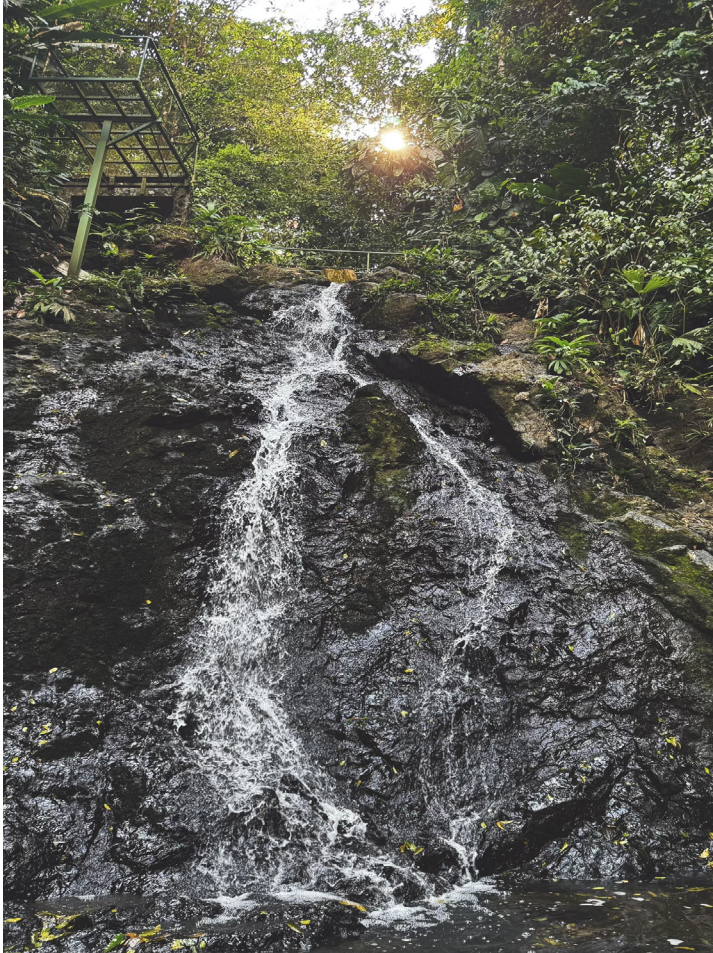


Official Publication of the State Bar of New Mexico

DIGITAL **BAR BULLETIN**

June 11, 2025 • Volume 64, No. 11



Clear Paths, Steady Currents, by Virginia Chavers-Soto

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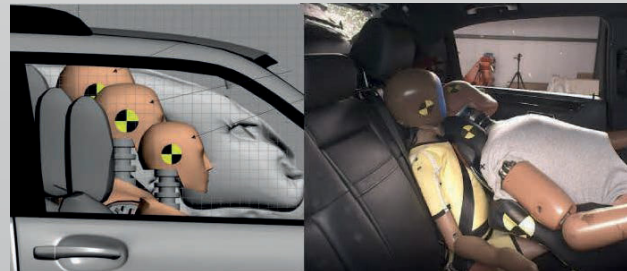


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Equity in Justice CLE requirement!*

June 18

Why Women Attorneys Get Paid Less: What's Gender Bias Got to Do With It
1.0 EIJ
11 a.m.-Noon
WEBINAR

June 24

Pronouns, Salutations, and Gender-Neutral Language in the Legal System
1.5 EIJ
3-4:30 p.m.
WEBINAR

June 25

Thurgood Marshall's Coming!
2.8 EIJ
1-4 p.m.
WEBINAR

July 1

Equity and the Personal Income Tax Through the Lens of a Low-Income Taxpayer
1.0 EIJ
Noon-1 p.m.
WEBINAR

July 8

What Jazz and the Blues Teach About Bias and Inclusion in the Law
1.0 EIJ
Noon-1 p.m.
WEBINAR

July 15

Implicit Bias in Guardian ad Litem Work
1.0 EIJ
Noon-1 p.m.
WEBINAR



The Center for Legal Education is offering a summer full of important legal updates and insights.

June 12

Immigration Hot Topics and Ethical Considerations Under a New Executive Administration
1.0 EP
Noon-1 p.m.
WEBINAR

June 18

So, You're New to Law Practice in New Mexico? Rules and Procedures to Know
1.0 EP
Noon-1 p.m.
WEBINAR

June 24

2025 Legislative Update for Public Sector Lawyers and Those Interested in Modernizing the Legislature
1.0 G
Noon-1 p.m.
IN-PERSON AND WEBINAR

June 27

Splitting More Than Assets: How a Real Estate Divorce Expert Can Help
1.0 G
Noon-1 p.m.
IN-PERSON AND WEBINAR

July 10

Advanced Topics in T Visas: Diving into Physical Presence on Account of Trafficking and Recent Trends
1.0 G
Noon-1 p.m.
WEBINAR

July 11

Estate Planning for Blended Families
1.0 G
Noon-1 p.m.
IN-PERSON AND WEBINAR

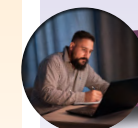
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DIGITAL BAR BULLETIN



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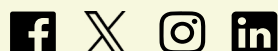
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June 11, 2025 • Volume 64, No. 11

www.sbnm.org



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The Solutions Group



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www.sbnm.org/NMLAP

Notices

Please email notices desired for publication to notices@sbnm.org.

COURT NEWS New Mexico Supreme Court Rule-Making Activity

To view recent Supreme Court rule-making activity, visit the Court's website at <https://supremecourt.nmcourts.gov>. To view all New Mexico Rules Annotated, visit New Mexico OneSource at https://nmonesource.com/nmos/en/nav_date.do.

Supreme Court Law Library

The Supreme Court Law Library is open to the legal community and public at large. The Library has an extensive legal research collection of print and online resources. The Law Library is located in the Supreme Court Building at 237 Don Gaspar in Santa Fe. Building hours: Monday-Friday 8 a.m.-5 p.m. (MT). Library Hours: Monday-Friday 8 a.m.-noon and 1-5 p.m. (MT). For more information call: 505-827-4850, email: libref@nmcourts.gov or visit <https://lawlibrary.nmcourts.gov>.

New Mexico Court of Appeals Judicial Nominating Commission Announcement of Applicants

Thirteen applications have been received in the Judicial Selection Office as of 5 p.m. (MT) on May 29 for the vacancy on the New Mexico Court of Appeals which exists as of June 8 due to the resignation of the Hon. Kristina Bogardus effective June 7. The New Mexico Court of Appeals Judicial Nominating Commission will convene on June 16 and 17 at 10 a.m. (MT) to interview applicants for the position at the State Bar Center located at 5121 Masthead St. NE, Albuquerque, N.M. 87109. The Commission meeting is open to the public and members of the public who wish to be heard about any of the candidates will have an opportunity to be heard. The applicants include Aletheia Vadin Pamela Allen, Frencheska Bardacke, Catherine Ava Begaye, Leander Bergen, Bradford James Dalley, Nicholas Tilford Davis, Scott Fuqua, Kristopher Nicolas Houghton, Matthew Eric Jackson, Sean Patrick McAfee, Olga Serafimova, Van Edward Snow and Nicholas Mark Sydow.

Professionalism Tip

With respect to to the courts and other tribunals:

I will voluntarily exchange information and work on a plan for discovery as early as possible.

First Judicial District Mass Reassignment of Cases

Effective June 2, a mass reassignment of all active cases previously assigned to Judge Mary Marlowe Sommer and Division VIII will occur pursuant to NMSC Rule 23-109, the Chief Judge Rule and LR1-102, Locations of Principal Offices. The Hon. Jason Lidyard, Division V has been reassigned to Santa Fe County of the First Judicial District and will maintain a Criminal Docket. Parties who have not previously exercised their right to challenge or excuse will have ten (10) days from May 28 to challenge or excuse Judge Jason Lidyard pursuant to Rule 1-088.1.

Second Judicial District Court Notice of Reassignment of Cases

Pursuant to Rule 5-106, NMRA, the Second Judicial District Clerk of Court hereby serves notice that, effective March 15, Division II cases have been assigned to the Hon. Matthew Chavez. Individual notices of judge reassignment will be sent to attorneys in active cases. A list of inactive case reassignments will be emailed to the Law Offices of the Public Defender, the District Attorney's Office, the Attorney General's Office and the private defense bar, in lieu of individual notices of reassignment. An email notification regarding the reassignment of probation violation cases will be sent to the Law Offices of the Public Defender, the District Attorney's Office, the Attorney General's Office and the private defense bar.

Twelfth Judicial District Court Notice of Reassignment of Cases

Pursuant to NMSC 23-109, a mass reassignment of all cases previously assigned to the Twelfth Judicial District Court, Division II, Judge Ellen Jessen have been automatically reassigned to Judge Lori Gibson Willard effective May 12. Pursuant to Rules

1-088.1 and Rule 5-106, NMRA, any party who wishes to exercise their right to excuse Judge Gibson Willard must do so within ten (10) days from June 11.

U.S. District Court, District of New Mexico Notice of Judicial Vacancy

The Judicial Conference of the United States has authorized the appointment of a part-time United States Magistrate Judge for the District of New Mexico at Farmington, New Mexico. The current annual salary of the position is \$45,522, commensurate with the annual caseload for this part-time position. The term of office is four years. The U.S. Magistrate Judge Application form and the full notice with details and application instructions are available from the Court's website at www.nmd.uscourts.gov/employment or by calling 575-528-1439. Applications must be submitted no later than July 7.

STATE BAR NEWS State Bar of New Mexico Register for the 2025 Annual Meeting

Registration is open for the State Bar of New Mexico's 2025 Annual Meeting! This year's Annual Meeting will be taking place at the Sandia Resort & Casino in Albuquerque, N.M. from July 31 to Aug. 2. There are multiple ways to attend this year's Annual Meeting, including in-person and virtual options. Attending all three days at the Sandia Resort & Casino, at \$650 plus tax, will earn attendees all 12 CLE Credits for the year. Can't attend all three days? Register to attend Friday sessions only in-person or virtually (5.5 CLE credits) or to attend Bryan Stevenson's keynote presentation only (audit only - no CLE credit). Register to attend at www.sbnm.org/AnnualMeeting2025.

Committee on Diversity in the Legal Profession Call For Volunteers for the Bar Exam Coaching Program

The State Bar of New Mexico's Committee on Diversity in the Legal Profession is proud to offer an inclusive coaching program for applicants from all diverse backgrounds taking the New Mexico Bar Exam. The program is designed to match an applicant with a committed attorney volunteer who will serve as a resource for the applicant. Coaches and applicants will communicate in person, via phone, e-mail and/or virtual meeting during the applicant's bar preparation. Attorney volunteers will not be expected to teach applicants substantive law. To volunteer or to learn more, contact State Bar of New Mexico Equity in Justice Attorney Abby Lewis at abby.lewis@sbnm.org.

New Mexico Lawyer Assistance Program Monday Night Attorney Support Group

The Monday Night Attorney Support Group meets at 5:30 p.m. (MT) on Mondays by Zoom. This group will be meeting every Monday night via Zoom. The intention of this support group is the sharing of anything you are feeling, trying to manage or struggling with. It is intended as a way to connect with colleagues and to know you are not in this alone. Join the meeting via Zoom at <https://bit.ly/attorneysupportgroup>.

Young Lawyers Division Ask-a-Lawyer Call-In Day: Volunteers Needed for June 21

Once a year, New Mexico residents can get their legal questions answered for free or receive brief legal advice through the Ask-a-Lawyer Call-in Program sponsored by the Young Lawyers Division on June 21 from 9 a.m. to noon (MT). The State Bar of New Mexico Young Lawyers Division is recruiting volunteer attorneys virtually and in-person to answer questions from across the state on a variety of topics including: employment law, divorce, child support, landlord/tenant issues, personal injury, real estate and more. Help us spread the word to your friends and family of this great event. For further questions, contact Member Services at memberservices@sbnm.org.

UNM SCHOOL OF LAW Law Library Hours

The Law Library is happy to assist attorneys via chat, email or in person by appointment from 8 a.m. to 6 p.m. (MT) Monday through Friday. Though the Library no longer has community computers for visitors to use, if you bring your own device when you visit, you will be able to access many of our online resources. For more information, please see lawlibrary.unm.edu.

OTHER NEWS

N.M. Legislative Council Service Legislative Research Library Hours

The Legislative Research Library at the Legislative Council Service is open to state agency staff, the legal community and the general public. We can assist you with locating documents related to the introduction and passage of legislation as well as reports to the legislature. Hours of operation are Monday through Friday, 8 a.m. to 5 p.m. (MT), with extended hours during legislative sessions. For more information and how to contact library staff, please visit https://www.nmlegis.gov/Legislative_Library.

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*Clio is a legal technology solution recommended by the State Bar of New Mexico. Licensees of the State Bar of New Mexico receive a 10% discount on Clio products, excluding Clio Draft.

Volunteer for the Ask-a-Lawyer Call-in Program



The State Bar of New Mexico's Young Lawyers Division invites you to volunteer for the **2025 Ask-a-Lawyer Call-In Program on June 21 at the State Bar Center or virtually!** During the program, New Mexico residents may speak with a volunteer attorney to receive brief legal advice on a variety of legal issues from 9 a.m. to noon (MT) including:

- Landlord/Tenant
- Divorce
- Child Support
- Employment
- Bankruptcy
- Criminal Cases
- Personal Injury
- Immigration Law
- *And More!*

During the event, in-person volunteers will receive a **FREE** breakfast and have the opportunity to network with colleagues while providing important legal help for our community.



The Ask-A-Lawyer Call-In Program is an excellent way to fulfill your pro bono requirements!

