

Official Publication of the State Bar of New Mexico

DIGITAL BAR BULLETIN

July 9, 2025 • Volume 64, No. 13



Accumulations V, Catherine Eaton Skinner (see page 4)

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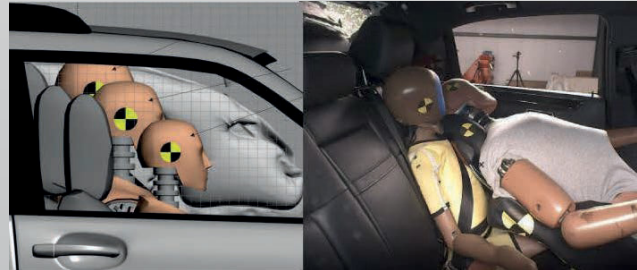
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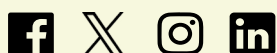
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www.sbnm.org



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About Cover Image and Artist: Catherine Eaton Skinner (Seattle/Santa Fe) illuminates the balance of opposites, reflecting mankind's attempts at connection. Exhibitions include Pie Projects, Branigan Cultural Center/Las Cruces Museum, Summerlin Library and Performing Arts Center, Enterprise Library Gallery, Six-city traveling exhibition throughout Missouri, International Art Museum of America, Wilding Museum, Cape Cod Museum, Yellowstone Art Museum and the High Desert Museum and 40+ solo and group exhibitions.

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 Candidate Announcement

The New Mexico Court of Appeals Judicial Nominating Commission convened at 10 a.m. (MT) on June 16 and June 17 to interview applicants at the State Bar Center located at 5121 Masthead St. NE, Albuquerque, N.M. 87109. The judicial vacancy occurred due to the resignation of the Hon. Kristina Bogardus, effective June 7. The Nominating Commission recommends the following applicants to Gov. Michelle Lujan Grisham: **Aletheia Vadin Pamela Allen, Leander Bergen, The Hon. Bradford James Dalley, Kristopher Nicolas Houghton, Matthew Eric Jackson, Sean Patrick McAfee, Olga Serafimova and Nicholas Mark Sydow.**

First Judicial District Court Notice of Mass Reassignment of Cases

Effective July 9, a mass reassignment of all active cases previously assigned to Judge Jason Lidy and Division VIII will occur pursuant to NMSC Rule 23-109, the Chief Judge Rule. The Honorable Anastasia

Professionalism Tip

With respect to the courts and other tribunals:

When hearings or depositions are cancelled, I will notify opposing counsel, necessary parties, and the court (or other tribunal) as early as possible.

R. Martin has been appointed to Division VIII of the First Judicial District and will maintain a General Jurisdiction docket. Parties who have not previously exercised their right to challenge or excuse will have ten (10) days from July 23 to challenge or excuse Judge Anastasia R. Martin pursuant to Rule 5-106 and Rule 1-088.1.

STATE BAR NEWS 2025 Annual Meeting Resolutions and Motions

Resolutions and motions will be heard at 1 p.m. (MT) on July 31 at the opening of the State Bar of New Mexico 2025 Annual Meeting, in-person at Sandia Resort & Casino. For consideration, resolutions or motions must be submitted in writing by July 25 to Executive Director Richard Spinello, PO Box 92860, Albuquerque, N.M. 87199 or emailed to Richard.spinello@sbnm.org.

Email Scam Targeting State Bar Associations and Legal Professionals

Attention State Bar of New Mexico licensees: There is currently an active phishing campaign that is targeting several bar associations as well as their licensees across the country. While we have not yet confirmed any direct targeting of the State Bar of New Mexico, we are proactively scanning for indicators and taking precautionary steps. Read more information about this scam by visiting <https://www.sbnm.org/News-Publications/Phone-and-Email-Scams>

Last Chance to Register for the State Bar of New Mexico 2025 Annual Meeting

Act fast! Registration to attend the State Bar of New Mexico 2025 Annual Meeting closes on July 23! You won't want to miss

this year's Annual Meeting at Sandia Resort & Casino from July 31 through Aug. 2, featuring keynote speaker Bryan Stevenson. There are multiple ways to attend, including both in-person and virtual options. Earn all 12 CLE credits for the year by attending all three days of the conference. Earn 5.5 CLE credits by attending Friday-only sessions either in person or virtually at a discounted price. CLE sessions have been approved for credit in both New Mexico and Texas. Book your hotel room by July 14 for the special discounted rate of only \$229 per night. Register to attend, book your hotel room and view the event agenda, sessions and speakers at www.sbnm.org/Annual-Meeting2025.

Board of Bar Commissioners Appointment to DNA – People's Legal Services, Inc. Board

The Board of Bar Commissioners will make one appointment to the DNA – People's Legal Services, Inc., Board for a four-year term. Active status attorneys in New Mexico who wish to serve on the board should send a letter of interest and brief resume by July 16 to bbc@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>.

Notices

New Mexico State Bar Foundation Pro Bono Opportunities

The New Mexico State Bar Foundation and its partner legal organizations gratefully welcome attorneys and paralegals to volunteer to provide pro bono service to underserved populations in New Mexico. For more information on how you can help New Mexican residents through legal service, please visit www.sbnm.org/probono.

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.



WRITE ARTICLES for the Bar Bulletin!

The *Bar Bulletin* isn't just a place for information; it's a hub for discourse and perspectives on timely and relevant legal topics and cases! From A.I. and technology to family law and pro bono representation, we welcome you to send in articles on a variety of issues pertaining to New Mexico's legal community and beyond!

By publishing your work in the Bar Bulletin, you will:

- Increase your law firm or organization's visibility
- Have your article read by over 8,000 State Bar of New Mexico members
- Get a FREE shoutout on social media for your published submissions
- Gain recognition by your colleagues and peers for your contributions to the State Bar of New Mexico's official publication

For information on submission guidelines and how to submit your articles, please visit www.sbnm.org/submitarticle.

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We look forward to your submissions!

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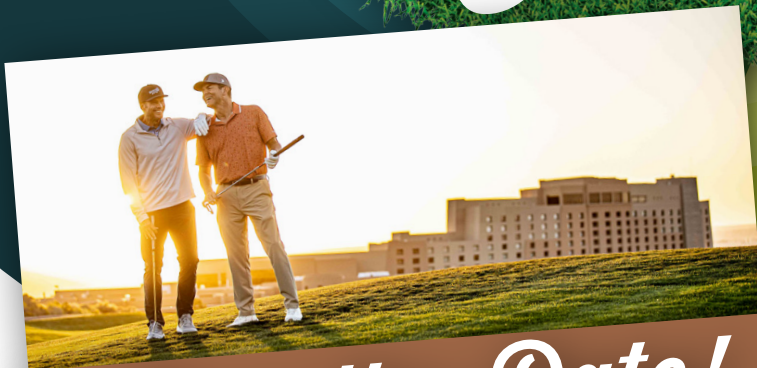
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► **More information and registration coming soon!**

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A Message from **State Bar of New Mexico President**

Aja N. Brooks

Greetings Friends and Colleagues,

It's hard to believe we are already halfway through 2025, a year marked by rewarding growth and significant milestones for the State Bar of New Mexico ("the State Bar"). As the 2025 President, I am continually humbled by this opportunity to collaborate with my peers on the Board of Bar Commissioners and the State Bar's leadership and staff. It is a great feeling to know that we are working together to fulfill our mission of serving the legal profession and the public across the entire state. For example, several members of the Board of Bar Commissioners and I attended a networking event hosted by the Southern New Mexico Bar Association in Las Cruces in March and the Board held its strategic planning meeting there in May.

We were delighted by the warm welcome we received, and our planning sessions were productive and thoughtful, resulting in a three-year plan that includes focusing on modernization of our systems, strategies to address challenges to the legal profession and creative ideas on promoting civics education and the importance of the rule of law.

Looking forward, we are just a few weeks away from the State Bar of New Mexico's 2025 Annual Meeting, which serves as an important opportunity for us to gather, celebrate and grow as legal professionals. To highlight the significance of this moment, I want to emphasize this year's Annual Meeting theme: "Together Towards Justice." This theme signifies that in this moment we must hold true to those ideals that make our profession one of the most noble and honorable of professions, and we must do it collectively. I hope you will join me at Annual Meeting, where we will make real the promise of our theme.

The 2025 Annual Meeting will occur from July 31 to Aug. 2 at the enchanting Sandia Resort & Casino, and it will feature diverse CLE programming and meaningful opportunities for connection. I would like to highlight this year's keynote speaker, Bryan Stevenson, a public interest lawyer known for his impactful work representing and helping incarcerated populations. His experience is inspiring, and I believe his message will galvanize us to continue serving our communities with renewed purpose. As a special treat, the State Bar will be screening the film adaptation of his memoir, "Just Mercy."

