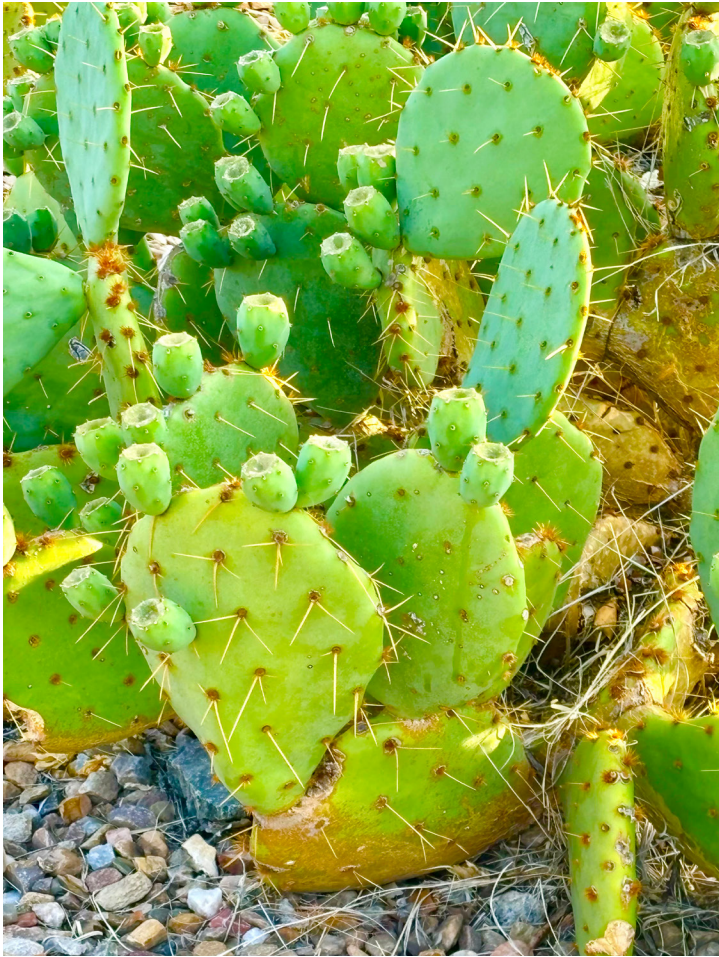


DIGITAL
BAR BULLETIN

August 27, 2025 • Volume 64, No. 16



Don't Be So Prickly, by Deborah Gray (see page 3)

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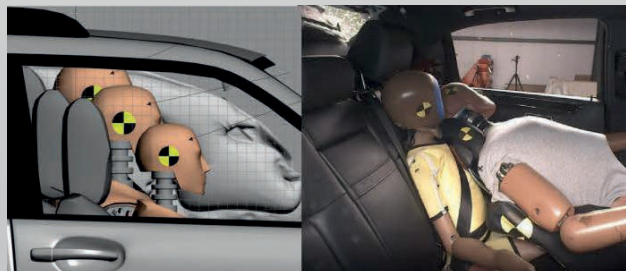
IS YOUR CASE AT A RECOVERY DEAD-END?

Maybe not because you may have a **CRASHWORTHINESS** case.



Crashworthiness

focuses on how the vehicle's safety systems performed, not who caused the accident. At my firm's Crash Lab, we continually study vehicle safety through engineering, biomechanics, physics, testing and innovation.



If you have any questions about a potential case, please call Todd Tracy. Vehicle safety system defects may have caused your client's injury or death.



Subject Vehicle



Test Vehicle

The TRACY law firm
A Nationwide Practice Dedicated to Vehicle Safety
4701 Bengal Street, Dallas, Texas 75235
214-324-9000
www.vehiclesafetyfirm.com

DIGITAL BAR BULLETIN



State Bar of
New Mexico
Est. 1886

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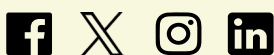
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505-797-6000 • 800-876-6227
Fax: 505-828-3765 • address@sbnm.org

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www.sbnm.org



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New Mexico State Bar Foundation
Center for Legal Education

CLE COURSE SPOTLIGHT 2025 SOLO AND SMALL FIRM INSTITUTE



DATE
Sept. 5, 2025



TIME
8:45 AM – 4:30 PM (MT)



LOCATION
State Bar of New Mexico
5121 Masthead St. NE
Albuquerque, N.M. 87109
OR
Virtual

REGISTER AT:

[BIT.LY/2025-SOLO-AND-SMALL-FIRM-INSTITUTE](https://bit.ly/2025-SOLO-AND-SMALL-FIRM-INSTITUTE)



505-797-6020



cle.sbnm.org



About Cover Image and Artist: Deborah Gray has been a member of the State Bar of New Mexico since 1991.