**For more information or to volunteer, visit
<https://bit.ly/YLD-Ask-a-Lawyer-Call-In-Program>.**



State Bar of New Mexico
Young Lawyers Division

STATE BAR OF NEW MEXICO 2025 Annual Meeting

July 31 – August 2
Sandia Resort & Casino
Albuquerque, New Mexico

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Towards
JUSTICE

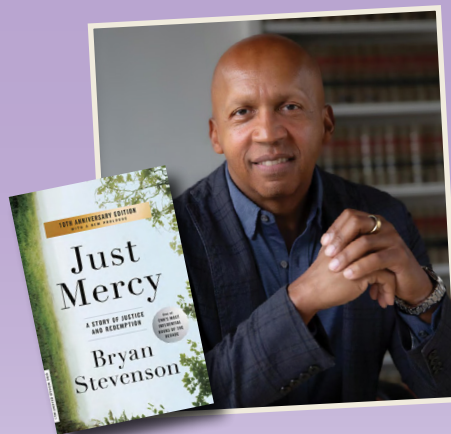
Registration is NOW OPEN!

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All 3 Days
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Friday Sessions Only
In-Person: \$475
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www.sbnm.org/AnnualMeeting2025



Daily Conference Highlights

View the full agenda at

www.sbnm.org/AnnualMeeting2025Agenda

Thursday, July 31

- Welcome
State Bar of New Mexico President Aja N. Brooks
- Justice by Design: Artificial Intelligence, Law and the Future of Us
Professor Sonia M. Gipson Rankin, UNM School of Law
- Breakout Sessions
- The Commander in Chief at High-Tide, Wherever that Line May Be
Professor Joshua Kastenber, UNM School of Law
- Welcome Reception
- Annual Awards Ceremony
- Movie Night – *Just Mercy*

Friday, August 1

- Keynote Address
Bryan Stevenson, Executive Director, Equal Justice Initiative
- New Mexico Supreme Court Judicial Panel
- Breakout Session options for in-person attendees
- Breakout Session for virtual attendees - A System-Wide Approach: Behavioral Health, the Courts and Legal Practice Implications
Justice Brianna H. Zamora, New Mexico Supreme Court
- Law, Justice, and the Holocaust: How the Courts Failed Germany
US Holocaust Memorial Museum educators Kendal Jones and Sarah Reza, and N.M. attorney Roberta Cooper Ramo
- President's Reception
- Hospitality Lounge
- Trivia Contest with the Young Lawyers Division

Saturday, August 2

- Breakout Sessions
- Navigating the New Frontier: Ethical Uses of Generative Artificial Intelligence in Legal Practice
Professor Sonia M. Gipson Rankin, UNM School of Law and William D. Sleese, State Bar of New Mexico
- Closing Remarks
State Bar of New Mexico President Aja N. Brooks

www.sbnm.org/AnnualMeeting2025



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Book your hotel room at the exciting Sandia Resort & Casino by July 14 to receive the reduced Annual Meeting rate:
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Honorable New Mexico Celebrated Law Day 2025

THE CONSTITUTION'S PROMISE:
OUT OF MANY,
ONE
LAW DAY 2025



On May 1, 2025, the Albuquerque Bar Association and State Bar of New Mexico collaborated to facilitate a Judicial Panel and Lunch Reception at the State Bar Center in celebration of Law Day 2025. This year's theme was, "The Constitution's Promise: Out of Many, One," based on the American Bar Association's own celebration of Law Day. The theme highlights how the United States Constitution is the foundation on which the nation stands and that the Constitution itself is a unifying force whose democratic principles underpin our basic rights and civic duties.



Before the Judicial Panel, State Bar of New Mexico President Aja N. Brooks, Albuquerque Bar Association President Christie Geter and Albuquerque Bar Association Immediate Past President Meredith Johnstone each gave remarks on the significance of Law Day and the Constitution's foundational role in the legal community and beyond. The remarks were followed by a reading of the In Memoriam by New Mexico Supreme Court Chief Justice David K. Thomson, paying tribute to those in New Mexico's legal community who passed in the last year. The Judicial Panel, which was moderated by Professor Joshua Kastenbergh with the University of New Mexico School of Law, consisted of the Hon. Paul J. Kelly, Jr., the Hon. James O. Browning and Justice Briana H. Zamora.

After some closing remarks by Albuquerque Bar Association President Christie Geter, a lunch reception followed, giving guests and attendees the opportunity to socialize and celebrate Law Day together.



State Bar of
New Mexico
Est. 1886



On May 2, 2025, the State Bar of New Mexico facilitated a Leadership Summit at the State Bar Center. The event featured a two-part listening session, three capsule talks led by members of New Mexico's legal community and a full CLE titled, "Rule of Law." The Leadership Summit gave leaders in New Mexico's legal community the opportunity to gather and learn more about what the State Bar of New Mexico offers to New Mexico's voluntary bar associations and other legal organizations, as well as to explore concepts in leadership, including engagement, strategic planning and conflict resolution.

Attending organizations of the Leadership Summit included: Albuquerque Lawyers Club, Association for Public Interest Law, Children's Law and Policy Society, Environmental Law Society, The Federalist Society, First Judicial District Bar Association, Immigration Law Student Association (UNMSOL), International Law Society, Native American Law Students Association, New Mexico Black Lawyers Association, New Mexico District Attorney Association, New Mexico Hispanic Bar Association, New Mexico LGBTQ+ Bar Association, New Mexico Women's Bar Association and the Student Trial Lawyers Association. State Bar of New Mexico Section, Committee and Divisions in attendance included: the Alternative Methods of Dispute Resolution Committee, the Bankruptcy Section, the Committee on Diversity in the Legal Profession, the Family Law Section, the Historical Committee, the Immigration Law Section, the Intellectual Property Law Section, the Lawyers Professional Liability and Insurance Committee, the Paralegal Division, the Senior Lawyers Division, the Well-Being Committee and the Young Lawyers Division.



Spring 2025

NEW MEXICO ATTORNEY SWEARING-IN CEREMONY

On April 28, the Spring 2025 Swearing-In Ceremony was held at the University of New Mexico Continuing Education Center in Albuquerque, where 63 new attorneys were sworn in as the newest licensees of the State Bar of New Mexico (“State Bar”). The ceremony had very high attendance and featured prominent members of New Mexico’s legal community. Various legal programs and providers in New Mexico occupied booths outside of the auditorium where they displayed and highlighted their services to New Mexican residents and the legal community.

Noted speakers and guests included New Mexico Supreme Court Chief Justice David K. Thomson, Senior Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice Julie J. Vargas, State Bar President Aja N. Brooks and State Bar of New Mexico Young Lawyers Division (“YLD”) Chair Lauren Riley.

Chief Justice Thomson and President Aja N. Brooks both made remarks about the licensees’ new roles within New Mexico’s legal community, with Chief Justice Thomson speaking to their responsibilities as attorneys and President Brooks addressing how the State Bar supports new attorneys in their endeavors.

YLD Chair Lauren Riley spoke during the ceremony as well, detailing everything that the Young Lawyers Division offers, including pro bono opportunities, networking events and more. She also impressed upon the new attorneys their duties to those in need of criminal and civil justice. ■



Next to the New Mexico Supreme Court Justices, State Bar of New Mexico President Aja N. Brooks speaks about the State Bar of New Mexico’s services and resources for new attorneys, as well as what to expect as they begin to navigate their careers.



State Bar of New Mexico Young Lawyers Division Chair Lauren Riley offers remarks to the new attorneys about the benefits of joining the Young Lawyers Division and the responsibilities they carry as attorneys.



2023 State Bar of New Mexico President Benjamin I. Sherman calls the names of new attorneys being sworn into the State Bar of New Mexico.



Every new attorney stands and raises their right hand to take the New Mexico Attorney’s Oath.



As the names of New Mexico’s sworn-in attorneys are called, a sponsor to one new attorney speaks to the new attorney’s merits and achievements as a law student.

Legal Education Calendar

June

- | | | |
|--|--|---|
| <p>11 AI for Transactional Lawyers: Ethics and Efficiency in Your Legal Practice
2.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-AIforTransactionalLawyers</p> | <p>17 Cross By Camera: How to Become a Master of REMOTE Cross-Examination
2.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-CrossByCamera</p> | <p>24 Pronouns, Salutations and Gender-Neutral Language in the Legal System
1.5 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/Pronouns-Salutations-Gender-Neutral-Language</p> |
| <p>11 Strategies for Countering Wage Loss Claims and Work Life Expectancy in Personal Injury
1.0 G
Web Cast (Live Credits)
New Mexico Defense Lawyers Association
www.nmdla.org</p> | <p>18 So, You’re New to Law Practice in New Mexico? Rules and Procedures to Know
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/New-to-Law-Practice-in-NM</p> | <p>24 Advance Strategies for Handling Auto Negligence Claims
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> |
| <p>12 Level Up Your Trial From “Storytelling” to “Storyshowing”: New Visual Strategies for Persuading Jurors
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>18 Strategies for Successful Pre-Trial Preparation
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>24 2025 Virtual Power Act
1.0 EIJ
Web Cast (Live Credits)
United States District Court, District of New Mexico
www.nmd.uscourts.gov</p> |
| <p>12 Immigration Hot Topics and Ethical Considerations Under A New Executive Administration
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-ImmigrationHotTopics</p> | <p>19 Winning the Disc Injury Case: Science and Strategy of Getting the Justice Your Client Deserves
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>25 WEBINAR: Strategies for Defending § 1325 Cases
1.0 G
Web Cast (Live Credits)
Administrative Office of the US Courts
www.uscourts.gov</p> |
| <p>16 2025 Fundamentals of Federal Capital Defense
16.0 G
Live Program
Administrative Office of the US Courts
www.uscourts.gov</p> | <p>24 2025 Legislative Update for Public Sector Lawyers and Those Interested in Modernizing the Legislature
1.0 G
In-Person or Webinar
NMSBF Center for Legal Education
https://bit.ly/2025-Legislative-Update</p> | <p>25 ERISA Lien Resolution in 2025
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> |
| | | <p>26 Litigating Truck Collisions
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> |

Listings in the *Bar Bulletin* Legal Education Calendar are derived from course provider submissions and from New Mexico Minimum Continuing Legal Education. All MCLE approved continuing legal education courses can be listed free of charge. Send submissions to notices@sbnm.org. Include course title, credits, location/ course type, course provider and registration instructions. For a full list of MCLE-approved courses, visit <https://www.sbnm.org/Search-For-Courses>.

AN INCLUSIVE INTERVIEW with Beck Rivera, Esq.



The mission of the State Bar of New Mexico's Equity in Justice Program is to cultivate and grow a legal profession in New Mexico that is representative of and reflective of the people of New Mexico. As part of that mission, we bring you the series "Inclusive Interviews." We call these inclusive interviews both as a play on words and as a contrast to the term "Exclusive Interview."

Because legal employers with inclusive hiring and employment practices have a bigger talent pool from which to hire and access to a larger client base, these interviews serve to amplify that growing and cultivating inclusivity in our profession is beneficial to all legal employers, be they private firms, government entities or nonprofits.

This Inclusive Interview is with Beck Rivera, Esq. Beck has been a practicing attorney for seven years. He currently serves as Deputy Chief Compliance Officer at the University of New Mexico where he oversees the implementation of compliance best practices, promotes ethical conduct and develops programs that align with UNM's goals and regulatory requirements. In addition, he is a Licensed Real Estate Associate Broker and is also pursuing

his Master of Business Administration at the University of New Mexico. Beck was also just named by Hispanic Executive magazine as a Hispanic Executive to Watch.

Q: What is your background?

A: I was born in New York and raised in Florida by working-class parents. I earned my B.S. in Criminal Justice from the University of Central Florida in 2012 and my J.D. from Cooley Law School in 2016. After graduating, it took some time to figure out my next steps. I remembered visiting northern New Mexico with my sister's family when I was younger, and something about that memory called me back. In the fall of 2017, my partner and I relocated to New Mexico and we've been here ever since.

Q: What made you want to become a lawyer?

A: I'm a lifelong learner. I enjoy questioning, analyzing and expanding how we think and the legal field encompasses all of that. I've also always felt driven to help people. Early in my career, I worked with incredible organizations like the Council on American Islamic Relations (CAIR-FL), the Transgender Legal Defense and Education Fund (TLDEF) and the LGBTQ Task Force. Those experiences deepened my passion for civil rights and led me to UNM, where I initially assisted with civil rights cases. Today, I support university-wide compliance programs and initiatives at UNM.

Q: Who is your hero in the legal profession?

A: Hands down, Chase Strangio. He's a trans rights activist and powerhouse attorney for the ACLU. He's been a part of so many notable cases and was the first known transgender person to make oral arguments before the US Supreme Court. I'm sure his work has inspired many LGBTQ+ to pursue a legal career. Hats off to him.

Q: What has been your greatest accomplishment in your legal career or of what in your legal career are you the most proud?

A: As a solo practitioner, I had the privilege of supporting many foster youth as they navigated major life transitions. I also handled complex estate matters through Legal Aid's Volunteer Attorney Program. Seeing those cases through to resolution brought me a great sense of pride and purpose.

Q: What has been the biggest challenge you have had in your legal career?

A: Imposter syndrome. I've been fortunate to have mentors who provided constructive feedback, helped me strategize and reminded me that I am qualified to do this work. Community matters; it's been incredibly impactful to grow through the support of others.

Q: What is your favorite part of your current position?

A: No two days are the same. Higher education is a highly regulated and ever-evolving space. I get to work on everything from policy writing and risk assessments to consulting and program implementation. It keeps me on my toes and constantly learning - never a dull moment!

Q: What is your advice for new lawyers who are from diverse backgrounds?

A: Find your people. When I started practicing, I didn't know many lawyers, especially ones who looked like me. It can feel isolating. My advice: knock on doors, take people to coffee, offer to help. Taking initiative and talking openly about your goals often invites support. Don't wait to be invited - start the conversation.

Q: What three things would you take with you to a deserted island, and why?

A: A water purification system, a plant identification book and a guitar. Clean water is non-negotiable. I live a plant-based lifestyle and would want to know what's safe to eat - probably a lot of coconuts! And the guitar would keep my spirits up and creativity flowing.

Q: What is something the legal profession in New Mexico can do to be more inclusive?