This year's plenaries and breakout CLEs will cover a series of relevant issues. Two of the Annual Meeting's plenaries will cover the legal field's evolving relationship with artificial intelligence. Other breakout sessions include Law, Justice and the Holocaust, the Rule of Law and the Housing Crisis in New Mexico. Beyond these crucial topics, we are pleased to welcome Chief Justice David K. Thomson, Senior Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice Julie J. Vargas and Justice Briana H. Zamora, who will present on challenges facing New Mexico's Judiciary. It is not everyday that you have the chance to hear all five Justices speak, and I am honored that they have chosen to do so at the Annual Meeting. The State Bar remains committed to its support of and collaboration with the judiciary, and I look forward to this timely discussion.

Many of the 2025 Annual Meeting's CLEs and plenaries will be led by professors from the University of New Mexico School of Law ("UNM School of Law"). As a graduate of the UNM School of Law, I am thrilled that we will have this rare opportunity to learn from their vast scholarship and legal acumen. To learn more about the 2025 Annual Meeting and register to attend, visit www.sbnm.org/AnnualMeeting2025.

The New Mexico legal community has faced multiple challenges during the year. While it is often easy to lose sight of the ideals that guide us in these moments, what brings me hope is these opportunities to connect with one another and stay universally committed to justice for all.

Together Towards Justice,

A handwritten signature in blue ink that reads "Aja Brooks". The signature is fluid and cursive, with the first name "Aja" and the last name "Brooks" clearly distinguishable.

Aja N. Brooks

STATE BAR OF NEW MEXICO 2025 Annual Meeting

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

Together
Towards
JUSTICE

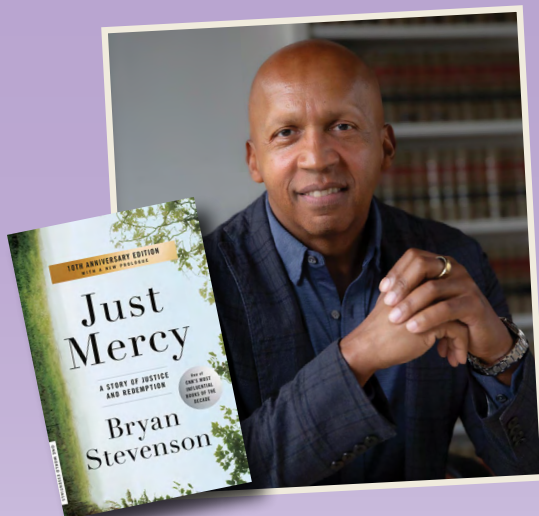
Registration is NOW OPEN!

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In-Person: \$475
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Featuring Keynote Speaker
Bryan Stevenson!

BRYAN STEVENSON is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated and the condemned. Bryan Stevenson is the founder and Executive Director of the Equal Justice Initiative and author of the New York Times bestseller, *Just Mercy*.

www.sbnm.org/AnnualMeeting2025



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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 Kastenberg, 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

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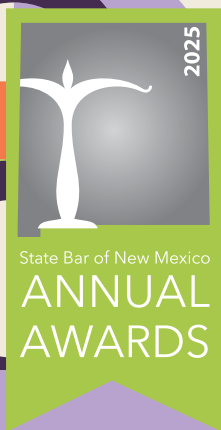
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Congratulations to the **2025 Annual Award** *Recipients*

The State Bar of New Mexico is pleased to announce the 2025 Annual Awards recipients. The Annual Awards recognize those who have distinguished themselves or who have made exemplary contributions to the State Bar or legal profession in the past year. The awards will be presented during the **State Bar of New Mexico 2025 Annual Meeting at Sandia Resort & Casino on Thursday, July 31, at 6 p.m. (MT).**

For a schedule of events for the Annual Meeting and registration information, please visit

www.sbnm.org/CLE-Events/Annual-Meeting-2025

WILLIAM “BILL” WORKMAN



Distinguished Bar Service Non-Lawyer Award

Recognizes non-lawyers who have provided valuable service and contributions to the legal profession over a significant period of time.

DAVID J. STOUT



Excellence in Well-Being Award

Many individuals have made significant contributions to the improvement of legal professional well-being to include destigmatizing mental health, strengthening resiliency and creating a synergic approach to work and life. This award was created to recognize an individual or organization that has made an outstanding positive contribution to the New Mexico legal community's well-being.

LEON HOWARD III



Judge Sarah M. Singleton Distinguished Service Award

Recognizes attorneys who have provided valuable service and contributions to the legal profession, the State Bar of New Mexico, and the public over a significant period of time.

JUDGE JOSHUA A. ALLISON and GERALD G. DIXON



Justice Pamela B. Minzner Professionalism Award

Recognizes attorneys and/or judges who, over long and distinguished legal careers, have by their ethical and personal conduct exemplified for their fellow attorneys the epitome of professionalism.

SONIA M. GIPSON RANKIN



Justice Pamela B. Minzner

Outstanding Women's Advocacy Award

Recognizes attorneys who have provided legal assistance to women who are unrepresented or underserved, or advocated for causes that will benefit and/or further the rights of women within the previous calendar year.



NM CHRISTIAN LEGAL AID, INC.



Outstanding Legal Organization Award

Recognizes outstanding or extraordinary law-related organizations or programs that serve the legal profession and the public.

EDUARDO RAMIREZ



Outstanding Young Lawyer of the Year Award

Awarded to attorneys who have, during the formative stages of their legal careers by their ethical and personal conduct, exemplified for their fellow attorneys the epitome of professionalism by demonstrating a commitment to clients' causes and to public service, enhancing the image of the legal profession.

EVANGELINA F. MERCADO



Robert H. LaFollette Pro Bono Award

Presented to an attorney who has made an exemplary contribution of time and effort, without compensation, to provide legal assistance over his or her career to people who could not afford the assistance of an attorney.

JUDGE STAN WHITAKER



Justice Seth D. Montgomery

Distinguished Judicial Service Award

Recognizes judges who have distinguished themselves through long and exemplary service on the bench and who have significantly advanced the administration of justice or improved the relations between the bench and the bar.

For more information visit: www.sbnm.org/AnnualAwards



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Legal Education Calendar

July

- | | | |
|---|---|--|
| <p>10 Advanced Topics in T Visas: Diving into Physical Presence on Account of Trafficking and Recent Trends
1.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-07102025-1</p> | <p>15 The Basics of QDROS (Qualified Domestic Relations Orders) and Orders Dividing Government Retirement
1.0 G
Web Cast (Live Credits)
Third Judicial District Court
thirddistrict.nmcourts.gov</p> | <p>18 Elimination of Bias – Combating Age Bias in the Legal Field
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-07182025-1</p> |
| <p>10 Appellate Writing Panel: An Experienced Perspective
1.0 G
Web Cast (Live Credits)
New Mexico Department of Justice
www.nmdoj.gov</p> | <p>15 Personal Injury Nuts and Bolts I: Intake and Pre-Litigation
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>18 Special Needs Trusts: Drafting for Vulnerable Clients
1.0 G
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-07182025-Tel</p> |
| <p>10 2025 Race in the Federal Criminal Court: Strategies in Pursuit Of Justice
13.0 G
Live Program
Administrative Office of the US Courts
www.uscourts.gov</p> | <p>15 Implicit Bias in Guardian ad Litem Work (LIVE REPLAY)
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-07152025-1</p> | <p>22 Mastering Health Insurance Liens: From Fundamentals to Expert Strategies
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> |
| <p>11 Law Firm Files in the Cloud: Understanding Ethical Risks
1.0 EP
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-07112025-Tel</p> | <p>17 Lincoln on Professionalism
1.3 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-07172025-1</p> | <p>22 Drafting Waivers of Conflicts of Interests
1.0 EP
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-07222025-Tel</p> |
| <p>11 Estate Planning for Blended Families
1.0 G
In-Person or Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-07112025-1</p> | <p>17 Thirtieth Annual National Federal Habeas Corpus Seminar
16.0 G, 1.0 EP
Live Program
Administrative Office of the US Courts
www.uscourts.gov</p> | <p>23 Killers of the Flower Moon: The Osage Murders and How Attorneys Can Combat Bias
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-07232025-1</p> |
| <p>15 2025 Fiduciary Litigation Update
1.0 G
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-07152025-Tel</p> | <p>18 Navigating the Court of Appeals
1.5 G
Live Program
State Bar of New Mexico Young Lawyers Division
www.sbnm.org</p> | <p>24 Personal Injury Nuts and Bolts II: Intake and Pre-Litigation
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 Leon Howard, 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 Leon Howard, Esq. Leon has been a practicing attorney for 16 years and is the Executive Director of the American Civil Liberties Union of New Mexico.

Q: What is your background?

A: I was raised in Albuquerque's International District. My initial exposure to the legal field came as a teenager when my high school basketball coach's wife helped me secure a job as a runner at a law firm, Freedman Boyd Daniels Hollander Goldberg & Cline (at the time).

Q: What made you want to become a lawyer?

A: While I had incredible mentors at Freedman Boyd, I noticed a lack of representation—few, if any, looked like me. This realization became even more pronounced during visits to Metro Court, where I saw many individuals from my neighborhood facing legal challenges without adequate representation. These experiences solidified my commitment to pursuing a career in law.

