experience was great! Who would have thought that I could have so much fun, while I also learned so much about law and going to college! In closing, I would like to say, I plead guilty—guilty

to learning more than I ever expected! Thank you to everyone who made the camp possible." Kaleigh Lopez, Belen

"The camp was first of all educating and informative. It was neat to see that so many real lawyers and a judge, Judge Clay Campbell, took time out of their busy schedules to hear our case. The UNM Summer Law Camp was a really fun and educating experience. I would totally recommend other students from around New Mexico to try and get into this program. It may not end up being what we do in life as we get old, but at least we can say we had some lawyer experience in our lives." Kuien Quintana, Cochiti Pueblo

THE YOUNG LAWYERS DIVISION
WOULD LIKE TO WISH
A HAPPY AND SAFE HOLIDAY SEASON
TO ALL THE MEMBERS OF THE NEW MEXICO STATE BAR!