A: I'd love to see more informal, activity-based networking events like paint nights or outdoor gatherings that don't center around alcohol. Mocktail options at events have become more common, which is fantastic. But offering ways to connect over shared experiences (rather than shared drinks) would go a long way toward building a more inclusive space.

Interested in being the subject of an Inclusive Interview?
Contact SBNM Equity in Justice Attorney Abby Lewis at abby.lewis@sbnm.org.





Opportunities for Pro Bono Service CALENDAR

June

- 13

Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To volunteer, call 505-841-9817
- 17

San Juan County Teleclinic
In-Person
San Juan County
To volunteer, call 505-326-2256 at 1 p.m. (MT) on the day of the clinic. An attorney will call back between 2:30 p.m. and 5 p.m. that same day.
- 26

Family Law Teleclinic
Telephonic
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Hobbs
- 27

Asylum Initial Application and Work Permit Pro Se Clinic
In-Person
New Mexico Immigrant Law Center
www.nmilc.org/asylum
Location: Announced prior to clinic

If you would like to volunteer for pro bono service at one of the above events, please contact the hosting agency.

Resources for the Public CALENDAR



June

- 13

Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual
- 17

San Juan County Teleclinic
In-Person
San Juan County
To register, call 505-326-2256 at 1 p.m. (MT) on the day of the clinic. An attorney will call back between 2:30 p.m. and 5 p.m. that same day. Location: San Juan County
- 18

Consumer Debt/Bankruptcy Workshop
Virtual
State Bar of New Mexico
Call 505-797-6094
Location: Virtual
- 26

Family Law Teleclinic
Telephonic
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Hobbs
- 27

Asylum Initial Application and Work Permit Pro Se Clinic
In-Person
New Mexico Immigrant Law Center
www.nmilc.org/asylum
Location: Announced prior to clinic

Listings in the *Bar Bulletin* Pro Bono & Volunteer Opportunities Calendar are gathered from civil legal service organization submissions and from information pertaining to the New Mexico State Bar Foundation's upcoming events. All pro bono and volunteer opportunities conducted by civil legal service organizations can be listed free of charge. Send submissions to probono@sbnm.org. Include the opportunity's title, location/format, date, provider and registration instructions. Please note: Recruitment for legal fairs and teleclinics held by the Volunteer Attorney Program of New Mexico Legal Aid typically begins four weeks prior to the date of the event. You will receive recruitment emails from both the State Bar of New Mexico and the Statewide Pro Bono Coordinator for legal fairs and teleclinics. Please use the links contained in those emails to volunteer.

Citation and Order to Show Cause

► From the New Mexico Supreme Court

<https://supremecourt.nmcourts.gov>

In the Supreme Court of the State of New Mexico

May 22, 2025

No. S-1-SC-00016

IN THE MATTER OF THE SUSPENSION
OF ACTIVE MEMBERS OF THE STATE BAR
OF NEW MEXICO FOR NONCOMPLIANCE WITH
2025 ANNUAL LICENSE RENEWAL REQUIREMENTS
PURSUANT TO RULE 24-102 NMRA

CITATION AND ORDER TO SHOW CAUSE

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► From the New Mexico Supreme Court

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GREETINGS:
WHEREAS, it appearing from a certificate filed in this Court on May 22, 2025, by the Board of Bar Commissioners of the State Bar of New Mexico that you have failed to comply with some or all of the annual license renewal requirements for the 2025 licensing year under Rule 24-102 NMRA;

WHEREAS, the Court having considered the foregoing and being sufficiently advised, Chief Justice David K. Thomson, Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

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IT IS FURTHER ORDERED that in lieu of a written response, you may complete your 2025 license renewal requirements in accordance with Rule 24-102 NMRA, pay assessed late fees, and notify the State Bar of New Mexico of your completion by email to license@sbnm.org (and carbon copying nmsupremecourtclerk@nmcourts.gov) **on or before June 27, 2025.**
IT IS SO ORDERED.

From the New Mexico Supreme Court

Opinion Number: 2025-NMSC-009
No: S-1-SC-39673 (filed December 6, 2024)

EL PASO ELECTRIC COMPANY,
Appellant,
v.
NEW MEXICO PUBLIC REGULATION COMMISSION,
Appellee,
and
ONWARD ENERGY HOLDINGS, LLC, INTERWEST ENERGY ALLIANCE,
and NEW MEXICO OFFICE OF THE ATTORNEY GENERAL,
Intervenors-Appellees.

**In the Matter of Commission Rulemaking Regarding NMPRC Rule 17.7.3 NMAC
Integrated Resource Plans and Procurement Procedures NMPRC Case No. 21-00128-UT**

APPEAL FROM THE NEW MEXICO PUBLIC REGULATION COMMISSION

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CONSOLIDATED WITH
No. S-1-SC-39676

PUBLIC SERVICE COMPANY OF NEW MEXICO,
Appellant,
v.
NEW MEXICO PUBLIC REGULATION COMMISSION,
Appellee,
and
ONWARD ENERGY HOLDINGS, LLC, INTERWEST ENERGY ALLIANCE,
and NEW MEXICO OFFICE OF THE ATTORNEY GENERAL,
Intervenors-Appellees.

**In the Matter of a Commission Rulemaking Regarding NMPRC Rule 17.7.3 NMAC Integrated
Resource Plans and Procurement Procedures, NMPRC Case No. 21-00128-UT**

APPEAL FROM THE NEW MEXICO PUBLIC REGULATION COMMISSION

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and
No. S-1-SC-39677

SOUTHWESTERN PUBLIC SERVICE COMPANY,
Appellant,
v.
NEW MEXICO PUBLIC REGULATION COMMISSION,
Appellee,
and
ONWARD ENERGY HOLDINGS, LLC, INTERWEST ENERGY ALLIANCE,
and NEW MEXICO OFFICE OF THE ATTORNEY GENERAL,
Intervenors-Appellees.

**In the Matter of a Commission Rulemaking Regarding NMPRC Rule 17.7.3 NMAC
Integrated Resource Plans and Procurement Procedures, NMPRC Case No. 21-00128-UT**

APPEAL FROM THE NEW MEXICO PUBLIC REGULATION COMMISSION

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OPINION

THOMSON, Chief Justice.

{1} In this consolidated appeal, electric utility companies El Paso Electric Company, Public Service Company of New Mexico, and Southwestern Public Service Company (collectively, Appellants), seek judicial review of recently amended regulations (the Amended Rule) governing the integrated resource planning (IRP) framework set out in NMSA 1978, § 62-17-10 (2005) of the Efficient Use of Energy Act (EUEA), NMSA 1978, §§ 62-17-1 to -11 (2005, as amended through 2020). The Amended Rule, codified at 17.7.3 NMAC (4/16/2007 as amended through 11/29/2022), was adopted by the New Mexico Public Regulation Commission (the Commission) following an open and actively litigated rulemaking proceeding in which stakeholders, Appellants included, made full use of the opportunity to make their record and present their positions on the Amended Rule.

{2} On appeal, Appellants pursue a facial challenge to the Amended Rule. They advance dual claims: 1) the Amended Rule as adopted exceeds the scope of the EUEA and 2) the Amended Rule violates Appellants’ procedural due process rights. As to Appellants’ statutory claim, we conclude that the revised IRP provisions of the Amended Rule pass statutory muster in going “no further than what has been statutorily authorized.” *State ex rel. Egolf v. N.M. Pub. Regul. Comm’n*, 2020-NMSC-018, ¶ 32, 476 P.3d 896. We see no reason to consider the merits of Appellants’ second argument regarding procedural due process in view of Appellants’ failure to show a protected property interest in avoiding the IRP-related administrative procedures promulgated by the Commission in the Amended Rule. See *Citizens for Fair Rates & the Env’t v. N.M. Pub. Regul. Comm’n*, 2022-NMSC-010, ¶¶ 33-34, 503 P.3d 1138 (indicating that “a cognizable property or liberty interest” is an essential element of

a procedural due process claim). Because Appellants cannot prevail on either of their two principal points on appeal, we affirm the Commission’s decision to adopt the Amended Rule.

I. BACKGROUND

A. Statutory and Regulatory Background

{3} Enacted in 2005, the EUEA is part of a constellation of statutes and regulations designed to ensure a safe, reliable, and cost-effective energy supply in New Mexico.¹ The EUEA fosters the use of “all cost-effective energy efficiency and load management programs in their energy resource portfolios” by public utilities and the removal of regulatory disincentives to utility expenditures for those programs “in a manner that balances the public interest, consumers’ interests and investors’ interests.” Section 62-17-3. To effectuate these goals, the EUEA demands that “public utilities supplying electric or natural gas service to customers . . . periodically file an [IRP] with the [C]ommission.” Section 62-17-10. This statutory planning model requires IRPs to evaluate renewable energy, energy efficiency, load management, distributed generation and conventional supply-side resources on a consistent and comparable basis and take into consideration risk and uncertainty of fuel supply, price volatility and costs of anticipated environmental regulations in order to identify the most cost-effective portfolio of resources to supply the energy needs of customers.

Id.

{4} To implement the EUEA’s planning framework, the Commission promulgated its initial IRP regulations in 2007. See *Integrated Resource Plans for Electric Utilities*, 17.7.3 NMAC (4/16/2007). In relevant part, this initial set of planning regulations required utilities to file a proposed IRP that included a “description of existing electric supply-side and demand-side resources”;

an “identification of resource options”; and a “determination of the most cost[] effective resource portfolio and alternative portfolios.” 17.7.3.9(B)(1), (4), (5) NMAC (4/16/2007). This early version of the planning regulations, as is true with the authorizing statute itself, was silent on the issue whether a utility’s procurement-related activities are, or can be made, subject to the IRP process.

B. Procedural Background and Regulatory Changes Brought About by the Amended Rule

{5} In May 2021, the Commission on its own initiative opened the rulemaking proceeding to address possible amendments to the then-existing IRP regulations. In initiating the proceeding, the Commission articulated the need to address three issues. First, the Commission sought to “update” the regulations so as to adhere to and remain consistent with a sequence of recent enactments of, and amendments to, several interrelated New Mexico energy-based statutes.² Second, it sought to “ensure that utilities, when proposing resources, prioritize those that best comply with the state’s requirements for reducing greenhouse gas emissions, fostering clean energy development, and grid modernization.” Third, it sought to address the need to “minimize hastily reviewed last minute regulatory decisions created by current deficiencies in PRC planning and procurement processes.”

{6} The rulemaking proceeding lasted almost a year and a half, resulting in a substantial administrative record. The main focus of the amendments involves what the Commission characterized as the “linkage of [resource] planning and procurement”—traditionally treated as two discrete and sequential processes—into a unified process for planning purposes only. The result was a change in approach that the agency “considered essential to meet the challenges of effecting a clean energy industry and economy

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¹ The EUEA was amended several times through the years on grounds unrelated to this appeal.

² The set of energy statutes referenced by the Commission comprise the Public Utility Act (PUA), NMSA 1978, §§ 62-1-1 to 62-6-28, 62-8-1 to 62-13-16 (1884, as amended through 2021); the Renewable Energy Act (REA), NMSA 1978, §§ 62-16-1 to -10 (2004, as amended through 2021); the Energy Transition Act (ETA), NMSA 1978, §§ 62-18-1 to -23 (2019, as amended through 2023); and the “grid modernization” provisions of Section 62-8-13.

in New Mexico, as expressed in the terms, goals and timelines [requirements]” of the EUEA.

{7} Briefly summarized, the provisions of the Amended Rule require a utility to include three distinct documents in its IRP submission: a statement of need, an action plan, and a request for proposals (RFP), with each form of document bearing on the utility’s procurement needs, if any. 17.7.3.10-12 NMAC. Notable for purposes of our analysis and decision is the absence from the Amended Rule of any textual indication that the Commission or any other entity has authority to dictate a utility’s IRP choices, be they procurement-related or otherwise. This is perhaps best illustrated by the important, but narrowly tailored role the Amended Rule assigns the newly created independent monitor position: to “advise the [C]ommission and report on the RFP process, but . . . not make or participate in the public utility’s decisions regarding the procurement process or the selection of resources.” 17.7.3.14(A) NMAC.

{8} The Amended Rule also makes clear that the Commission’s *acceptance* of a utility’s statement of need and action plan, even when followed by the utility’s submission of a proposed RFP solicitation that conforms with those documents, is still subject to “any requirements for [subsequent] applications for *approval* of resource additions set forth in New Mexico law or [C]ommission regulations.” 17.7.3.11(C) NMAC (emphasis added); see also 17.7.3.12(D) NMAC. In other words, a utility’s successful navigation of a given IRP proceeding does not eliminate the utility’s need to seek and obtain Commission approval for “resource additions” in a subsequent and separately docketed, *adjudicatory* procurement proceeding.

{9} The Commission in its final order provided valuable insight into the rationale for its policy-driven Amended Rule:

In past years, the Commission’s IRP Rule worked to achieve merely generic results on th[e] intelligible principle . . . [that] comes from

the IRP statute: “to identify the most cost-effective portfolio of resources to supply the energy needs of customers.” [Section] 62-17-10. . . . IRPs did not reliably plan or predict any actual procurements to come, and utility procurements often occurred behind a veil from the Commission. Now, with the [Amended] Rule, the Commission seeks to achieve specificity and transparency in the pursuit of identifying the most cost-effective portfolios of resources to supply customers. Planning and procurement go hand-in-hand. . . . The [Amended] Rule provides a process to evaluate actual potential generation resources in order to achieve the goals of a public utility’s [IRP], legislative directives, and the Commission’s Constitutional responsibility.

Continuing this pragmatic theme, the Commission amplified the point as follows:

Integrated resource plans must not wither on the vine after their submission, relegated to a mere compliance docket, remaining static. Rather, execution must follow planning, which must be dynamic. Implementation of the [Amended] Rule increases transparency and provides guidance for the execution of a utility’s plans. . . . To be sure, the Legislature did not determine that [IRPs] must be filed periodically with the Commission simply for those plans to exist. Rather, the IRP, as a planning tool, is meant to inform the public and Commission so that it may carry out its mandate to ensure just and reasonable [electricity] rates.