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

A: Perhaps recency bias, but one of the most impactful cases I've worked on is *Johnson v. The Board of Education for Albuquerque Public Schools*. This lawsuit addressed discrimination against Native American students and led to a significant shift in New Mexico law, recognizing public schools as public accommodations under the Human Rights Act. The case challenged the longstanding precedent that public schools weren't considered public accommodations under the New Mexico Human Rights Act. In January 2025, the New Mexico Supreme Court overturned this precedent, marking a significant shift in protecting students from discrimination.

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

A: The current moment feels like the biggest challenge I've faced in my legal career.

From a personal standpoint, I've spent much of my career working to diversify the legal field, not just who enters, but who thrives and leads. Seeing those efforts under attack is disheartening. As lawyers, we swore to uphold the Constitution and equal protection, yet it's become politically convenient to oppose the very principles that make our profession worthy of trust.



From an organizational standpoint, the work hasn't gotten any lighter. We're in a moment where the volume and intensity of threats feel unrelenting. I never thought I'd say the words, "I'm helping our team file a TRO to prevent the transport of our clients to Guantánamo," and yet that's where I was, reviewing a brief on this issue during the Super Bowl earlier this year. We've watched international students in New Mexico stripped of their visas without process or notice. But even in all of this, I feel lucky to be in the fight and I hope I'm doing my part to help our organization rise to meet the moment.

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

A: Leading the ACLU of New Mexico means I get to be part of defining what fairness look like for communities that have too often been left out or left behind.

Also, I get to work alongside a brilliant, dedicated team that shows up every day with a deep sense of purpose. I've also been incredibly fortunate to have mentors and colleagues who have had my back throughout my career, people I can call at any hour and who never hesitate to offer wisdom, encouragement or just a reality check. That kind of support isn't common, and I don't take it for granted.

And I'd be remiss not to shout out our Legal Director, Maria Martinez Sanchez who has worked for our organization for over 10 years and has become one of my best friends. She brings such clarity, conviction and courage to her leadership of our legal department. Working with Maria is both grounding and energizing, she's someone who pushes the work forward while staying rooted in why we do it.

Q: What is your advice for new lawyers who are from diverse backgrounds? What do you wish someone had told you when you were starting your legal career?

A: Embrace your unique perspective, it's a strength, not a liability. Your background and experiences enrich your approach to the law. And find mentors who keep it real with you, who'll be honest when you need it, but also push you to keep growing. You never know which piece of advice will be the one that sticks and helps you level up. For me, it came early in my career when I was a new staff attorney, still pretty self-conscious about my legal writing. Then-Legal Director Laura Schauer Ives once absolutely tore apart a brief I'd written. But after pointing out all the things that needed work, she looked at me and said, "You write with passion, never lose that. Everything else we can work on." That one line gave me the confidence I needed to keep improving, and I've carried it with me ever since.

Q: If you got to choose a song that would play every time you entered a room, what song would you pick, and why?

A: "Hate It or Love It" by The Game and 50 Cent. I've always said it would be my walkout song if I played baseball. They're not my favorite rappers, but that track hits—it's gritty, determined and quietly confident. I played it on repeat while studying for the bar exam. It helped block out doubt and reminded me that no matter where you come from, you can still show up and make your mark..

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

A: The profession must break down barriers for underrepresented groups by rethinking success metrics, building real mentorship and ensuring leadership reflects our communities. Inclusion should be systemic, not symbolic. We also need to reach those who might self-select out—people with records, immigrants, survivors, community college grads. Their perspectives add depth and drive change. If we keep looking in the same places, we'll keep getting the same answers. Real solutions come from getting closer to the ground.

Interested in being the subject of an Inclusive Interview?

Contact SBNM Equity in Justice Attorney Abby Lewis at abby.lewis@sbnm.org.



Order of Suspension

► From the New Mexico Supreme Court

<https://supremecourt.nmcourts.gov>

From the New Mexico Supreme Court

July 1, 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**

ORDER OF SUSPENSION

WHEREAS, this matter came on for consideration by the Court upon certificate filed by the Board of Commissioners of the State Bar of New Mexico attesting that certain members of the State Bar of New Mexico are delinquent for failure to comply with the 2025 annual license renewal requirements under Rule 24- 102 NMRA;

WHEREAS, the Clerk of this Court, on May 22, 2025, issued and served via Odyssey File & Serve and by first-class regular mail to the last known address shown on the Official Roll of Attorneys a

Citation and Order to Show Cause to each delinquent attorney;

WHEREAS, the time within which to comply or respond to said Citation and Order to Show Cause having elapsed, and the delinquent attorneys listed below having remained in noncompliance with the 2025 annual license renewal requirements under Rule 24-102 NMRA, and 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;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the named attorneys listed below **ARE SUSPENDED FROM THE PRACTICE OF LAW** in the courts of this State by reason of noncompliance with Rule 24-102 NMRA for licensing year 2025;

IT IS FURTHER ORDERED that the Clerk of this Court shall change the Official Roll of Attorneys to indicate the status of suspension for the attorneys listed below, and that notice thereof be given to each judge in the state of New Mexico and published in the *Bar Bulletin*; and

Amro Abueloun
New Mexico Financial & Family Law
320 Gold Ave SW Ste 1401
Albuquerque, NM 87102-3248
2025 License Fees & Late Fee

Julia Lacy Armstrong
Armstrong & Armstrong PC
218 Beimer St
Taos, NM 87571-4358
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Shawn Allen Brown
DC Water
1385 Canal St SE Fl 4
Washington, DC 20003-5015
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Amber Monique Castro
5290 McNutt Rd Ste 211 # 57
Santa Teresa, NM 88008-9694
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Brian Matthew Catalano
Intrepid Directional Drilling
Specialists Ltd
10314 State Highway 191
Midland, TX 79707-1496
2025 License Fees & Late Fee

Albert Costales
Albert J Costales Law Office
PO Box 3670
Truth or Consequences, NM 87901-7670
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Louis E. DePauli Jr.
207 W Hill Ave Ste 200
Gallup, NM 87301-4715
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Stephen E. Doerr
Doerr & Knudson PA
212 W 1st St
Portales, NM 88130-5920
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Paige Anne Louree Goins
2608 Stonewall St
Greenville, TX 75401-4258
2025 License Fees & Late Fee

Carol S. Helms
201 3rd St NW Ste 1300
Albuquerque, NM 87102-3368
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Benjamin Emil Herron
208 W 3rd St
Big Spring, TX 79720-2427
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Steven Gregory Jones
Lane & Nach PC
2001 E Campbell Ave Ste 103
Phoenix, AZ 85016-5573
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Donatello Lazarati
701 Alamo St
Tularosa, NM 88352-2275
2024 MCLE Non-Compliance & Late Fee

Karen R. Mazzocco
9750 Monterey Rd
Morgan Hill, CA 95037-9331
2024 MCLE Non-Compliance & Late Fee

Robert Michael Melendez
4100 Duval Rd Ste 4-104 Ste 104
Austin, TX 78759-4277
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Raymond Meza Jr.
124 King Charles Pl
del Rio, TX 78840-2528
2025 License Fees & Late Fee

Order of Suspension

► From the New Mexico Supreme Court

<https://supremecourt.nmcourts.gov>

Dawn M. Page
Page Law PLLC
807 Kings Hwy
Brooklyn, NY 11223-2260
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Alan E. Pedersen
Alan E Pedersen Ag Country
Farm Credit Services
1900 44th St S
Fargo, ND 58103-7428
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Robert F. Rosebrough
101 W Aztec Ave Ste A
Gallup, NM 87301-6271
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

David Phillip Rossmiller
Quintairos Prieto Wood & Boyer PA
701 NE 136th Ave Ste 200
Vancouver, WA 98684-6937
2024 MCLE Non-Compliance,
2025 License Fees & Late Fee

Lee Lanny Sigler
3330 Pan American Fwy NE
Albuquerque, NM 87107-4740
2024 MCLE Non-Compliance & Late Fee

Benjamin Silva Jr.
Silva & Associates PC
201 3rd St NW Ste 1950
Albuquerque, NM 87102-4388
2024 MCLE Non-Compliance

IT IS SO ORDERED.

WITNESS, the Honorable David K. Thomson, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 1st day of July, 2025.



Opportunities for Pro Bono Service CALENDAR

July

- | | |
|---|--|
| <p>11 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>16 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> |
|---|--|

August

- | | | |
|--|--|--|
| <p>8 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>19 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</p> | <p>20 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> |
|--|--|--|

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

July

- | | | |
|---|--|--|
| <p>11 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>16 Wednesday Workshop
Walk-In
New Mexico Immigrant Law Center
Location: El Centro de Igualdad y Derechos</p> | <p>23 Consumer Debt/Bankruptcy Workshop
Virtual
New Mexico State Bar Foundation
Call 505-797-6094 to register</p> |
|---|--|--|

August

- | | | |
|--|--|--|
| <p>6 Divorce Options Workshop
Virtual
New Mexico State Bar Foundation
Call 505-797-6022 to register</p> | <p>8 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>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</p> |
|--|--|--|

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.



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- Leadership experience

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The Professional Development Program offers law practice management services and resources to State Bar of New Mexico members. This includes continuing education courses, "how-to" manuals and workshops, a confidential ethics advisory helpline and information, sample forms, checklists and assessments on best practices for lawyers.

For more information, please visit www.sbnm.org/PDP or call the program at 505-797-6079.



FORMAL OPINION

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

Filing Date: 06/05/2025

No. A-1-CA-40924

TRISHA CONKLIN,
Plaintiff-Appellant,

v.

**SIERRA VISTA HOSPITAL GOVERNING BOARD
and SIERRA VISTA HOSPITAL,**

Defendants-Appellees,
and

**DAVID L. PAUSTIAN, D.O.; SURGICARE, LLC, a
New Mexico limited liability corporation; CHG
MEDICAL STAFFING, INC., a Delaware corpo-
ration; QUORUM HEALTH RESOURCES, LLC;
QUORUM HEALTH CORPORATION; and QUINCY
HEALTH, LLC,**
Defendants.

APPEAL FROM THE DISTRICT COURT OF SIERRA COUNTY

Roscoe A. Woods, District Court Judge

Bencoe & LaCour Law, PC
Lori M. Bencoe
Cherie L. LaCour
Danielle L. Ceballes
Albuquerque, NM

for Appellant

Modrall, Sperling, Roehl, Harris & Sisk, PA
Tim L. Fields
Elizabeth A. Martinez
Mia Kern Lardy
Albuquerque, NM

for Appellees

► Introduction of Opinion

This appeal arises from Appellant Trisha Conklin's claims of medical and hospital negligence against Sierra Vista Hospital, Sierra Vista Hospital Governing Board (collectively, Appellees), and others not party to this appeal under the New Mexico Tort Claims Act (TCA), NMSA 1978, §§ 41-4-1 to -27, -30 (1976, as amended through 2020). Below, Appellees filed a motion to dismiss Appellant's TCA claims under Rule 1-012(B)(1) NMRA, arguing that the district court lacked subject matter jurisdiction to hear Appellant's claims because Appellant gave notice of her tort claims outside of the ninety-day period for giving notice. See § 41-4-16(A), (B). After a period of limited discovery regarding the question of jurisdiction, Appellees filed an amended motion to dismiss or, in the alternative, for summary judgment. The district court granted the motion and found that Appellant had failed to timely give notice of her tort claim and declined to extend the time for filing under Section 41-4-16(B)'s exception for a plaintiff who "is incapacitated from giving the notice by reason of injury." Accordingly, the district court concluded that it did not have subject matter jurisdiction over Appellant's TCA claims and dismissed them.

View full PDF online.

Shammara H. Henderson, Judge
WE CONCUR:
Megan P. Duffy, Judge
Jane B. Yohalem, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-40924>

FORMAL OPINION

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

Filing Date: 06/05/2025

No. A-1-CA-41167

**ANDRAS SZANTHO, as Personal Representative
for the Wrongful Death Estate**

of CHERYL SMITH,
Plaintiff-Appellee,
v.

**CASA MARIA OF NEW MEXICO, LLC d/b/a CASA
MARIA HEALTHCARE CENTER AND PECOS
VALLEY REHABILITATION and NEW MEXICO
HEALTHCARE I, LLC,**

Defendants-Appellants,
and

**BUFFY ITOMITSU, in her capacity as Admin-
istrator of Casa Maria Healthcare Center and
Pecos Valley Rehabilitation Suites,**
Defendant.

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY

Francis J. Mathew, District Court Judge

Verdi & Ogletree PLLC
Faith Kalman Reyes
Santa Fe, NM

for Appellants

► Introduction of Opinion

In this appeal, Defendants challenge the district court's denial of their motion to compel arbitration. Defendants argue that (1) delegation provisions in an arbitration agreement signed by Daughter require an arbitrator, rather than the court, to determine if the arbitration agreement is enforceable as to Mother, a non-signatory, and by extension, her estate; (2) Mother's estate must arbitrate its claims against Defendants because Mother was a third-party beneficiary of the contract entered into between Daughter and Defendants; and (3) Mother signed a readmission agreement that, according to Defendants, incorporated the arbitration agreement signed by Daughter. Defendants' first two claims of error are identical to the issues raised in *Szantho v. THI of N.M. at Sunset Villa, LLC* (Szantho I), ___-NMCA-___, ___ P.3d ___ (A-1-CA-41036, Feb. 6, 2025), cert. granted (S-1-SC-40809, Apr. 14, 2025), and provide no grounds for reversal. We further conclude that the readmission agreement did not incorporate the arbitration agreement. We affirm the district court's denial of the motion to compel arbitration.

Megan P. Duffy, Judge
WE CONCUR:
Zachary A. Ives, Judge
Shammara H. Henderson, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41167>

FORMAL OPINION

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

Filing Date: 6/11/2025

No. A-1-CA-41455

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

BAKARI SHARIF GARRETT,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT
OF DOÑA ANA COUNTY**

Douglas R. Driggers, District Court Judge

Raúl Torrez, Attorney General
Santa Fe, NM

Serena R. Wheaton, Assistant Solicitor General
Albuquerque, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Allison H. Jaramillo, Assistant Appellate Defender
Santa Fe, NM

for Appellant

► Introduction of Opinion

During an apparent drug deal involving four people, multiple shots were fired and one individual was killed. A jury convicted Defendant on two counts: (1) one count of aggravated assault with a deadly weapon, contrary to NMSA 1978, Section 30-3-2(A) (1963); and (2) one count of attempt to commit armed robbery, contrary to NMSA 1978, Section 30-28-1 (1963, as amended through 2024) (attempt) and NMSA 1978, Section 30-16-2 (1973) (robbery). The jury also found by special interrogatory that Defendant used a firearm in the commission of the aggravated assault, and at sentencing, the district court applied the firearm enhancement authorized by NMSA 1978, Section 31-18-16(A) (2020, amended 2022). On appeal, Defendant argues, and we agree, that the convictions were based on a single act of threatening the victim (Victim) with a firearm and that multiple punishments for that act violate his right to be free from double jeopardy. As a result, the aggravated assault conviction and associated firearm enhancement must be vacated. We therefore reverse on each issue and remand for resentencing.

Katherine A. Wray, Judge

WE CONCUR:

Megan P. Duffy, Judge

Jane B. Yohalem, Judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-41455>

FORMAL OPINION

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

Filing Date: 6/12/2025

No. A-1-CA-41721

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

STEPHEN R. FRAZIER,

Defendant-Appellee.

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

Angie K. Schneider, District Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

Michael J. Thomas, Assistant Solicitor General

Albuquerque, NM

for Appellant

Bennett J. Baur, Chief Public Defender

Mary Barket, Assistant Appellate Defender

Santa Fe, NM

for Appellee

► Introduction of Opinion

Defendant Stephen Frazier is charged with possession of a controlled substance, contrary to NMSA 1978, Section 30-31-23(A) (2019, amended 2021). The State appeals the district court's order suppressing the evidence of fentanyl pills seized by law enforcement under the plain view exception to the warrant requirement. Concluding that the State failed to establish probable cause to believe that Defendant's possession of fentanyl pills was unlawful, rather than lawfully possessed pursuant to a prescription or practitioner's order, the district court suppressed the evidence. The State argues: (1) the officer's testimony at the suppression hearing that he recognized the pills as fentanyl and that they were in an aftermarket container was sufficient to establish that it was "immediately apparent" to the officer that the pills were contraband; **View full PDF online.**

Jane B. Yohalem, Judge

WE CONCUR:

Gerald E. Baca, Judge

Katherine A. Wray, Judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-41721>

FORMAL OPINION

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

Filing Date: 6/12/2025

No. A-1-CA-41041

**NEW MEXICO STATE AND LAND OFFICE, and
STEPHANIE GARCIA RICHARD, Commissioner of
Public Lands of the State of New Mexico,**
Plaintiffs/Counterdefendants/Appellees,

v.