{10} In all, the Commission explained in detail the reasoning underlying its joinder of planning and procurement principles in the IRP process, its newly devised use of a neutral independent monitor to “monitor” a utility’s procure-

³ It has not gone unnoticed that similar regulatory appeals often follow a common practice of challenging a rule facially before it can be implemented, thereby encouraging speculative arguments as to how the rule might be brought to life.

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ment process in connection with the IRP, and the remaining entirety of the 2022 rule amendments in a Final Order that covered 129 pages and a Final Order Upon Reconsideration that covered forty-nine pages.

II. DISCUSSION

A. Statutory and Regulatory Analysis

1. Standard of review and burden of proof

{11} As the parties challenging the Commission’s orders, Appellants bear the burden of establishing that the orders are unreasonable or unlawful. NMSA 1978, § 62-11-4 (1965). This is generally interpreted to mean that a party challenging a Commission order “has the burden of showing that the order was ‘arbitrary and capricious, not supported by substantial evidence, outside the scope of the agency’s authority, or otherwise inconsistent with law.’” *Sw. Pub. Serv. Co. v. N.M. Pub. Regul. Comm’n*, 2024-NMSC-012, ¶ 16, 548 P.3d 97 (quoting *Pub. Serv. Co. of N.M. v. N.M. Pub. Regul. Comm’n*, 2019-NMSC-012, ¶ 12, 444 P.3d 460). But because none of the numerous arguments that Appellants raise in their brief in chief on appeal challenge the Amended Rule as arbitrary and capricious or unsupported by substantial evidence, we have no occasion to apply either of those standards here. See *State v. Hosteen*, 1996-NMCA-084, ¶ 20, 122 N.M. 228, 923 P.2d 595 (“[I]ssues must be adequately argued and supported by authority in the brief-in-chief or they will be deemed abandoned.”); see also *Maes v. Thomas*, 46 F.3d 979, 986 (10th Cir. 1995) (collecting New Mexico cases to this effect).

{12} Although overturning an administrative agency’s order in an adjudicative proceeding presents challenges of its own, even more rigorous hurdles await a party who mounts a facial challenge to an agency’s rulemaking regulations.³ See *N.M. Mining Ass’n v. N.M. Water Quality Control Comm’n*, 2007-NMCA-010, ¶ 11, 141 N.M. 41, 150 P.3d 991 (upholding “presumptively valid” agency regulations against a facial challenge where the regulations were “reasonably consistent with the authorizing statutes”); see also *Am. Pub. Power Ass’n v.*

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Fed. Power Comm’n, 522 F.2d 142, 146 (D.C. Cir. 1975) (characterizing the federal counterpart requirement that a litigant “mak[e] a convincing showing that [an agency’s rulemaking regulations are] invalid” as a “heavy” burden (internal quotation marks and citation omitted)).

{13} This Court has described the inquiry involved in a facial rulemaking challenge as whether a given rule represents “a permissible exercise of the [agency’s] statutory authority,” with the onus placed squarely on the challenging party to “establish that no set of circumstances exist[s] where the [regulation under review] could be valid.” *Gila Res. Info. Project v. N.M. Water Quality Control Comm’n*, 2018-NMSC-025, ¶ 6, 417 P.3d 369; *accord Sw. Pub. Serv. Co.*, 2024-NMSC-012, ¶ 33 (observing that a party who “brings a facial challenge to [a] rule . . . must establish that the rule is invalid in all of its applications, not merely under some specific set of circumstances” (internal quotation marks and citation omitted)). This all-or-nothing aspect of a facial challenge to the validity of an agency regulation has prompted the United States Supreme Court to conclude that such a challenge is “the most difficult challenge to mount successfully.” *Rust v. Sullivan*, 500 U.S. 173, 183 (1991) (internal quotation marks and citation omitted).

{14} On another front, courts must tread lightly in reviewing an administrative agency’s construction of an “unclear or ambiguous” statute where, as here, the issue presented implicates policy choices. *See Gila Res. Info. Project*, 2018-NMSC-025, ¶¶ 34-35 (citation omitted). If the Legislature, “through express delegation or the introduction of an interpretive gap in the statutory structure, has delegated policy-making authority to an administrative agency, the extent of judicial review of the agency’s policy determinations is limited.” *Id.* ¶ 34 (citation omitted). In such circumstances, we “will confer a heightened

degree of deference to . . . special agency expertise or the determination of fundamental policies within the scope of the agency’s statutory function, [and] will overturn the administrative construction of statutes by appropriate agencies *only if they are clearly incorrect.*” *Id.* ¶ 35 (internal quotation marks and citations omitted). Judicial deference to an agency’s construction of an ambiguous statute is particularly fitting if, as is also the case here, “the agency has performed a comprehensive [statutory] construction project that the court could not have undertaken.” James T. O’Reilly, *Administrative Rulemaking*, § 18:1 (2023 ed.).

2. The procurement-related provisions of the Amended Rule do not exceed the scope of the EUEA

{15} Appellants’ main premise is that the procurement-related procedures provided for in the Amended Rule exceed the scope of the IRP framework laid out in the planning provisions of Section 62-17-10 of the EUEA. For reasons that follow, we disagree.

a. The planning provisions of Section 62-17-10 are unclear and ambiguous

{16} We acknowledge, and the Commission concedes, that several key terms of the planning statute are left undefined in the sparse text of Section 62-17-10—such terms as *cost-effective*, *portfolio of resources*, and the titular phrase *integrated resource planning* itself. To determine whether the statute is ambiguous, we consider these omissions in tandem with a separate factor: the lack of clear legislative direction as to whether, and if so how far into, the electricity procurement process an IRP must delve. Viewed together, these two uncertain factors compel the conclusion that the planning provisions of Section 62-17-10 are indeed ambiguous because they are “susceptible to two or more reasonable meanings.” *H-B-S P’ship v. Aircoa Hosp. Servs., Inc.*, 2008-NMCA-013, ¶ 17, 143 N.M. 404, 176 P.3d 1136 (internal quotation marks and citation omitted); *see also Ambiguous, Black’s Law Dictionary*

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(12th ed. 2024) (providing that a term is *ambiguous* when “possibly leading to more than one conclusion”).

b. Given due deference, the Commission’s rulemaking was a permissible exercise of the agency’s statutory authority

{17} Having determined that Section 62-17-10 is ambiguous, we next decide whether the Commission has permissibly construed the statute as authorizing the agency to consider procurement-related matters in a utility’s IRP submission. More specifically, “we must resolve whether [this aspect of] the [Amended] Rule’s treatment of Section [62-17-10] advances the core purposes of the [statute’s planning] provision[s].” *Gila Res. Info. Project*, 2018-NMSC-025, ¶ 36; *see also Rivas v. Bd. of Cosmetologists*, 1984-NMSC-076, ¶ 3, 101 N.M. 592, 686 P.2d 934 (“In New Mexico, action taken by a governmental agency must conform to some statutory standard or *intelligible principle*.” (emphasis added) (citation omitted)).

{18} Despite the ambiguities inherent in the planning provisions of Section 62-17-10, the Commission properly recognized the intelligible principle of the statute to be the identification of, in the words of the Legislature, “the most cost-effective portfolio of resources to supply the energy needs of customers.” Section 62-17-10. To further that principle in a manner that serves the interests of the public and the various stakeholders involved, the Commission implemented a flexible policy approach that featured the melding of two distinct but related concepts—planning and procurement solicitation. This pragmatic policy adjustment resembles more of a logical “evolution” in construction consistent with the purposes of Section 62-17-10, as the Commission describes it, and less of a “radical[]” departure in construction unmoored to the text of the statute, as Appellants would have it.⁴ We explain.

⁴ This case is distinguishable from *State ex rel. Sandel v. N.M. Pub. Util. Comm’n*, upon which Appellants heavily rely. 1999-NMSC-019, 127 N.M. 272, 980 P.2d 55. While the Commission in this case resolved an ambiguity in the IRP statute resulting from legislative silence, the actions of its predecessor agency, the Public Utility Commission, went much further in *Sandel* in attempting to “carry out broad changes in public policy” on a controversial subject through “sweeping [public policy] pronouncements.” *Id.* ¶ 19. As we recently concluded in circumstances analogous to those presented here, *Sandel* is clearly “inapposite” to the type of situation at hand. *See Sw. Pub. Serv. Co.*, 2024-NMSC-012, ¶ 43.

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{19} Beyond the highly deferential review standard here at play, our analysis of the parties’ competing views is informed by three factors. First and foremost, the contours of the IRP statutory framework necessarily encompass *both* supply-side resources *and* demand-side resources, a point expressly confirmed in the initial regulations implementing Section 62-17-10. *See* 17.7.3.9(B)(1) NMAC (4/16/2007) (requiring an electric utility to set forth in its proposed IRP a “description of existing electric supply-side and demand-side resources”). Indeed, these combined supply-side and demand-side inquiries are the very hallmarks of the IRP process in any iteration. As one commentator has put it, the requirement that “a utility evaluate[] its options for meeting its future system needs” on the dual bases of its supply-side and demand-side resources itself constitutes the “feature [that] is the ‘integrated’ aspect of integrated resource planning.” James M. Van Nostrand, *An Energy and Sustainability Roadmap for West Virginia*, 115 W. Va. L. Rev. 879, 886-87 (2013). That being so, it is unclear how or why the Commission’s inclusion of a supply-side procurement solicitation inquiry as part of New Mexico’s IRP procedures would violate the spirit or ambiguous letter of Section 62-17-10.

{20} Nor does the rationale offered by Appellants on this score withstand scrutiny. It is Appellants’ view that the Legislature, through Section 62-17-10, “has spoken plainly about what an IRP is and what the Commission can do [to regulate the IRP process].” But this is hardly the case. To demonstrate why, it is well to reiterate the text of the single sentence devoted in Section 62-17-10 to delineating the substantive contents of a utility’s IRP:

Utility [IRPs] shall evaluate renewable energy, energy efficiency, load management, distributed generation and conventional supply-side resources on a consistent and comparable basis and take into consideration risk and uncertainty of fuel supply, price volatility and costs of anticipated environmental regulations in

order to identify the most cost-effective portfolio of resources to supply the energy needs of customers.

Section 67-17-10.

{21} To the extent the quoted statutory language identifies certain supply-side and demand-side resources—including distributed generation and conventional resources on the one hand, and energy efficiency and load management on the other—the statute and its planning provisions cannot reasonably be viewed as “plain” in meaning, much less as excluding by implication the Commission’s consideration of other relevant but unspecified factors, be they procurement-related requirements or otherwise. *See generally* Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 107 (Thomson/West 2012) (advising that the negative-implication canon—based on the supposition that “[t]he expression of one thing implies the exclusion of others . . . must be applied with great caution, since its application depends so much on context”). Because Section 62-17-10 cannot reasonably be read as a statute that “expresses things through a list,” the interpretive assumption “that what is not listed is excluded” simply has no bearing here. *See and compare* 2A Norman J. Singer & J.D. Shambie Singer, *Sutherland Statutory Construction* § 47:23 (7th ed. 2012) (noting that *expressio unius est exclusio alterius* stands for the proposition that when a legislature expresses meaning through a list, a court may assume that what is not listed is excluded).

{22} Significantly, the Legislature in enacting the EUEA in 2005, gave the Commission little or no guidance as to what form or substance the regulations that would govern the IRP process should take. Similar to this Court’s approach in parallel circumstances presented in *Gila Resources Information Project*, “[w]e decline to read the Legislature’s silence as [implicitly] embracing . . . any particular approach to determining [the intended scope of the IRP process]. Rather, we construe that silence as a broad conferral of authority to the Commission allowing it to pursue the policies and regulatory approaches it deemed most wise.” 2018-NMSC-025, ¶ 66 (citations

omitted). The Legislature’s tacit delegation of authority must be viewed as sufficiently broad to allow, for example, the Commission to have determined that the use of an independent monitor as advisory staff would help the Commission facilitate the submission of utility RFPs that were “fair, competitive, and transparent.” 17.7.3.14(A) NMAC; *see* NMSA 1978, § 8-8-13(A) (1998) (recompiled as NMSA 1978, § 62-19-19(A) (effective January 1, 2023)). Appellants have not sufficiently explained why this Court should conclude otherwise in second-guessing such a discretionary—and reasonable—policy decision by the Commission. {23} Second, the Commission, acting within its legal authority and technical expertise, was warranted in concluding that the rapidly evolving technologies and legislative landscape in the energy sphere demanded the adoption of a “revamp[ed] and modernize[d]” planning process, one which would allow the agency to take a more “proactive” role by “increas[ing the] level of upfront [agency] involvement” in a utility’s “critical energy resource choices.” Perhaps most prominent among the statutory developments cited by the Commission were the 2019 amendments to Section 62-16-4 of the Renewable Energy Act that set forth a series of increasing renewable portfolio standard benchmarks culminating in the ambitious yet realistic requirement that public utilities supply one hundred percent of their retail electricity sales from renewable energy by 2045. *See* NMSA 1978, § 62-16-4(A)(1)-(6) (2019). Despite Appellants’ contentions to the contrary, we discern no error in the Commission’s reliance on this and other closely-related, New Mexico energy statutes as aids in formulating a coherent construction of Section 62-17-10. *See N.M. Att’y Gen. v. N.M. Pub. Regul. Comm’n*, 2011-NMSC-034, ¶ 10, 150 N.M. 174, 258 P.3d 453 (“[T]he provisions of a statute must be read together with other statutes in *pari materia* under the presumption that the [L]egislature acted with full knowledge of relevant statutory and common law.” (quoting *State ex rel. Quintana v. Schnedar*, 1993-NMSC-033, ¶ 4, 115 N.M. 573, 855 P.2d 562); *see also United States v. Bass*, 404 U.S. 336, 344 (1971) (recognizing that statutes should be interpreted “with an

► From the New Mexico Supreme Court

eye to the surrounding statutory landscape and an ear for harmonizing potentially discordant provisions” (emphasis added)). In short, the Commission’s reliance on kindred New Mexico energy statutes in reaching its policy decisions here provides no basis to question the efficacy of the Amended Rule. {24} Third and finally, the Amended Rule adopted by the Commission was not the work of an agency acting beyond the bounds of its delegated authority, as Appellants’ briefing impliedly suggests. Quite to the contrary, the Commission’s adoption of the Amended Rule marks its joinder with a growing number of counterpart public utility commissions that have taken similar regulatory action to extend IRP procedures to the procurement or “resource activity” realms. See, e.g., Opinion and Order, *In the Matter of the Notice of Proposed Rulemaking Regarding Res. Planning*, Ariz. Corp. Comm’n, Docket No. RE-00000A-09-0249, Decision No. 71722, at 1 (June 3, 2010) (amending the resource planning rules of Arizona Administrative Code 14-2-7 by “adding new rules for procurement and independent monitor selection and responsibilities”); Order, *In the Matter of Pub. Util. Comm’n of Or. Investigation into Integrated Res. Planning*, Docket No. UM 1056, Ord. No. 07-002, at 11-12 (Jan. 8, 2007) (requiring an IRP filed by an Oregon public utility to contain “[a]n action plan with resource activities the utility intends to undertake over the next two to four years to acquire the identified resources, . . . with the key attributes of each resource specified as in portfolio testing”). {25} In concluding this aspect of our analysis, it is well to remember that the task of this Court is not to determine on a clean slate how best to foster efficiency in the planning and procurement processes that are so vital to achieving an environmentally responsible and cost-effective energy supply. That is the domain of the Commission. Through delegation by the Legislature, it was the Commission that was free “to implement the policies it deem[ed] most prudent” in construing the vague and uncertain language of Section 62-17-10, and whose consideration of the issues was “limited only to the extent that its construction of [the statute had to have]

serve[d the] provision’s core purposes.” *Gila Res. Info. Project*, 2018-NMSC-025, ¶ 62. We discharge our own more restrictive duty by deciding whether the Amended Rule was “premised on a permissible construction” of Section 62-17-10, *Gila Res. Info. Project*, 2018-NMSC-025, ¶ 62, and in doing so, answer that question in the affirmative. 3. **The validity of the procurement provisions of the Amended Rule is not called into question by the Commission’s prior regulatory practice** {26} Appellants also miss the mark in arguing that “[t]he Commission’s longstanding practice of using the IRP as a utility’s ‘planning tool’ only and not a means of compelling specific resource procurements has fixed its interpretation of the IRP statute.” In essence, Appellants ask us to hold that the Commission’s prior practice stripped it of authority to amend its own regulations. This we decline to do. {27} Our analysis of this argument need go no further than to recite and apply the settled rule that an “agency is always free to change its policy, as long as it announces a policy that is within the range permitted by the Legislature, uses a procedure the Legislature has authorized it to use to make binding policy decisions, and explains the reasons for its change in policy.” *Gila Res. Info. Project*, 2018-NMSC-025, ¶ 67 (brackets omitted) (quoting 1 Kristin E. Hickman & Richard J. Pierce, Jr., *Administrative Law Treatise* § 3.3, at 165 (7th ed. 2024)). Each element of that test was met here. As indicated above, the Amended Rule constitutes a permissible policy choice, the painstaking rulemaking proceedings were open and transparent, and the Commission cogently explained the reasons underlying its change in policy. Thus, the circumstances of this case allow no principled distinction to be drawn “between initial agency action and subsequent agency action undoing or revising that action.” *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 514-15 (2009) (clarifying that although an agency “must show that there are good reasons for” a change in policy, it “need not always provide a more detailed justification [for a change in policy] than what would suffice for a new policy created on a blank slate”).

4. **The Amended Rule does not facially violate the multi-jurisdiction utility provisions of Section 62-17-10** {28} As a final statutory matter, Appellants take the Commission to task for its rule-making treatment of the express provision in Section 62-17-10 that the agency “take into account a public utility’s resource planning requirements in other states and . . . authorize utilities that operate in multiple states to implement plans that coordinate the applicable state resource planning requirements.” Section 62-17-10. Because this argument, too, borders on the frivolous—at least in the present context of Appellants’ facial challenge to the Amended Rule—we need not linger in discussing it. {29} Significantly, Appellants acknowledge, as they must, that the Commission incorporated verbatim the quoted multi-jurisdiction language of Section 62-17-10 into the Amended Rule. See 17.7.3.16(C) NMAC (providing for exemptions in recognition of additional planning needs when implementing multi-state resource planning requirements). Indeed, the Commission saw fit to reference the multi-jurisdiction provision twice in the Amended Rule, on the other occasion capturing the sum and substance of the provision thusly: “A multi-jurisdictional utility shall include in its IRP a description of its resource planning requirements in the other state(s) where it operates, and a description of how it is coordinating the IRP with its out-of-state resource planning requirements.” 17.7.3.8(D) NMAC. {30} Given the textual emphasis of this topic in the Amended Rule, Appellants’ facial challenge to this aspect of the Amended Rule must fail. This is because, as discussed earlier in this opinion, the relevant inquiry is not whether Appellants can show that the challenged regulations “could be applied unlawfully,” but instead whether Appellants have shown that there is “no set of circumstances” in which this portion of the Amended Rule could be valid. *Ass’n of Priv. Sector Colls. & Univs. v. Duncan*, 681 F.3d 427, 442 (D.C. Cir. 2012) (internal quotation marks and citation omitted); *Sw. Pub. Serv. Co.*, 2024-NMSC-012, ¶ 33 (internal quotation marks and citation omitted). A proper determination of that issue must await “an as-applied challenge in which specific

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► From the New Mexico Supreme Court

facts would be relevant.” *Sw. Pub. Serv. Co.*, 2024-NMSC-012, ¶ 33 (internal quotation marks and citation omitted). As the Tenth Circuit Court of Appeals succinctly stated in similar circumstances, Appellants’ position is “necessarily speculative until the [Amended R]ule is actually applied.” *Pub. Lands Council v. Babbitt*, 167 F.3d 1287, 1302 (10th Cir. 1999). {31} Nor, as we discuss next, do Appellants articulate a cognizable constitutional claim in attempting to cast their challenge to the Amended Rule in terms of a deprivation of procedural due process rights. B. **Appellants’ Constitutional Due Process Concerns** {32} As an apparent fallback position, Appellants also raise a facial challenge to the Amended Rule on procedural due process grounds. Appellants question the constitutionality of various aspects of the Amended Rule, including the breadth and scope of the facilitated stakeholder process described in 17.7.3.9 NMAC and the newly created RFP advisory role of an independent monitor. See 17.7.3.14 NMAC. But Appellants’ due process contentions suffer from a fundamental threshold defect that stands in the way of this Court’s review of the issue: the absence of a colorable showing that Appellants possess a protected property interest in the outcome of a preliminary, non-adjudicative IRP agency decision. {33} This conclusion is consistent with, if not dictated by, a long line of cases decided by the United States Supreme Court and federal circuit courts. See, e.g., *Hannah v. Larche*, 363 U.S. 420, 442 (1960) (“[W]hen governmental action does not partake of an adjudication, as for example, when a general fact-finding investigation is being conducted, it is not necessary that the full panoply of judicial procedures be used.”); *S.E.C. v. Jerry T. O’Brien, Inc.*, 467 U.S. 735, 742 (1984) (“The Due Process Clause is not implicated under such circumstances

because an administrative investigation adjudicates no legal rights.”); *Georator Corp. v. EEOC*, 592 F.2d 765, 768-69 (4th Cir. 1979) (observing that when a “preliminary [agency] determination is without legal effect in and of itself, due process will be satisfied [only] if there is an opportunity to be heard before any final order of the agency becomes effective”); *Robbins v. U.S. Bureau of Land Mgmt.*, 438 F.3d 1074, 1086 (10th Cir. 2006) (concluding that a party’s negotiated “right” . . . not to follow through with . . . pending administrative appeals is . . . not the kind of right to which a property interest may attach, regardless of the expense that these proceedings may entail, and regardless of the consequences of a negative outcome”).⁵ {34} These same principles plainly cover the now intertwined planning and procurement inquiries that lie at the heart of the expanded IRP process laid out in the Amended Rule, a process that was carefully designed to culminate not in the Commission’s *approval* or *adjudication* of the merits of a utility’s submitted statement of need or action plan, but in mere Commission *acceptance* of those filings as technically compliant with agency requirements. As previously indicated, the all-important, outcome-determinative *adjudication* of the substance of those filings was purposefully made the subject of another day and another proceeding. {35} In urging that their due process rights are nonetheless implicated by the Amended Rule, Appellants devote only a single sentence in their brief in chief before this Court to advance their undeveloped assertion that they have a property interest in energy resources they acquire, and the transmission and distribution systems that are part of their grids. In service of that claim, Appellants cite only a single case authority, this Court’s opinion in *Uhden v. N.M. Oil Conservation Comm’n*, 1991-NMSC-089, ¶ 10, 112 N.M. 528, 817 P.2d

721, to support their putative proposition that “administrative proceedings affecting a property or liberty interest must comply with due process.” Critical here is the fact that, despite Appellants’ broad gloss, the Court majority in *Uhden* took pains to make clear that the appeal therein and the determination under review arose from “an adjudicatory and not a rulemaking proceeding.” *Id.* ¶ 7. As a result, *Uhden* does not aid Appellants’ litigation stance in the present rulemaking case. {36} In view of Appellants’ failure to establish the existence of a recognized property interest in the outcome of a non-adjudicative, IRP compliance decision on the Commission’s part, we end our analysis here without entertaining the merits of Appellants’ due process claims. See *Citizens for Fair Rates & the Env’t*, 2022-NMSC-010, ¶ 34; see also *James v. Cleveland Sch. Dist.*, 45 F.4th 860, 864, 867 (5th Cir. 2022) (stating that “[t]he first inquiry in every due process challenge . . . is whether the plaintiff has been deprived of a protected interest in property or liberty,” and that absent any such interest “there is nothing subject to Due Process protections and our inquiry ends” (internal quotation marks and citations omitted)). III. **CONCLUSION** {37} Appellants have failed to meet their burden to show that the Commission’s orders adopting the Amended Rule were unreasonable or unlawful or that the Commission violated their procedural due process rights. We therefore affirm the Commission’s orders. {38} **IT IS SO ORDERED.** DAVID K. THOMSON, Chief Justice WE CONCUR: MICHAEL E. VIGIL, Justice C. SHANNON BACON, Justice JULIE J. VARGAS, Justice BRIANA H. ZAMORA, Justice

<https://www.nmcompcomm.us>

⁵ There is no New Mexico case directly on point. But this Court has recognized the distinction between “an administrative action as regulatory when it furthers the public interest under the state’s police powers and adjudicatory when it is based on adjudicating a private right rather than implementing public policy,” in holding that “personal notice [to every affected party] was not required” in a rulemaking situation. See *Rayellen Res., Inc. v. N.M. Cultural Props. Rev. Comm.*, 2014-NMSC-006, ¶ 27, 319 P.3d 639 (citing *In re Timberon Water Co., Inc. v. N.M. Pub. Serv. Comm’n*, 1992-NMSC-047, ¶ 23, 114 N.M. 154, 836 P.2d 73).

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 5/7/2025

No. A-1-CA-40974

JOHN (JACK) WHITNEY,
Plaintiff-Appellant,
v.

**ANNIE POWELL a/k/a ANNA POWELL;
JAY POWELL; POWELL ORCHARD
ENTERPRISES, LLC d/b/a TAOS DINER;
POWELL ORCHARD ENTERPRISES, INC.
d/b/a TAOS DINER; TAOS DINER II; TAOS
DINER AND MARKET; FRED ROBBINS;
MELINDA SHANKS-ROBBINS; FARMERS
INSURANCE EXCHANGE; and TRAVELERS
CASUALTY INSURANCE COMPANY OF
AMERICA; WHITE CORPORATIONS 1-5;
BLACK PARTNERSHIPS 1-5; GRAY
LIMITED LIABILITY COMPANIES 1-5;
JANE DOES 1-5; and JOHN DOES 1-5,**
Defendants-Appellees.

**APPEAL FROM THE DISTRICT COURT
OF BERNALILLO COUNTY**

Lisa Chavez Ortega, District Court Judge

Grayson Law Office, LLC
Brian G. Grayson
Albuquerque, NM

Litty Law Group, P.C.
Joseph Lee Woods
Albuquerque, NM

Feliz Angelica Rael, Et al.
Albuquerque, NM

for Appellant

► Introduction of Opinion

Plaintiff John (Jack) Whitney appeals the district court’s order granting Defendants Annie Powell, Jay Powell, Powell Orchard Enterprises, LLC, Powell Orchard Enterprises, Inc., Taos Diner II, and Taos Diner and Market (collectively, Taos Diner) and Counterclaimant Farmers Insurance Exchange’s (Farmers) motion to enforce a settlement agreement. Plaintiff asserts that the district court improperly enforced a settlement agreement (the Agreement) between the wrongful death estate of Janet Lamkin (the Estate) and Taos Diner against him because he was not a party to the Agreement and thus the Agreement did not extinguish Plaintiff’s claims in tort against Taos Diner. We reverse and remand.

Shammara H. Henderson, Judge
WE CONCUR:
Megan P. Duffy, Judge
Katherine A. Wray, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-40974>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 5/12/2025

No. A-1-CA-41379

GARY A. SAUNDERS,
Plaintiff-Appellee,
v.

UNION PACIFIC RAILROAD COMPANY,
Defendants-Appellant.