**SIDDENS & DODSON, LLP and
DOUGLAS SIDDENS,**

Defendants/Counterclaimants/ Third-Party
Plaintiffs-Appellants,

and

NICHOLAS KOLUNCICH, Records Custodian,
Thirty-Party Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY

Maria Sanchez-Gagne, District Court Judge

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

for Appellees

Western Agriculture, Resource and
Business Advocates, LLP
A. Blair Dunn
Jared R. Vander Dussen
Albuquerque, NM

for Appellants

► Introduction of Opinion

This declaratory judgment action was filed in the district court by the Commissioner of Public Lands and the State Land Office (collectively, the SLO) following receipt of a tort claims notice from Douglas Siddens and Siddens & Dodson, LLP (collectively, Siddens). Siddens' tort claim notice informed the SLO of Siddens' intent to recover for damage to their residential property from a rockslide originating on the state trust land bordering the property. Siddens alleged the SLO was negligent in failing to remediate a known hazard. The SLO filed this declaratory judgment action, asking the district court to determine whether the Tort Claims Act (TCA), NMSA 1978, §§ 41-4-1 to -27, -30 (1976, amended 2020) 1, waived sovereign immunity for Siddens' negligence claim. Siddens counterclaimed, seeking damages for the SLO's negligence; claiming retaliation by the SLO, in violation of the New Mexico Civil Rights Act (CRA), NMSA 1978, §§ 41-4A-1 to -13 (2021); and seeking disclosure of material that Siddens claimed was improperly redacted from a memorandum produced in response to a request made pursuant to the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2023). **View full PDF online.**

Jane B. Yohalem, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Gerald E. Baca, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41041>

FORMAL OPINION

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

Filing Date: 6/16/2025

No. A-1-CA-41254

**ALICE T. KANE, Superintendent of Insurance,
in her official capacity as Receiver for NEW
MEXICO HEALTH CONNECTIONS, INC.,
a New Mexico not-for-profit corporation,**

Plaintiff-Appellee,

v.

**SYNDICATE 2623-623 LLOYD'S OF LONDON
d/b/a BEAZLEY USA SERVICES, INC.,**

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY

Matthew J. Wilson, District Court Judge

Office of the Superintendent of Insurance

Stephen Thies

Lawrence M. Marcus

Santa Fe, NM

for Appellee

Rodey, Dickason, Sloan, Akin & Robb, P.A.

Edward Ricco

Albuquerque, NM

Day Pitney LLP

Jonathan S. Zelig

Candace J. Hensley

Boston, MA

for Appellant

► Introduction of Opinion

This appeal asks this Court to construe the coverage provided by a cyber insurance policy for a claim of damage to a third party “for a security breach.” The policy defines a “security breach” as “a failure of computer security to prevent . . . unauthorized access or use of [the insured’s] computer systems.” The insurer, Syndicate 2623/623 Lloyd’s of London d/b/a Beazley USA Services, Inc. (Beazley), appeals the district court’s order granting New Mexico Health Connections, Inc.’s (NMHC) motion for summary judgment, concluding that the phrase “for a security breach” is ambiguous, and construing the phrase to provide coverage under the policy for injury to a third-party “because of” or “resulting from” a security breach. We agree with the district court that the phrase “for a security breach” is ambiguous, and construe this ambiguity under well-established principles of insurance law in favor of the insured. We also agree with the district court that the exclusions to coverage relied on by Beazley do not clearly apply to the loss at issue in this case. Therefore, we affirm the district court.

Jane B. Yohalem, Judge

WE CONCUR:

J. Miles Hanisee, Judge

Megan P. Duffy, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41254>

FORMAL OPINION

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

Filing Date: 6/16/2025

No. No. A-1-CA-40460

**JENNIFER THOMPSON, Personal
Representative of the ESTATE OF
GEORGE THOMPSON; and JERRY
POTTS, JR., Personal Representative
of the ESTATE OF JUDY THOMPSON,**
Plaintiffs-Appellants,

v.

**PRESBYTERIAN HEALTHCARE SERVICES,
INC. d/b/a PRESBYTERIAN HOSPITAL;
PRESBYTERIAN MEDICAL GROUP;
KATHLEEN LOPEZ, M.D.; BRIAN
MUMFORD, M.D.; CYNTHIA VALDEZ, M.D.;
JEFFREY P. ROSS, M.D.; and EDWARD
MCKENZIE, M.D.,**
Defendants-Appellees.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

Nancy J. Franchini, District Court Judge

Curtis & Co.
Lisa K. Curtis
Andre K. Archuleta
Luke W. Holmen
Albuquerque, NM

Law Office of Jamison Barkley, LLC
Jamison Barkley
Santa Fe, NM

for Appellants

Atwood, Malone, Turner & Sabin, P.A.
Carla Neusch Williams, Et al.
Roswell, NM

for Appellee Brian Mumford, M.D.

► Introduction of Opinion

Plaintiffs appeal the judgment entered in favor of defendant radiologists after a jury trial on their claims of medical negligence. Prior to trial, Plaintiffs dismissed their claims against certain defendants. Now, on appeal, Plaintiffs raise claims of error about dismissed and nonparty doctors. Specifically, Plaintiffs argue that the district court (1) caused the jury to be confused when it denied Plaintiffs' request to interlineate the case caption to remove defendants who were dismissed prior to trial, and then abused its discretion by instructing the jury, pursuant to *Fahrbach v. Diamond Shamrock, Inc.*, 1996-NMSC-063, 122 N.M. 543, 928 P.2d 269, about Plaintiffs' resolution of their claims against these defendants to alleviate the confusion; and (2) erred by instructing the jury on the comparative negligence of certain dismissed and nonparty doctors. As for Plaintiffs' first claim of error, we conclude that Plaintiffs have failed to establish the district court abused its discretion. **View full PDF online.**

Jennifer L. Attrep, Judge
WE CONCUR:
Zachary a. Ives, judge
Katherine a. Wray, judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-40460>

FORMAL OPINION

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

Filing Date: 6/17/2025

No. No. A-1-CA-41818

**KARAH MARTINEZ and DAVID MARTINEZ, on
their own behalf and on behalf of all others**

similarly situated,
Plaintiffs-Appellees,
v.

**MELLOY BROTHERS, INC.,
d/b/a MELLOY NISSAN,**
Defendant-Appellant.

Consolidated with

**KARAH MARTINEZ and DAVID MARTINEZ, on
their own behalf and on behalf of all others**

similarly situated,
Plaintiffs-Appellants,
v.

MELLOY BROTHERS, INC., d/b/a MELLOY NISSAN,
Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

Daniel E. Ramczyk, District Court Judge

Feferman, Warren & Mattison
Susan Warren
Nicholas Mattison
Albuquerque, NM

for Appellees

Atkinson, Baker, Rodriguez, P.C.
Justin D. Rodriguez
Clifford K. Atkinson
Owen E. Barcala, Et al.
Albuquerque, NM

for Appellant

► Introduction of Opinion

In this consolidated appeal, Plaintiffs challenge the district court's order granting Defendant Melloy Brothers Inc., d/b/a Melloy Nissan's motion to compel arbitration, and Defendant challenges the district court's stay of arbitration pending appeal. This is the second appeal related to this motion, and regrettably, we anticipate that our reversal and remand means that we are likely to see this case again. {2} We provide a comprehensive discussion of the procedural history in this case to highlight the procedural issues that can arise when a party resists arbitration on unconscionability grounds, thus triggering the two-step process described in *Peavy v. Skilled Healthcare Grp., Inc.*, 2020-NMSC-010, ¶ 21, 470 P.3d 218. As for the issues raised in this appeal, because the district court did not decide whether three provisions previously determined by the district court to be facially unconscionable were fair and reasonable, contrary to *Rojas v. Reliable Chevrolet (NM), LLC*, 2024-NMCA-003, ¶ 10, 539 P.3d 1253, we are unable to review Plaintiffs' appellate arguments on the merits. We reverse and write only to address the procedure that should be followed on remand.

Megan P. Duffy, Judge
WE CONCUR:
Zachary A. Ives, Judge
Katherine A. Wray, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41818>

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-41090
Vista Staffing Solutions, Inc.
v.
New Mexico Taxation
& Revenue Department

Introduction of Opinion

Vista Staffing Solutions, Inc. (Taxpayer) appeals a decision and order of the Administrative Hearing Officer (the AHO) denying its protest of the New Mexico Taxation and Revenue Department's (the Department) assessment of unpaid gross receipts tax (GRT), interest and penalty, pursuant to the New Mexico Gross Receipts and Compensating Tax Act (the Act), NMSA 1978, §§ 7-9-1 to -121 (1966, as amended through 2024),¹ in the amount of \$2,888,542.84. The AHO concluded in relevant part that Taxpayer engaged in business in New Mexico and therefore, is subject to GRT on the income received from its business model placing medical professionals in its client's healthcare facilities located in New Mexico. **View full PDF online.**

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

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41090>

No. A-1-CA-40948
Richard Argant
v.
Ermelinda Argant

Introduction of Opinion

Petitioner Richard Argant (Husband) filed a petition for dissolution of marriage, and Respondent Ermelinda Argant (Wife) filed a counter-petition in which she requested spousal support and payment of her attorney fees. Subsequently, the parties filed a marital settlement agreement (MSA), resolving all issues except spousal support. Following a merits hearing on the issue of spousal support, the district court issued "The Court's Findings of Fact and Conclusions of Law and Judgment Regarding Spousal Support" (the Judgment), in which the district court ordered Husband to pay spousal support in the amount of \$7,500 per month until an equalization payment of \$125,000 is made to Wife, and \$4,000 per month thereafter until Wife reaches the age of sixty-five. **View full PDF online.**

Gerald E. Baca, Judge
WE CONCUR:
Megan P. Duffy, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40948>

No. A-1-CA-41712
State of New Mexico
v.
Shelby Alexandra Delgado

Introduction of Opinion

Defendant appeals her convictions for false imprisonment contrary to NMSA 1978, Section 30-4-3 (1963) and battery against a household member contrary to NMSA 1978, Section 30-3-15 (2008). Defendant raises two arguments on appeal: (1) the conduct resulting in these convictions was unitary and therefore violates double jeopardy; and (2) there was insufficient evidence to support her false imprisonment conviction. After due consideration, we remain unpersuaded by the claims of error. We therefore affirm each of Defendant's convictions.