**APPEAL FROM THE DISTRICT COURT
OF BERNALILLO COUNTY**
Nancy J. Franchini, District Court Judge

Mendez Isaac Joudi, PLLC
Joseph G. Isaac
Tiffany N. Joudi
El Paso, TX

L. Helen Bennett, PC
L. Helen Bennett
Albuquerque, NM

for Appellee

Hall & Evans, LLC
Cari Neill
Gina M. Rossi
Denver, CO

Haynes and Boone, LLP
Kent Rutter
Ryan Pitts
Houston, TX

for Appellant

► Introduction of Opinion

Defendant Union Pacific Railroad Company (Union Pacific) appeals a jury verdict awarding damages to Plaintiff Gary A. Saunders, a Union Pacific employee who was assaulted by coworker Eric Magoon while both were working at a jobsite near Deming, New Mexico. The Federal Employers’ Liability Act (FELA), 45 U.S.C. §§ 51-60, provides the exclusive remedy for the death or injury of a railroad employee caused by the negligence of the employer railroad. A railroad is liable under the FELA for injuries to its employee from the intentional tort of a coworker if the railroad was negligent under either a respondeat superior or a direct negligence theory. The jury found Union Pacific negligent, and awarded Plaintiff substantial damages for the injuries caused by Magoon’s assault. Union Pacific asks this Court to set aside the verdict, and order a new trial, contending that (1) there was insufficient evidence that Union Pacific was negligent; **View full PDF online.**

Jane B. Yohalem, Judge
We Concur:
Gerald E. Baca, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41379>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals

Filing Date: 5/12/2025

No. A-1-CA-41848

STATE OF NEW MEXICO

Plaintiff-Appellant,

v.

SERGIO NIETO LADINO,

Defendant-Appellee.

APPEAL FROM THE METROPOLITAN COURT
OF BERNALILLO COUNTY

Rosemary Cosegrove-Aguilar, Metropolitan Court
Judge

Raúl Torrez, Attorney General
Santa Fe, NM

Peter James O'Connor, Assistant Solicitor General
Albuquerque, NM

for Appellant

The Law Office of Scott M. Davidson, Ph.D, Esq.
Scott M. Davidson
Albuquerque, NM

for Appellee

► Introduction of Opinion

This appeal concerns the methods that a law enforcement officer must use to advise a person arrested for driving under the influence of intoxicating liquor or drugs (DWI) of the arrestee's statutory right under NMSA 1978, Section 66-8-109(B) (1993) of the Implied Consent Act (ICA). See NMSA 1978, §§ 66-8-105 to -112 (1978, as amended through 2019). Section 66-8-109(B) requires that an arrestee be advised of the opportunity to arrange for an independent chemical test (the ICA advisory). The present case involves Defendant Sergio Nieto Ladino, a Spanish speaker, who was stopped and arrested by an English-speaking officer. The Bernalillo County Metropolitan Court concluded that the ICA required the arresting officer to recite the ICA advisory to Defendant in Spanish. Based on this conclusion, the metropolitan court granted Defendant's motion to suppress evidence of his breath alcohol test results and dismissed the charges for DWI, contrary to NMSA 1978, Section 66-8-102(C) (1) (2016), and failure to maintain traffic lane, contrary to NMSA 1978, Section 66-7-317(A) (1978). On appeal, the State argues that the arresting officer substantially complied with the ICA by directing Defendant to read an ICA advisory poster that was printed in Spanish. **View full PDF online.**

Katherine A. Wray, Judge
We Concur:
J. Miles Hanisee, Judge
Gerald E. Baca, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41848>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals

Filing Date: 5/14/2025

No. A-1-CA-40747

STEPHANIE GARCIA RICHARD,
COMMISSIONER OF PUBLIC LANDS
OF THE STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

MARATHON PETROLEUM
CORPORATION,

Defendant-Appellee,
and

BC & D OPERATING, INC.; DOMINION
PRODUCTION COMPANY, LLC;
NACOGDOCHES OIL AND GAS, INC.;
NORDIC OIL USA 2, LLLP; DOE
CORPORATIONS 1-10; DOE LIMITED
LIABILITY COMPANIES 1-10; and DOE
PARTNERSHIPS 1-10,
Defendants.

APPEAL FROM THE DISTRICT COURT
OF SANTA FE COUNTY

Matthew J. Wilson, District Court Judge

New Mexico State Land Office
Ari Biernoff, General Counsel
Richard H. Moore, Associate Counsel
Santa Fe, NM

for Appellant

Modrall, Sperling, Roehl, Harris & Sisk, P.A.
Earl E. DeBrine, Jr.
Elizabeth A. Martinez
Deana M. Bennett
Jamie L. Allen
Albuquerque, NM

for Appellee

► Introduction of Opinion

The New Mexico Commissioner of Public Lands (the Commissioner) is entrusted with executing and issuing "leases for the exploration, development and production of oil and natural gas" on state trust lands. NMSA 1978, § 19-10-1 (1941). In exchange for the right to explore, develop, and produce oil or gas, lessees make royalty payments to the State of New Mexico (the State). NMSA 1978, §§ 19-10-4.1, -4.2, -4.3 (1985). With the Commissioner's approval, lessees may assign their lease to other oil and gas producers, who, in turn, may reassign the lease to additional producers. NMSA 1978, § 19-10-13 (1951). Upon the Commissioner's approval of a lease assignment, the assignor is "relieved from all obligations to the state with respect to the lands embraced in the assignment." *Id.*; see 19.2.100.43 NMAC. The term "obligations" is not defined by statute. {2} In this case, the current Commissioner seeks damages and other remedies for damage to leased land allegedly caused by Tesoro Petroleum Company (Tesoro) when it held leases to state trust lands—damage that allegedly occurred before the former Commissioner approved Tesoro's lease assignments. **View full PDF online.**

Richard C. Bosson, Justice,
Retired, Sitting By Designation
WE CONCUR:
Kristina Bogardus, Judge
Zachary A. Ives, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-40747>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 5/14/2025

No. A-1-CA-41197

ALTO COALITION FOR ENVIRONMENTAL
PRESERVATION,
Appellant,
v.
ROPER CONSTRUCTION, INC.,
Petitioner-Appellee
and
NEW MEXICO ENVIRONMENTAL IMPROVEMENT
BOARD,
Appellee,
and
NEW MEXICO ENVIRONMENT DEPARTMENT,
Intervenor-Appellee.

IN THE MATTER OF THE PETITION FOR
HEARING ON AIR QUALITY PERMIT NO. 9295.

APPEAL FROM THE ENVIRONMENT
IMPROVEMENT BOARD
Phoebe Suina, Board Chair

Hinkle Shanor LLP
Thomas M. Hnasko
Timothy B. Rode
David A. Lynn
Santa Fe, NM

for Appellant

Montgomery & Andrews, P.A.
Louis W. Rose
Kari E. Olson
Shelly L. Dalrymple
Daniel B. Goldberg,, Et al.
Santa Fe, NM

for Appellee Roper Construction, Inc.

► Introduction of Opinion

This is an appeal from the Environmental Improvement Board’s (EIB) final order reversing the Deputy Secretary of the New Mexico Environment Department’s (NMED) order denying Appellee Roper Construction, Inc.’s (Roper) Air Quality Construction Permit (Permit 9295) for construction and operation of a concrete batch plant. Appellant Alto Coalition for Environmental Preservation (Alto) contends that (1) the EIB’s final order was arbitrary and capricious, an abuse of discretion, not based upon substantial evidence, and otherwise not in accordance with law; (2) the EIB failed to address other errors in Roper’s emissions modeling, thereby preventing meaningful appellate review; (3) procedural irregularities during the EIB’s proceedings on both Permit 9295 and Alto’s stay request violated Alto’s procedural due process rights; and (4) the EIB erred in concluding that it lacked jurisdiction to consider whether the Roper permit application’s use of the AP-42 emissions factor for public paved roads reflected actual conditions at Roper’s concrete batch plant. **View full PDF online.**

Gerald E. Baca, Judge
WE CONCUR:
Shammara H. Henderson, Judge
Katherine A. Wray, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41197>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41471

Mark Johnson

v.

Pinos Altos Mutual Domestic
Water Consumers Association

Introduction of Opinion

After a bench trial, the district court ordered Defendant Pinos Altos Mutual Domestic Water Consumers Association to comply with the Open Meetings Act (OMA), NMSA 1978, §§ 10-15-1 to -4 (1974, as amended through 2013), but declined to invalidate any past action that Defendant took. It further found that in denying information that Plaintiff Mark Johnson sought under the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2023), Defendant acted unreasonably, but not in bad faith. The district court concluded that Plaintiff was entitled to the requested information as well as statutory damages. **View full PDF online.**

Zachary A. Ives, Judge
WE CONCUR:
Jacqueline R. Medina, Chief Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41471>

No. A-1-CA-41064

State of New Mexico

v.

Patricio A. Griego

Introduction of Opinion

Defendant appeals his conviction for second degree murder, contrary to NMSA 1978, Section 30-2-1(B) (1994). On appeal, Defendant argues: (1) the district court erred in permitting the pretrial deposition of his ninety-seven-year-old mother (Witness) under Rule 5-503(B) NMRA; (2) the district court erred in admitting Witness’s pretrial deposition at trial because the district court did not review it before trial, and it failed to comply with the district court’s order and Rule 5-503(B); and finally (3) the Confrontation Clause and hearsay rules entitle him to a new trial. We affirm.

Kristina Bogardus, Judge
WE CONCUR:
J. Miles Hanisee, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41064>

No. A-1-CA-41699

Todd M. Lopez

v.

Wesley Baker

Introduction of Opinion

Defendants Mewbourne Oil Company (MOC) and Wesley Baker appeal from the district court’s order denying their motion to compel arbitration. On appeal, Defendants argue: (1) the district court erred by failing to enforce the Mutual Arbitration Agreement’s (MAA) delegation clause; and (2) the district court’s conclusion that the MAA is unconscionable rests on an erroneous foundation that it is per se unconscionable to allow a third-party beneficiary to enforce an arbitration agreement. We reverse.

Kristina Bogardus, Judge
I CONCUR:
Gerald E. Baca, Judge
Jane B. Yohalem, Judge
(dissenting)

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41699>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41540
State of New Mexico
v.
Robert Garcia

Introduction of Opinion

The State appeals the metropolitan court's decision to suppress the testimony of one of the investigating officers who arrested Defendant Nathan Garcia for driving while intoxicated after he allegedly attempted to avoid a sobriety checkpoint. The State argues that Defendant's motion to suppress challenged only the sobriety checkpoint's constitutionality, but, on the day of trial, Defendant impermissibly raised an altogether new argument against the reasonableness of the vehicle stop. We conclude the State waived this argument and affirm.

J. Miles Hanisee, Judge
WE CONCUR:
Kristina Bogardus, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41540>

No. A-1-CA-41156
State of New Mexico
v.
Rafael Arias

Introduction of Opinion

Defendant Rafael Arias was convicted by a jury of the following sex crimes perpetrated against his daughter (Child): two counts of first-degree criminal sexual penetration of a minor, contrary to NMSA 1978, Section 30-9-11(D)(1) (2009); two counts of second-degree criminal sexual contact of a minor, contrary to NMSA 1978, Section 30-9-13(B)(1) (2003); and two counts of third-degree criminal sexual contact of a minor, contrary to Section 30-9-13(C)(1). Defendant appeals his convictions, advancing three primary arguments. First, Defendant asserts that the district court erred in denying his motion for a new trial, filed after Child recanted her trial testimony at his sentencing hearing. **View full PDF online.**

J. Miles Hanisee, Judge
I CONCUR:
Kristina Bogardus, Judge
Megan P. Duffy, Judge (specially concurring)

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41156>

No. A-1-CA-41572
State of New Mexico
v.
Samuel Sanchez

Introduction of Opinion

Defendant Samuel Sanchez appeals the district court's order revoking his probation and committing him to the Department of Corrections for the remaining balance of his original sentence. Defendant argues that the order violates his substantive due process rights because the district court relied on (1) allegedly inaccurate or misleading statements made by the State and (2) hearsay from a nontestifying witness. We affirm.

J. Miles Hanisee, Judge
WE CONCUR:
Jacqueline R. Medina, Chief Judge
Kristina Bogardus, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41572>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41228
State of New Mexico
v.
Candice North

Introduction of Opinion

The State appeals the district court's order granting Defendant Candice North's motion to suppress all evidence collected following a traffic stop and narcotics investigation. The State contends the district court did not consider all facts presented when it ruled that the officer lacked reasonable suspicion to initiate the stop. For the reasons set forth below, we reverse.

Jacqueline R. Medina, Chief Judge
WE CONCUR:
Zachary A. Ives, Judge
Shammara H. Henderson, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41228>

No. A-1-CA-41267
State of New Mexico
v.
Emmanuel Louie Romero

Introduction of Opinion

Defendant was tried for residential burglary and convicted by a jury. See NMSA 1978, § 30-16-3(A) (1971). In reaching their verdict, the jury was specifically asked whether the structure Defendant entered was a dwelling and found that it was. On appeal, Defendant's sole contention is that the structure was, as a matter of law, not a dwelling—a distinction that distinguishes third-degree residential burglary from fourth-degree simple burglary. Compare § 30-16-3(A), with § 30-16-3(B). Accordingly, he asks this Court to vacate his conviction for residential burglary and remand the matter to the district court with instructions to enter a judgment of simple burglary. We affirm.

Megan P. Duffy, Judge
WE CONCUR:
Shammara H. Henderson, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41267>

No. A-1-CA-41354
State of New Mexico
v.
Phillip Garcia

Introduction of Opinion

Defendant was convicted by a jury for larceny, contrary to NMSA 1978, Section 30-16-1 (2006), impersonating a peace officer, contrary to NMSA 1978, Section 30-27-2.1 (1999), and resisting, evading or obstructing a peace officer, contrary to NMSA 1978, Section 30-22-1(B) (1981), after stealing two car batteries from an AutoZone in Albuquerque, New Mexico. Defendant appeals, arguing that he State failed to present sufficient evidence to support his convictions for impersonating a peace officer and resisting, evading or obstructing a peace officer. We affirm.

Megan P. Duffy, Judge
WE CONCUR:
Jacqueline R. Medina, Chief Judge
Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41354>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41306
State of New Mexico

v.

Seth Anthony Kellum, Jr.