Jacqueline R. Medina, Judge
WE CONCUR:
Zachary A. Ives, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41712>

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-40943

Aaron Gonzales

v.

City of Carlsbad New Mexico

Introduction of Opinion

This appeal arises from a case of mistaken identity. Plaintiff Aaron Gonzales was arrested pursuant to a warrant that was issued based on allegations concerning an individual of the same name. Following the arrest, Plaintiff sued Defendants City of Carlsbad, New Mexico (the City), and City of Carlsbad Police Department (CPD) (collectively, Defendants) under the New Mexico Tort Claims Act (TCA), NMSA 1978, §§ 41-4-1 to -30 (1976, as amended through 2020), for negligent operation of machinery and equipment and for false arrest and false imprisonment. **View full PDF online.**

Shammara H. Henderson, Judge
WE CONCUR

Jennifer L. Attrep, Judge
Zachary A. Ives, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40943>

No. A-1-CA-41514

State of New Mexico

v.

Cristobal Sanchez

Introduction of Opinion

Defendant appeals his conviction for driving while intoxicated (DWI) (second offense), challenging the district court's denial of his motion to suppress. Defendant argues that the district court erred in concluding the officer who stopped him had reasonable suspicion that Defendant had failed to maintain his lane, contrary to NMSA 1978, Section 66-7-317(A) (1978). We affirm.

Megan P. Duffy, Judge
WE CONCUR:

Zachary A. Ives, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41514>

No. A-1-CA-41594

Dennis Koehler

v.

**State of New Mexico
Taxation & Revenue
Department, Motor Vehicle
Division**

Introduction of Opinion

In this appeal, this Court is asked to determine whether an administrative hearing officer abused her discretion by ruling that Dennis Koehler forfeited his right to a hearing under the Implied Consent Act (the Act), NMSA 1978, §§ 66-8-105 to -112 (1978, as amended through 2019), by failing to appear at a scheduled and properly noticed hearing on the revocation of his driver's license. The district court reversed and reinstated Koehler's license. The Motor Vehicle Division (MVD) appeals from the district court's order rescinding the revocation of Koehler's driver's license. We agree with MVD that the district court erred and, therefore, we reverse and remand for reinstatement of the hearing officer's order.

Jane B. Yohalem, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Shammara H. Henderson, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41594>

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-40614
State of New Mexico
v.
Justin Lee Tipton

Introduction of Opinion

Defendant Justin Tipton appeals his conviction of receipt, transportation or possession of a firearm or destructive device by a felon, contrary to NMSA 1978, Section 30-7-16(A)(1) (2020, amended 2022). Defendant primarily argues that his initial investigatory detention violated Article II, Section 10 of the New Mexico Constitution and the evidence subsequently gained from the search of his person—the firearm—should have been suppressed. We agree Defendant was unlawfully seized and reverse.

J. Miles Hanisee, Judge
WE CONCUR:
Zachary A. Ives, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40614>

No. A-1-CA-40504
Tanbears Souter
v.
**New Mexico Department
of Workforce Solutions**

Introduction of Opinion

Plaintiff Tenbears Souter appeals two district court orders regarding actual damages, compensatory damages, and attorney fees in his lawsuit against Defendant New Mexico Department of Workforce Solutions (NMDWS) to enforce the Inspection of Public Records Act (IPRA), NMSA 1978, Sections 14-2-1 to -12 (1993, as amended through 2023). On appeal, Plaintiff argues that the district court erred in (1) reducing Plaintiff's award of statutory damages, (2) denying Plaintiff's request for compensatory damages, and (3) partially denying Plaintiff's request for attorney fees. We conclude that the district court did not err in its assessment of damages and fees. Accordingly, we affirm.

Shammara H. Henderson, Judge
WE CONCUR:
Jacqueline R. Medina, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40504>

No. A-1-CA-41814
State of New Mexico
v.
John Sloniker

Introduction of Opinion

Defendant John Sloniker appeals his conviction for possession of a controlled substance in violation of NMSA 1978, Section 30-31-23(A) (2019, amended 2021). Defendant was detained and searched while officers searched another person's residence pursuant to a warrant in which Defendant was not named. Defendant argues that (1) the State failed to meet its burden of proving that his detention was reasonable, and (2) the ensuing search was therefore tainted. The district court denied his motion to suppress the drugs found on his person during that search.

J. Miles Hanisee, Judge
WE CONCUR:
Gerald E. Baca, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41814>

MEMORANDUM OPINION

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No. A-1-CA-40789
State of New Mexico
v.
Gabriel Rodriguez

Introduction of Opinion

Defendant Gabriel Rodriguez appeals his convictions for kidnapping, contrary to NMSA 1978, Section 30-4-1 (2003); assault on a peace officer – attempted battery, contrary to NMSA 1978, Section 30-22-21(A)(1) (1971); escape or attempt to escape from jail, contrary to NMSA 1978, Section 30-22-8 (1963); and conspiracy to escape or attempt to escape from jail, contrary to Section 30-22-8 and NMSA 1978, Section 30-28-2 (1979). As a result of these convictions, the district court sentenced Defendant to just under forty-six years of incarceration, less one year and eight months, with twenty-five days of presentence confinement credit, plus four years of parole. **View full PDF online.**

Shammara H. Henderson, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40789>

No. A-1-CA-41193
Emeli Najera
v.
**New Mexico Law Enforcement
Academy Board**

Introduction of Opinion

Plaintiff Emeli Najera, personal representative of the estate of her brother, Oscar Najera, appeals the district court's Rule 1-012(B)(6) NMRA dismissal of her complaint against Defendants the New Mexico Law Enforcement Academy Board (the Board) and its Director, Kelly Alzaharna. In its order, the district court determined that there was no applicable waiver of sovereign immunity supporting Plaintiff's case, and that quasi-judicial immunity, an affirmative defense raised by Defendants, insulated Defendants from liability for the conduct Plaintiff alleged. Plaintiff advances two arguments supporting reversal. **View full PDF online.**

J. Miles Hanisee, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Jane B. Yohalem, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41193>

No. A-1-CA-41546
State of New Mexico
v.
Erin Clerk Reyes Siegel

Introduction of Opinion

A jury convicted Defendant of one count each of possession and distribution of child sexual exploitation materials, contrary to NMSA 1978, Section 30-6A-3(A), (C) (2016). Defendant appeals and argues that (1) the images at issue did not establish that he possessed or distributed "obscene visual . . . medium depicting any prohibited sexual act" as required by Section 30-6A-(3)(A) and (C); and (2) the convictions arise from the same images and conduct and therefore violated double jeopardy protections. We reject these arguments and affirm.

Katherine A. Wray, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41546>

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-41504

Gustavo Davila

v.

Milton Jeff

Introduction of Opinion

Plaintiffs, Gustavo Davila and Graciela Davila, appeal the district court's order granting summary judgment in favor of Defendants Milton Jeff (Jeff), MVT Services, LLC, OEP Holdings, LLC, Penske Truck Leasing Co. L.P., MVT Leasing, LLC, and John Does 1-10 (collectively, Defendants). We agree with the district court's rulings that: (1) Plaintiffs were required to but did not provide expert testimony to establish either (a) causation for the tire disablement, or (b) the standard of care asserted by Plaintiffs for responding to a commercial vehicle tire disablement; and (2) the statutes identified by Plaintiffs to support the claim for negligence per se did not meet the required criteria. As a result, we affirm.

Katherine A. Wray, Judge

WE CONCUR:

Jennifer L. Attrep, Judge

Zachary A. Ives, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41504>

No. A-1-CA-41611

State of New Mexico

v.

Zhuxuan Dong

Introduction of Opinion

After a bench trial, Defendant Zhuxuan Dong was convicted in metropolitan court of driving while intoxicated (DWI), contrary to NMSA 1978, Section 66-8-102(A) (2016). Defendant contends that the State did not present sufficient evidence to establish that he operated a vehicle in the early morning hours of February 2, 2023, and therefore, the corpus delicti of the offense was not established by his admission alone. New Mexico's corpus delicti rule—the "modified trustworthiness rule"—provides that a defendant cannot be convicted of a crime based solely on their confession; there must be some independent evidence of a criminal act. See *State v. Martinez*, 2021-NMSC-012, ¶ 31, 483 P.3d 590. **View full PDF online.**

Jane B. Yohalem, Judge

WE CONCUR:

J. Miles Hanisee, Judge

Jennifer L. Attrep, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41611>

No. A-1-CA-40437

State of New Mexico

v.