Introduction of Opinion

Defendant Seth Anthony Kellum, Jr. appeals his convictions of trafficking a controlled substance by possession with intent to distribute, contrary to NMSA 1978, Section 30-31-20(A)(3) (2006), and possession of a controlled substance, contrary to NMSA 1978, Section 30-31-23(A) (2021). On appeal, Defendant advances three arguments: (1) the trial testimony of a forensic scientist who did not personally test the substances at issue violated Defendant's state and federal rights to confront witnesses against him, see U.S. Const. amend. VI; N.M. Const., art. II, § 14; (2) the admission of evidence not related to any charge constituted plain error; and (3) a sentence enhancement he received violated Defendant's due process rights. We affirm.

J. Miles Hanisee, Judge
WE CONCUR:
Megan P. Duffy, Judge
Shammara H. Henderson, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41306>

No. A-1-CA-40572
State of New Mexico

v.

Kayla Marie Soloman

Introduction of Opinion

Defendant Kayla Soloman appeals her felony conviction for tampering with evidence, contrary to NMSA 1978, Section 30-22-5(B) (2) (2003). On appeal, Defendant argues that the district court erred by (1) denying her request for a jury instruction on attempt as a lesser included offense of tampering with evidence; and (2) denying her request for sanctions against the State pursuant to State v. Chouinard, 1981-NMSC-096, 96 N.M. 658, 634 P.2d 680. For the reasons that follow, we conclude that Defendant was entitled to have the jury instructed on attempted tampering as a lesser included offense and reverse and remand her conviction for tampering with evidence. We address Defendant's remaining argument to the extent necessary to avoid error upon retrial.

Shammara H. Henderson, Judge
WE CONCUR:
J. Miles Hanisee, Judge
Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40572>

No. A-1-CA-40787
State of New Mexico

v.

Macario Arroyos

Introduction of Opinion

Defendant Macario Arroyos was charged with first-degree murder, see NMSA 1978, § 30-2-1(A) (1994), and two counts of battery upon a peace officer, see NMSA 1978, § 30-22-24 (1971). The jury acquitted Defendant of first-degree murder, but found him guilty of the lesser included offense of second-degree murder, see § 30-2-1(B), as well as of both counts of battery on a peace officer. Defendant argues that (1) the district court's failure to sever the first-degree murder charge from the two battery upon a peace officer charges and try them separately constituted fundamental error and requires reversal; (2) the district court erred in admitting the videotaped police interview of a witness who testified at trial; **View full PDF online.**

Jane B. Yohalem, Judge
WE CONCUR:
Zachary A. Ives, Judge
Shammara H. Henderson, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40787>



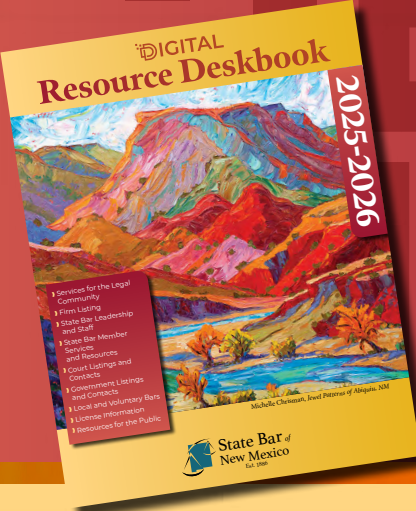
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Bankruptcy Law	Monthly / Second Tuesday	Noon (MT) / Bankruptcy Court & Virtual
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Cannabis Law	Monthly / Second Friday	9 a.m. (MT) / Virtual
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Tax Law	Monday / Second Tuesday	9 a.m. (MT) / Virtual

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invitation to become a
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Julia McFall has litigated complex commercial, tort and business disputes throughout New Mexico, Arizona, Texas, and Oklahoma. She has experience representing individuals and businesses in a wide variety of matters, including personal injury and wrongful death, toxic torts, flood damages, premises liability, business and real estate disputes, employment retaliation claims, and specialized litigation under the Federal Employers' Liability Act and whistleblower claims under the Federal Railroad Safety Act. With the complex disputes the Firm faces, Julia handles all phases of litigation and has been involved with numerous multi-million dollar controversies. She has successfully resolved numerous matters through summary disposition, alternative dispute resolution including mediation, and at trial.

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ATKINSON, BAKER & RODRIGUEZ
is delighted to announce that **Max Jones** has joined the firm as
a partner.


Max Jones has litigated complex commercial and tort disputes throughout New Mexico and Texas. He has experience representing individuals, hospitals, businesses, and insurance companies in a wide variety of matters, including personal injury and wrongful death, medical malpractice, premises liability, business disputes, workers' compensation, employment discrimination and retaliation claims, and claims brought under the New Mexico Whistleblower Protection Act. Max handles all phases of litigation and has been involved with numerous multi-million-dollar controversies. Max has successfully resolved numerous matters through summary judgment and at trial.

Max represented various medical providers, insurance companies, hospitals, and state agencies in his 12 years of practice at a large defense firm before joining Atkinson, Baker, & Rodriguez.

Max is originally from Brighton, England. He came to the United States to play Division I tennis for the University of New Mexico. After graduating UNM, Max played tennis professionally before deciding to pursue his legal career.

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ALEXANDER FLORES

SENIOR COUNSEL



Alexander Flores is a Marine veteran and former federal prosecutor with experience handling nearly 200 felony cases and nearly 20 jury trials. He now fights for victims in mass torts, wildfire litigation, catastrophic injury, and FTCA claims, bringing proven courtroom skill and an unwavering commitment to justice.



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Modrall Sperling, one of New Mexico’s largest law firms, is searching for Associate attorneys to join our general civil litigation practice. The ideal candidates should have a minimum of 2 to 3 years of civil litigation experience with excellent research, writing, and verbal advocacy skills. Qualified applicants must have experience working on large cases, including conducting legal research, drafting briefs, taking and defending depositions, arguing in court is preferred. Strong academic credentials required. Candidates must be admitted, or eligible for admission to the New Mexico Bar. As one of New Mexico’s largest firms, we are able to offer associate attorneys high quality, challenging work and outstanding career opportunities. Please send a letter of interest and resume to attyapplicants@modrall.com. All inquiries will be kept confidential.

Domestic Relations Hearing Officer

The Eleventh Judicial District & Magistrate Courts has an immediate career opportunity for a full-time, At-Will Domestic Relations Hearing Officer. The successful candidate will be assigned case-loads to include domestic relations, domestic violence, and child support matters consistent with Rule 1-053.2. Qualifications: Juris Doctorate from an accredited law school, New Mexico licensed attorney in good standing. Minimum of (5) five years of experience in the practice of law, with at least 20% of practice having been in family law or domestic relations matters. Salary for this position will be based on the New Mexico Judicial Branch Salary Schedule, with a target pay rate of \$77,838 per hour or \$161,903.04 annually. Wages are set by the Supreme Court and are non-negotiable. For a full job description and to download the required forms or application, please visit the Judicial Branch Career page at https://www.nmcourts.gov/careers.aspx. Resumes, along with the required Resume Supplemental Form or Application and supporting documentation, may be emailed to 11thjdchr@nmcourts.gov, faxed to 505-334-7762, or mailed to Human Resources at 103 S. Oliver Drive, Aztec, NM 87410. This position is open until filled.

Attorney

Collins & Collins, P.C. seeks an attorney with at least 3 years of experience in complex civil litigation. Must have exceptional legal research and writing skills. Primary duties include drafting motions, briefs, legal memos and mediation statements in high-stakes civil rights and tort cases—all geared toward trial. Additional responsibilities include discovery review, deposition preparation and trial support. Requirements: NM license (or immediate eligibility); Strong writing under pressure and tight deadlines; Experience in complex litigation and trial preparation; Strong work ethic, fast learner and ability to work independently. Send résumé, writing sample and brief cover letter to info@collinsattorneys.com.

Executive Vice President and General Counsel

The New Mexico Association of REALTORS® has an opening for the position of Executive Vice President and General Counsel. Candidates should have four (or more) years as a practicing attorney in a law firm, or as in-house counsel. This position is responsible for advising on legal issues and strategies and ensuring NMAR’s compliance with all applicable laws and regulations, including the development, implementation and management of NMAR’s legal and risk management programs; providing critical support to the Government Affairs team in areas of public policy and regulatory affairs; and managing the NMAR Legal Hotline, providing advice as needed to members of the association. Candidates should have strong communication skills, both oral and written, and have experience in conducting effective public presentations and public speaking and be available to testify at the State Legislature. Preference will be given for education and/or experience in the real estate industry. This is a full-time, in-office position at our Santa Fe headquarters. Salary range is \$175k-\$200K, annually, and benefits include major medical, dental, and vision; 401K with a 5% company match; 15 paid holidays annually; generous vacation and sick leave; and other executive level benefits. If interested, please apply in confidence to rob@nmrealtor.com. Applications will be accepted until June 18th.

Full-Time Associate Attorney

Whitener Law Firm, P.A. is seeking a full-time associate attorney to assist with briefing, to attend hearings, depositions, and mediations as well as managing a caseload of personal injury cases. Candidates must be highly motivated, client oriented and enjoy working in a fast-paced environment. Candidates must be licensed to practice in the state of New Mexico. Must have at least five years of experience. Salary competitive and commensurate to experience and qualifications. Please send resume to Leanne Duree, Whitener Law Firm, P.A., 4110 Cutler Avenue, N.E., Albuquerque, NM 87110, fax to 505-242-3322 or e-mail to leanne@whitenerlawfirm.com.

New Mexico Center on Law and Poverty - Legal Director

The New Mexico Center on Law and Poverty seeks a full-time Legal Director. The Legal Director is central to guiding a creative and holistic legal strategy at NMCLP that advances social and economic justice, by providing impact litigation and legal advocacy to protect rights, address systemic injustice and promote community priorities and voices. The position fosters collaboration among attorneys and policy advocates and ensures adequate planning and resourcing of legal casework, while maintaining high standards for quality legal work. The Legal Director provides supervision and support to attorneys and paralegal staff, fostering a healthy, inclusive and collaborative workplace. This position is a key member of NMCLP’s core leadership team. Required: 8+ years experience and a strong commitment to economic and racial justice. Salary range is \$105,000-\$130,000, dependent on experience. See the full description at: www.nmpovertylaw.org/careers-and-internships. Apply in confidence by emailing your resume and a cover letter describing what interests you about NMCLP’s mission to contact@nmpovertylaw.org

Contracts Administrator

Presbyterian Healthcare Services is seeking an experienced, self-directed detail-oriented Contracts Administrator to join the Legal Services Contract Team. The Contracts Administrator will work in a collaborative environment that values creative thinking, problem solving, consistency, intellectual curiosity, and a growth mindset. The Contracts Administrator will manage and draft several dozen complex contracts per month. The ideal candidate will be comfortable working in a fast-paced environment, managing multiple complex projects (often with short deadlines), negotiating and drafting complex contracts, work well independently and as part of a team, and bring passion and creativity to the workplace. This position works with a variety of agreement types including but not limited to: Non-Disclosure Agreements, Master Services Agreements, Professional Services Agreements, Purchasing Agreements, and Educational Affiliation Agreements. For more information and to apply: Contracts Administrator in Albuquerque, New Mexico | Careers at Rev Hugh Cooper Admin Center (icims.com)

Attorney

Presbyterian Healthcare Services is seeking a highly motivated and experienced individual to join our legal team as a Staff Attorney to provide in-house counsel advice and services to PHS and its affiliates. The successful candidate will be responsible for assisting in a variety of assigned legal projects related to litigated, regulatory and matters related to the daily operations of our integrated health care system; performing a variety of consultative or advisory work; gathering evidence and information for management decision making; preparing, reviewing and negotiating legal documents and agreements; reviewing and responding to third-party and governmental/administrative subpoenas; advising on medical staff and peer review issues; providing in the moment support for questions from direct care givers and preparing and reviewing policies and procedures related to patient care, regulatory requirements and our workforce. We are looking for a skilled attorney with an interest in healthcare laws and regulations and excellent communication and negotiation skills. If you are a dedicated legal professional seeking a rewarding and challenging career in the healthcare industry, we would love to hear from you. For more information and to apply: Staff Attorney in Albuquerque, New Mexico | Careers at Rev Hugh Cooper Admin Center

Tired of Commuting over the River?

Sanchez & Pinon, Rio Rancho’s Injury Attorneys are growing again! Hiring a full time paralegal/legal assistant with litigation and pre-litigation experience to join our team. We are looking for a candidate that takes satisfaction in helping others, enjoys their workplace and co-workers, and contributes to a cohesive and enjoyable work atmosphere. We work hard but also enjoy the work we do. Must have organizational and multi-tasking skills, great communication skills, experience in legal writing and a desire to help others. Competitive salary, employee health insurance, vacation and sick leave, a generous holiday leave schedule, and 401(k). Please submit resume and letter of interest to asanchez@sanchezandpinon.com.

**Managing Attorney (FT – At-Will)
#00054444**

Civil Division

The Second Judicial District Court, Civil Court is accepting applications for an At-Will Managing Attorney. Qualifications: Must be a graduate of a law school meeting the standards of accreditation of the American Bar Association; possess and maintain a license to practice law in the State of New Mexico and eight (8) years of experience in the practice of civil law, of which four years must have been as a supervisor. The Managing Attorney will be responsible for overseeing the operations and administration of the Civil Division. Responsibilities include, but are not limited to, overseeing information provided to the Presiding Judge on behalf of the Civil Division; implement and oversee substantive procedural matters and judicial operations at the direction of the Presiding Judge; legal research and analysis; prepares reports, memoranda and orders; legislative analysis; analyze reports and data and interpret trends or patterns; serve as a subject matter expert; supervise four or more staff; and work with ten judicial officers, court personnel, the Administrative Office of the Courts, and the Supreme Court. Target Pay: \$63.182 hourly or \$131,418.56 annually, plus benefits. Send application or resume supplemental form, proof of education, and a writing sample to the Second Judicial District Court, Human Resource Office, to 2ndjobapply@nmcourts.gov or mail to P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM, 87102. Application and resume supplemental form may be obtained on the Judicial Branch web page at www.nmcourts.gov. CLOSES: Friday, June 20, 2025, at 5:00 p.m.

Associate Attorney

RILEY | KELLER | ALDERETE | GONZALES, an AV-rated Albuquerque civil defense firm formed in 1982, seeks an associate attorney trial position. We seek a person with civil experience, including communication and writing skills. The position is full-time with the prospect of a virtual work setting and flexible schedule. We offer an excellent salary, benefits and pension package. Please submit a resume, references and writing samples to our Office Manager by fax, (505) 883-4362 or mvelasquez@rileynmlaw.com.

**Trial Attorney or
Senior Trial Attorney**

Trial Attorney or Senior Trial Attorney wanted for immediate employment with the Seventh Judicial District Attorney's Office, which includes Catron, Sierra, Socorro and Torrance counties. Employment will be based primarily in Socorro County (Socorro, NM). Socorro is approximately a one hour commute from Albuquerque. Must be admitted to the New Mexico State Bar. Salary range will be \$77,133 - \$100,000 and commensurate with experience and budget availability. Will also have full benefits and one of the best retirement plans (PERA) in the country. Send resume to: Seventh District Attorney's Office, Attention: J.B. Mauldin, P.O. Box 1099, 302 Park Street, Socorro, New Mexico 87801. Or email to: jbmauldin@da.state.nm.us.

Attorney – Civil Litigation

Join Sutin, Thayer & Browne where you can grow your legal practice and thrive while having flexibility and support! We have been New Mexico's trusted choice for legal services for over 75 years and we're seeking to energize the traditional big law firm model. You'll be part of a supportive team where excellence meets a vibrant workplace culture. Our teams handle everything from business transactions to litigation with a unique, client-focused approach and a collaborative spirit that sets us apart. Here's what we offer: competitive compensation structure, flexible remote work, and opportunities for growth and mentorship. We have a fantastic benefits package including medical, dental, and vision insurance, 401(k) matching, profit sharing, and employer-paid life and long-term disability insurance. Join us and dive into diverse areas of law while looking forward to one day leading a team. Ready to grow with us? Let's make it happen! We are looking to hire a full-time Attorney with at least 4-5 years of relevant experience to join our Litigation practice. A book of business is NOT required. Interest in commercial and governmental law is a plus. To apply, please send please send a letter of interest, résumé, and writing sample to both: Eduardo Duffy, Recruiting Chair, at EAD@sutinfirm.com and Danielle Smith, HR Manager, at DSS@sutinfirm.com

**Part-Time Job Opportunity:
Subcontracted Attorney –
Civil Legal Services in Pueblo
Communities**

The Southwest Women's Law Center seeks a part-time/temporary attorney or a subcontracted attorney to provide legal representation and/or advice to Native people experiencing domestic violence in Pueblo Courts. This short-term contract runs from August to mid-November 2025. This is for about 10-15 hours of work per week. Compensation: TBD; based on experience. Starting at \$40/hour for a part-time/temporary attorney. Prefer 3–4 years' experience but will consider 1+ year with strong courtroom experience. We are open to a subcontracted attorney, we can discuss this. Requirements: NM law license required; We can assist with applications to practice in the relevant Pueblo Courts; Experience with Native communities, DV issues, and trauma-informed practice preferred. To apply, contact Terrelene Massey at Tmassey@swwomenslaw.org. Visit <https://bit.ly/45kEVbP> for more details.

**We're Hiring: Estate Planning /
Probate / Family Law Attorney**

Albuquerque, NM | Full-time | \$85K–\$147K (based on experience). New Mexico Financial and Family Law is a forward-thinking, growth-driven law firm focused on Estate Planning, Probate, and Family Law—and we're looking for a motivated, collaborative attorney ready to be part of something unique. Why This Role Stands Out: Play a key role in shaping firm culture and processes; Competitive pay with work-life balance; Deliver top-tier service in a supportive environment; Be part of a mission-driven, high-energy team. What We Offer: Private office with a view; 401(k) + matching; Medical, dental, vision & disability insurance; Paid parking; PTO; Performance-based bonuses; Positive, professional atmosphere—no drama, no burnout. What We're Looking For: 3+ years of legal experience (trial experience a plus); Excellent communication and client-relations skills; NM bar license; Able to reliably commute to our Albuquerque office; A builder mindset—ready to contribute to a thriving practice Sound like a fit? Send us your resume, a quick intro, or whatever you think best shows us who you are. All inquiries are 100% confidential. We'd love to connect.

Litigation Attorney

Busy Plaintiff's civil litigation firm located near the Journal Center is accepting resumes for an associate attorney with 5 (or more) years of practical experience. Candidates should possess strong oration skills, be proficient in conducting and defending depositions, have critical research and writing abilities and be familiar with motion practice. Practice areas include civil litigation/personal injury and general tort issues. Litigation experience preferred, but will not bar consideration. Salary commensurate with experience. Please forward a letter of interest along with a Resume and writing sample to: paralegal3.bleuslaw@gmail.com.

**Entry Level and
Experienced Attorneys**

The Thirteenth Judicial District Attorney's Office is seeking both entry level and experienced attorneys. Positions available in Sandoval County which is in Bernalillo, Valencia in Belen and Cibola in Grants. Enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, providing the opportunity to advance more quickly than is afforded in larger offices. The 13th Judicial District offers flex schedules in a family friendly environment. Competitive salary starting @ 83,000+ depending on experience. Contact Krissy Fajardo @ kfajardo@da.state.nm.us or visit our website for an application @<https://www.13th.nmdas.com/> Apply as soon as possible. These positions fill fast!

**Contract Attorneys
NM Office of Guardianship**

The NM Office of Guardianship seeks contract attorneys to serve as Petitioning Attorney and Guardian ad Litem in probate guardianship cases throughout New Mexico. OOG provides legal services to income-eligible adults with disabilities in New Mexico who need decision-making sup-port. Contract attorneys are assigned on a case-by-case basis and play a critical role in protecting the civil rights of vulnerable individuals. Training and mentoring provided. Interested attorneys, please submit a letter of interest, resume, and three professional references to Joe. Turk@ddc.nm.gov.

Litigation Attorney

Priest & Miller LLP is seeking an experienced litigation attorney to join our team. Priest & Miller is a dynamic defense firm that handles complex cases involving claims of medical negligence, wrongful death, catastrophic injury, long-term care, and oil and gas accidents. We are seeking attorneys with 3+ years of experience and who will thrive in a collaborative, flexible and fast paced environment. We offer highly competitive salaries and a generous benefits package. All inquiries will be kept confidential. Please email your resume to Resume@PriestMillerLaw.com.

**Request For Proposal/Job Posting
SJDC Assisted Outpatient Treatment
Program (AOT)**

The Second Judicial District Court (SJDC) is seeking proposals from mental health treatment providers to provide treatment services to participants in the SJDC's Assisted Outpatient Treatment (AOT) program. AOT is a civil court program that facilitates the delivery of community-based behavioral treatment to individuals with a serious mental illness who have a prior history of treatment non-adherence, which has resulted in multiple hospitalizations and/or incarcerations. The intent of AOT is to improve the quality of life for persons with a primary diagnosis of a mental health disorder, and possible secondary substance use disorder, by engaging clients in effective treatment to overcome the barriers that have led to their high utilization of crisis-based treatment services and unnecessary incarceration. Ideal candidates are established clinical providers with experience working with persons with serious mental illness. Learn more and submit your proposal at: <https://seconddistrict.nmcourts.gov/the-second-judicial-district-court-of-the-state-of-newmexico-request-for-proposals/>

Legal Secretary

AV rated insurance defense firm seeks full-time legal assistant. Position requires a team player with strong word processing and organizational skills. Proficiency with Word, knowledge of court systems and superior clerical skills are required. Should be skilled, attentive to detail and accurate. Excellent work environment, salary, private pension, and full benefits. Please submit resume to mvelasquez@rileynmlaw.com or mail to 3880 Osuna Rd. NE, Albuquerque, NM 87109

Paralegal/Legal Intern

Harrison & Hart, LLC is a busy, collegial, and highly collaborative law firm in Albuquerque, New Mexico that handles complex litigation, including federal and high-level state criminal defense, civil rights, class actions, constitutional and election-law cases, and commercial disputes. We are seeking a paralegal and/or legal intern with a minimum of two years of civil paralegal litigation experience or a bachelor's degree with a pre-law focus. The ideal candidate will be highly motivated, very detail oriented, and possess excellent skills in discovery review, case management, and calendaring procedures, as well as proficiency in Odyssey and CM/ECF filing. This position would be an excellent opportunity for a recent graduate considering law school, as we provide hands-on legal training and opportunities to complete substantive legal work. We offer an extremely competitive salary, excellent and fully funded health insurance plan, 401(K) and profit-sharing plan, paid designated holidays, PTO, and a generous bonus structure. We are also open to full- or part-time employees. Qualified applicants are encouraged to submit a cover letter and resume to elise@harrisonhartlaw.com.

Paralegal Position

Albuquerque based Plaintiffs' law firm seeks an experienced litigation paralegal for remote, part-time (20-25 hours/week) employment with a full-time position possible after 90-day probationary period. At least 3-5 years of prior paralegal litigation experience is required. Excellent organization and time-management skills required. Computer experience working with multiple software programs and strong writing ability required for busy Plaintiffs' litigation law-firm. Candidates must be able to draft pleadings, draft discovery requests and responses and be able to assist attorneys with analyzing and organizing discovery received from opposing parties. Legal research skills would be beneficial. Salary/hourly rate is dependent on candidate's experience. Please email resumes and a recent, redacted writing sample (pleadings, discovery documents or legal research memo) to psapien@sapienlaw.com and nstaeger@sapienlaw.com

Staff Accountant

The State Bar of New Mexico seeks qualified applicants to join our team as a full-time (40 hours/week) Staff Accountant. The successful incumbent will be responsible for performing general accounting functions, including bank reconciliations, accounts receivable, accounts payable, payroll, posting journal entries, and performing month-end closing procedures. This position will also assist in the annual financial audit process and is responsible for maintaining accounting records and responding to inquiries received by the accounting department. Salary: \$65,000-\$70,000/year, depending on experience and qualifications. Generous benefits package included. Qualified applicants should submit a cover letter and resume to HR@sbnm.org. Visit www.sbnm.org/SBNMjobs for full details and application instructions.

Paralegal Position

Macias-Mayo Law, P.C., a law firm serving clients throughout the State of New Mexico, seeks paralegals to join its growing firm. We specialize in family law matters including complex international cases, adoption and artificial reproductive technology; as well as mediation. We have a congenial office environment and expect all team members to work professionally and collaboratively together. All successful candidates must have strong organizational, writing and computer skills, knowledge of state and federal court rules and filing procedures, the ability to manage cases with large volumes of documents, and professional communication skills. The paralegal position requires experience with litigation matters, the ability to draft motions, pleadings and correspondence, organize and analyze discovery, interview clients and witnesses, and a general ability to assist clients during highly emotional circumstances. We offer competitive salaries and benefits dependent on qualifications and experience. Prospective team members should submit a resume, references, and cover letter to ninap@maciasmayolaw.com.

Full-Time Remote Legal Assistant/Paralegal

Motivated and organized legal assistant or paralegal needed for a growing family law firm. Must be able to work primarily from home, and reliable transportation to assist with court runs and occasional work at the main office. Phones, scheduling, correspondence, case and client management, and simple drafting. Pay DOE, includes PTO and bonus potential. Please email resumes to rebecca@mulcahylawnm.com.

Services

True North Resolution Mediation Services Amy Glasser, Esq.

Neutral, experienced mediator; Over 25 years of legal expertise representing plaintiffs and defendants; Reasonable rates; Mediation via Zoom; Online Scheduling available. Email: amy@truenorthresolution.com; www.truenorthresolution.com

Forensic Document Examiner

Jan Seaman Kelly, owner of Forensic Dynamics LLC, accepts civil and criminal cases. Forty-three years' experience as a Forensic Document Examiner. Certification by the American Board of Forensic Document Examiners since 1993. Testified in State, Federal, and Administrative Courts. Document examinations include signatures, handwriting, typewriting, indented writing, printing processes, mechanical impressions, rubber stamps, obliterated or altered text, and, restoration of shredded documents. Fully equipped forensic laboratory. Website: <https://www.forensicdynamics.org> Contact Jan Seaman Kelly at 702-682-0529 or forensicdynamicsllc@gmail.com

2025 Bar Bulletin

Publishing and Submission Schedule

The Bar Bulletin publishes twice a month on the second and fourth Wednesday. Advertising submission deadlines are also on Wednesdays, three weeks prior to publishing by 4 pm.

Advertising will be accepted for publication in the *Bar Bulletin* in accordance with standards and ad rates set by publisher and subject to the availability of space. No guarantees can be given as to advertising publication dates or placement although every effort will be made to comply with publication request. The publisher reserves the right to review and edit ads, to request that an ad be revised prior to publication or to reject any ad. **Cancellations must be received via email by 5 p.m. (MT) 13 business days prior to the issue publication date.**

**For more advertising information, contact:
651-288-3422 or email marketing@sbnm.org**

The publication schedule can be found at
www.sbnm.org.

Read the PRO BONO QUARTERLY NEWSLETTER!

The State Bar of New Mexico's **Pro Bono Quarterly Newsletter** is the New Mexico legal community's premier source for information on **pro bono work** and **access to justice** in New Mexico!

Newsletter Content Includes:

- Pro Bono News & Announcements
- Civil Legal Service Provider Information
- Volunteer Opportunities
- Articles & Features
- Access to Justice Resources

And much more!



Have an idea for a pro bono feature or an opportunity for pro bono work you would like to share? Email notices@sbnm.org to include your information or articles in a **Pro Bono Quarterly Newsletter**!

To view each newsletter, visit
<https://bit.ly/Pro-Bono-Newsletter>



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For more information, site visits and reservations,
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