Elijah Saldivar

Introduction of Opinion

Defendant Elijah Sandoval appeals his conviction for one count of criminal sexual penetration (CSP) in the second degree (resulting in personal injury), contrary to NMSA 1978, Section 30-9-11(E)(3) (2009). On appeal, Defendant argues that the district court erred in permitting a sexual assault nurse examiner (SANE) to testify that the absence of certain observable injuries to Victim was consistent with the sexual assault. For the following reasons, we affirm.

Shammara H. Henderson, Judge
WE CONCUR:

Jennifer L. Attrep, Judge

Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40437>

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-41605
State of New Mexico
v.
Ivan Gamboa-Soto

Introduction of Opinion

The State appeals the district court's order dismissing voyeurism charges against Defendant Ivan Gamboa-Soto with prejudice after the court found Defendant incompetent to stand trial, but not dangerous. We conclude that dismissal under NMSA 1978, Section 31-9-1.2(A) (1999, amended 2025) is only permitted without prejudice. Accordingly, we reverse and remand for entry of judgment dismissing the case without prejudice.

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-41605>

No. A-1-CA-42284
Jennifer Regan
v.
Jarrold Lowrey

Introduction of Opinion

Respondent Jarrold Lowrey appeals the district court's decision granting the petition for a protective order filed by Petitioner Jennifer Regan on behalf of her minor daughter (Child), under the Family Violence Protection Act (FVPA), NMSA 1978, §§ 40-13-1 to -13 (1987, as amended through 2019). Not persuaded by Respondent's arguments, we affirm.

Jane B. Yohalem, Judge
WE CONCUR:
Zachary A. Ives, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-42284>

No. A-1-CA-42057
Rachel Lay
v.
CC Jones Trucking

Introduction of Opinion

Rachel Lay (Worker) appeals the amended order entered by the Workers' Compensation Judge (WCJ) awarding Worker benefit penalties in the amount of \$3,923.97 for CC Jones Trucking and AR Trucking Association's (collectively, Employer/Insurer) unfair claim processing. Finding no error, we affirm.

Megan P. Duffy, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Zachary A. Ives, Judge

To read the entire opinion,
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MARISA ONG

SENIOR COUNSEL

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Medium size civil law firm is accepting resumes for an attorney with 5-15 (or more) years of practical experience. Practice areas include civil litigation, primarily construction and defense and some transactional work. Candidates should be proficient in conducting and defending depositions, have critical research and writing abilities and be familiar with motion practice. Construction litigation experience is helpful. Salary commensurate with experience. This is a full time position located in Albuquerque; remote work may be considered. Please forward a letter of interest along with a Resume and writing sample to: pjenkins@stelznerlaw.com

Associate Attorney

Medium size primarily civil law firm is accepting resumes for an associate attorney with 2-5 (or more) years of practical experience, excellent research and writing skills and some criminal prosecution experience. Qualified applicants must have experience conducting legal research, drafting memos and briefs and attendance in magistrate/municipal courtroom setting. This is a full time position located in Albuquerque, remote work may be considered. Please submit resume and writing sample to pjenkins@stelznerlaw.com

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.

Associate Attorney – Estate & Business Planning

We are a boutique law firm in Albuquerque, New Mexico seeking a full-time Associate Attorney with 2–5 years of experience to join our team. Our firm focuses on sophisticated estate planning, business succession planning, and sale-side M&A transactions. We serve a diverse client base, including high-net-worth individuals, family business owners, and closely held companies, often working in close collaboration with financial advisors and accountants. The position is full-time offering a competitive salary and benefits with a flexible in-office and remote work schedule. For more information and interested parties, please email your cover letter and resume to kira@hurleyfirm.com.

Job Announcement Staff Attorney (State Licensed)

LOCATION: Farmington, NM; DNA - People's Legal Services ("DNA") is committed to providing high quality legal services to persons living in poverty on the Navajo, Hopi and Jicarilla Apache Reservations, and in parts of Northern Arizona, New Mexico, and Southern Utah. DNA's main office, as well as DNA's Fort Defiance branch office, are located in Window Rock, Arizona. DNA also has branch offices in Chinle, Arizona, Tuba City, Arizona, Flagstaff, Arizona, on the Hopi BIA judicial compound near Keams Canyon, Arizona, and Farmington, New Mexico. DNA legal staff practice in tribal, state, federal, and administrative courts. REQUIREMENTS: Attorneys must be a graduate of an accredited law school and a member of the Arizona, New Mexico, or Utah bar association, or if licensed in another jurisdiction, able to gain admission by motion or reciprocity. Must have strong oral and written communication skills; the ability to travel and work throughout the DNA service area; competence in working with diverse individuals and communities, especially with Native Americans, persons of color, other marginalized communities; and a commitment to providing legal services to the poor. RESPONSIBILITIES INCLUDE: a). Reporting to Managing Attorney and Director of Litigation; b). Providing the full range of high-quality legal services to DNA clients; c). Being familiar with and following all DNA and funder policies, and all applicable state, federal, tribal and local laws; d). Participating in community outreach, training programs, and client education events; e). Participating in remote, local, or online intake; f). Performing other duties as assigned. SALARY RANGE (depending on experience): \$57,600 - \$76,500. WHAT TO SUBMIT: Employment Application (found at <https://dnalegalservices.org/career-opportunities-2/>), Resume, Cover Letter, and, upon request, Transcripts (if applicants graduated within the last two years) and Writing Sample (Attorney applicants only). HOW TO APPLY: Email: HResources@dnalegalservices.org | Direct: 928.871.4151 ext. 5640 Cell: 928.245.4575 Fax: 928.871.5036 (Faxed documents accepted). Preference is given to qualified Navajo and other Native American applicants. DNA requires all applicants to be eligible to work within the United States. DNA will not sponsor visas unless otherwise noted on the position description.

Job Announcement New Mexico Senior Attorney

DNA-People's Legal Services, a non-profit civil legal aid law firm, is seeking to hire an individual for our open New Mexico Senior Attorney position located in our Farmington, New Mexico Office. REQUIREMENTS: Senior Attorney must be a graduate of an accredited law school and a member of the New Mexico bar, or if licensed in another jurisdiction, able to gain admission to the New Mexico Bar within one year by motion or reciprocity. Admission to the Arizona or Utah bar is a plus, as is admission to the Navajo, Hopi, or Jicarilla Tribal Court bar. Must have at least five (5) years of experience as an attorney in a legal aid organization or similar non-profit law firm with strong litigation skills; strong oral and written communication skills; the ability to travel and work throughout the DNA service area; competence in working with diverse individuals and communities, especially with Native Americans, persons of color, and other marginalized communities; a commitment to providing legal services to the poor; the ability to identify and successfully pursue strategic, systemic, and affirmative advocacy; good judgment, the ability to handle stress, take initiative, and have a willingness to work as a team; and the ability to manage and supervise others, including the ability to mentor other staff and law students. Senior Attorneys are supervised by the Director of Litigation and the Executive Director. SALARY RANGE (depending on experience): \$87,000 - \$97,500. BENEFITS: The position we are offering comes with benefits, including paid federal and Navajo Nation holidays, 10 sick days per year, two weeks paid vacation per year (which increases over time), low-cost health insurance for you and your dependents, no-cost dental insurance for you, and a fully paid \$60,000 life insurance policy. You may also opt to join our 401(k) plan. For our attorneys, we also pay for continuing legal education courses and Bar dues, and offer a generous reimbursable educational loan forgiveness program. DNA is a qualified employer under the Federal Public Service Loan Forgiveness Program. For more information, please call Human Resources at 928.245.4575 or 928.871.4151 ext. 5640, email your resume and cover letter to HResources@dnalegalservices.org or you may obtain

additional details and copies of the job description and employment application on the Join the DNA Legal Team webpage at <https://dnalegalservices.org>. Preference is given to qualified Navajo and other Native American applicants.

General Liability Attorney

The Albuquerque, NM office of Lewis Brisbois, a full-service AmLaw 100 firm, is actively seeking an attorney to join its General Liability Practice. The ideal candidate will have strong research and writing skills and at least one (1) to seven (7) years of experience in all phases of insurance defense litigation including case management, motion practice, and discovery, as well as handling hearings, depositions, arbitrations, and trials. Admission to the New Mexico Bar is required. Lewis Brisbois' General Liability Practice is comprised of over 600 attorneys nationwide who have successfully represented defendants in significant exposure cases in numerous general liability areas. The group has provided a defense for a myriad of property and personal injury claims, for both businesses and individuals who may be insured or self-insured. While the attorneys within the firm are equipped to handle a wide variety of matters, we excel in the litigation and trial of catastrophic injury, wrongful death, and complex litigation cases. The General Liability Practice partners and senior associates are seasoned and well-respected trial attorneys who have broad trial experience. Our attorneys have been cited by the National Law Journal for obtaining one of the "Top Ten Defense Verdicts of the Year," and have received other prominent recognition. Although we would prefer that you have some insurance defense experience, we are also interested in working with developing talented attorneys who come to us with excellent skills in any litigation arena. If you have substantive litigation experience and are looking for an opportunity in a growing, collaborative firm, we invite you to apply. We offer competitive compensation and in addition, Lewis Brisbois offers a range of benefits including medical, dental, vision, life insurance, 401k with employer contribution, and a bonus for those who meet their minimum hourly requirement.

**State Long Term Care Ombudsman
Aging and Long-Term Services
Department**

The State Long-Term Care Ombudsman position is mandated by the Older Americans Act and is designated by the Aging and Long-Term Services Department Cabinet Secretary. Ombudsmen provide information and assistance, advocacy, training, and education to strengthen the long-term care system. Ombudsmen investigate complaints concerning the health, safety, welfare, and rights of long-term care residents, and are resident directed in their work to resolve complaints to the satisfaction of the residents of long-term care services. This position manages the statewide operations of the Ombudsman Program, and is responsible for recruiting, training, supervising, and evaluating employees and volunteers to provide Ombudsman representatives in long-term care facilities, including nursing homes and assisted living facilities. Compensation: \$64,476.00 - \$149,044.00 Salary. Learn More

Assistant Disciplinary Counsel

The Disciplinary Board of the New Mexico Supreme Court is hiring for a half time (20-25 hours a week) Assistant Disciplinary Counsel. Primary duties include investigating and prosecuting allegations of professional misconduct against attorneys, interviewing witnesses, and representing the Office of Disciplinary Counsel at hearings and other proceedings. Must possess a JD from an accredited law school and be a licensed New Mexico attorney in good standing. Spanish speaking helpful. Great opportunity for challenging legal work in a good environment. Salary \$60-\$65k DOE. Excellent benefits for part-time employees. To apply, email resume, letter of interest, writing sample, and three references to info@nmdisboard.org.

Full or Part Time Lawyer

Stiff, Garcia & Associates, defense insurance firm seeking full or part time lawyer. Work as much or as little as you want. Our practice includes employment, civil rights, coverage, professional liability and general liability. "Of Counsel" is available for experienced defense lawyer. Benefits include health, dental, life insurance and 6% 401K. Please send resume to John Stiff, jstiff@stiffllaw.com or Karen Arrants, karrants@stiffllaw.com

Attorney

The Department of Information Technology is seeking an attorney who is interested in helping to advance the state's leadership in the responsible governance of new and emerging technologies, such as artificial intelligence. Our mission is to serve and support state agencies with innovative solutions to advance the delivery of their core missions and to create progress for all New Mexicans. The selected candidate will report to the General Counsel and work with other agencies' attorneys and department staff. This position will be responsible for timely responding to public records (IPRA) requests, subpoenas, and discovery requests, as well as managing public meetings, rule makings, employment, state procurement, and contracting matters. Other matters include litigation support, policy development, and legislative analysis and support. This position will require knowledge of federal, state, and local laws, rules, regulations, policies and procedures, and best practices, as well as excellent written and verbal communication skills, interpersonal and collaborative skills, and the ability to communicate concepts to technical and non-technical audiences. The annual salary range for this position is \$77,354 - \$139,238 and includes a competitive full benefits package. For more information, please contact Natisha Montoya Natisha.Montoya@doit.nm.gov. To apply visit <https://www.spo.state.nm.us/>.

**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.

Associate Attorney

Prince & Schmidt, LLP, a respected and established personal injury law firm located in downtown Santa Fe, is seeking a driven and capable associate attorney to join our growing litigation team. The ideal candidate will have at least two years of experience in personal injury law or civil litigation and should be comfortable managing a caseload of 40 to 80 cases with partner supervision while also working collaboratively with colleagues. Responsibilities include case development, client communication, settlement negotiations, discovery, motion practice, and trial preparation. We are looking for someone who is detail-oriented, highly organized, and passionate about advocating for injured clients. In return, we offer a structured path to partnership, with regular performance reviews, a highly competitive salary in addition to performance-based incentives and bonuses, profit-sharing, full benefits, and ongoing mentorship from experienced trial and personal injury attorneys. Our firm culture is collaborative, client-focused, and committed to professional excellence. This is a unique opportunity to build a meaningful legal career in a firm that values growth, accountability, and results. To apply, please send a cover letter, resume, and writing sample to roger@lawforpersonalinjury.com. To learn more about our firm, visit www.lawforpersonalinjury.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 Torrance County (Estancia, NM). Estancia is approximately a one hour commute from Albuquerque. Must be admitted to the New Mexico State Bar. Salary range will be \$77,133 - \$90,000 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.

Associate Attorney

Briones Business Law Consulting, P.C., a dynamic business counsel law firm in Albuquerque, NM, seeks an Associate Attorney (≤5 yrs exp.) to join our growing, client-focused team. Responsibilities include client advocacy, legal research, document preparation, and team leadership. We are looking for candidates who are proactive, possess excellent communication, leadership, and problem-solving abilities, and demonstrate proficiency with New Mexico legal filing systems. A strong commitment to delivering exceptional client service and contributing to a collaborative firm culture is essential. Active licensure with the New Mexico State Bar is required. Email your resume & cover letter to bbcl@bbcl.law.

Associate Attorney

Krehbiel & Barnett, P.C., in Albuquerque, New Mexico, seeks an associate attorney for our growing civil defense practice. We represent physicians and hospitals throughout New Mexico. Ideal candidates will have a strong desire to grow with the firm, have impeccable attention to detail, strong legal writing skills, sharp thinking, and able to learn quickly and thoroughly. Please be sure to provide your résumé, unofficial transcript, writing sample, and professional references to kbarnett@lady-justice.us. Benefits: 401(k) matching; Dental insurance; Health insurance; Vision insurance. License/Certification: NM Bar License (Required)

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

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.

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.

Paralegal

McCoy Leavitt Laskey LLC is seeking a paralegal with civil defense experience for its Albuquerque office. The ideal candidate will have experience in litigation support, case management, and discovery, and be comfortable working in a fast-paced, team-driven environment. Key responsibilities include: assisting attorneys with case preparation from inception through trial; draft and filing legal documents including pleadings, motions, subpoenas, and discovery requests/responses; organizing and maintaining physical and electronic case files; coordinate and manage discovery, including document review and production; conduct legal and factual research; data entry, including entering time and billing codes; and communicate with clients, courts, experts, and witnesses as needed. The ideal candidate will have 3+ years of experience in a litigation-focused paralegal role (experience in insurance defense or fire litigation is a plus); strong understanding of court procedures and filing requirements (state and federal); proficiency with legal software and Microsoft Office Suite; and experience with document management systems. Medical knowledge and attention to detail, as well as organizational, time-management, written, and verbal communication skills, are valued. Professional certification with New Mexico is preferred but not required. Available position is considered regular and full time. We offer an excellent benefit package which includes medical, vacation, sick leave, and 401(k). Please send resume via email to nmresume@mlllaw.com. All replies will be kept confidential. No phone calls or walk in applicants.



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.

Legal Assistant

Experienced and motivated Legal Assistant needed for busy sole practitioner. Must be highly organized and familiar with electronic filings in Odyssey and Pacer, Word, Word Perfect, Excel and billings. Experience in NM collections cases is helpful, but not necessary. Salary commensurate with experience. Send Resume to attorney8400@gmail.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.forensicsdynamics.org> Contact Jan Seaman Kelly at 702-682-0529 or forensicsdynamicsllc@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.



State Bar of New Mexico Professional Programs Group

Includes:

**Professional Development Program
Lawyer Assistance Program
Judicial Wellness Program**



Professional Development Program (PDP):

Offers law practice management services and resources to State Bar of New Mexico members. This includes continuing education courses, “how-to” manuals and workshops, a confidential ethics advisory helpline and information, sample forms, checklists and assessments on best practices for lawyers.



New Mexico Lawyer Assistance Program (LAP):

Focuses on confidential and professional services for all legal professionals struggling with mental or emotional health disabilities resulting from disease, disorder, trauma or age that impair their ability to practice or serve. Struggles include, but are not limited to addiction, burnout, depression, and anxiety. The LAP’s direct support services are confidential and free to the NM legal community.



Judicial Wellness Program (JWP):

Offers resources and services which provide a supportive environment for our judiciary to restore and maintain one’s overall mental, physical, and spiritual health. It is designed and available to support judges of any level throughout New Mexico.

www.sbnm.org/ProfessionalProgramsGroup



Looking for
an easy way to
get pro bono
hours?

ABA Free Legal Answers is a virtual legal advice portal where qualifying users request brief advice about a specific civil legal issue and pro bono volunteer attorneys provide information and basic legal advice.

Register as a volunteer attorney today and you will be able to provide answers 24/7/365.

The platform can be accessed anytime, anywhere at *your* convenience.

To Register as a volunteer attorney:

- Go to <https://nm.freelegalanswers.org/>
- Click on “Attorney Registration” and follow the prompts



The NEW MEXICO STATE BAR FOUNDATION is the
State Administrator of the ABA Free Legal Answers Program