Notices

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

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

To view recent Supreme Court rule-making activity, visit the Court's website at <https://supremecourt.nmcourts.gov>. To view all New Mexico Rules Annotated, visit New Mexico OneSource at <https://bit.ly/NM-Rules>.

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 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://bit.ly/nmlawlibrary>.

U.S. District Court, District of New Mexico Notice of Exclusive Premiere Screening of NMPBS Documentary:

Law for a Lawless Land

Join the United States District Court for the District of New Mexico for the Exclusive Premier Screening of the NMPBS Documentary: *Law for a Lawless Land - New Mexico Territory's Federal Judiciary, 1846-1912*. The first screening will be held on Sept. 16 in Las Cruces, N.M. at the U.S. Courthouse, located on 100 N. Church Street, Las Cruces, N.M. 88001. A second screening will be held on Sept. 23 at the Pete V. Domenici U.S. Courthouse in Albuquerque, N.M., located on 333 Lomas Blvd. NW, Albuquerque, N.M. 87102. A reception will be held before both screenings, starting at 5:30 p.m. (MT) followed by the screening of the documentary. The event is black-tie optional and is sponsored by the Federal Bench and Bar for the District of New Mexico. All members of the Federal Bench and Bar are cordially invited to attend either or both events. Reservations are requested. RSVP, if attending, at: <https://rsvp.nmcourt.uscourts.gov/doc/>.

Professionalism Tip

With respect to the courts and other tribunals:

I will be punctual for court hearings, conferences and depositions.

STATE BAR NEWS New Mexico Lawyer Assistance Program The Other NM Bar Meeting

The New Mexico Lawyer Assistance Program proudly presents to you The Other NM Bar Meeting, which is a confidential traditional 12-step meeting for legal professionals. Open to all lawyers, law students, judges and other legal professionals, the meeting's purpose is to provide a safe space for people to support one another in their desire to stop drinking and using. The Other NM Bar Meeting meets in person every Thursday evening from 5:30 to 6:30 p.m. (MT) at the First Unitarian Church, located at 3701 Carlisle Blvd. NE, Albuquerque, N.M. 87110. For those unable to make it in person, there will be an option to join telephonically in the future. For more information about The Other NM Bar Meeting, email NMLAP@sbnm.org.

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>.

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.

New Mexico State Bar Foundation 2025 Golf Classic

Player registration is now open for the New Mexico State Bar Foundation 2025 Golf Classic. The event will take place on Sept. 29, starting at 8 a.m. (MT), at the Sandia Golf Club, located at 30 Rainbow Rd. NE, Albuquerque, N.M. 87113. Register to play individually for \$175 before Sept. 1, or for \$200 on or after Sept. 1. Register a foursome for \$700 before Sept. 1, or for \$800 on or after Sept. 1. Sponsorship opportunities are also available! Register now at <https://bit.ly/2025NMSBFGolfClassic>. Contact Joey Gutierrez at 505-797-6057 or nmsbdevelopment@sbnm.org with any questions.

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.



We look forward to your submissions!

UNM SCHOOL OF LAW Announcement of 2025 Distinguished Achievement Award and Alumni Promise Award Honorees

The UNM School of Law and the UNM School of Law Alumni/ae Association are proud to announce the 2025 Distinguished Achievement Award and Alumni Promise Award honorees. Honorees for the Distinguished Achievement Award are **Paul Biderman**, **Peter Cubra** and the **Hon. M. Monica Zamora**. The Alumni Promise Award recipient is **Lauren E. Riley**. The awards dinner will be held on Oct. 17 in the Student Union ballrooms. Registration for the awards dinner will open soon.

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.

Featured Member Benefit



Fastcase, the legal research platform available to you as a member of the State Bar of New Mexico, has been upgraded to vLex Fastcase, a new legal intelligence and research platform. Coverage includes cases, statutes, regulations, court rules and constitutions for all 50 states & Federal. This service is available through www.sbnm.org. vLex also offers free live monthly training webinars. Customer Support is available 8 a.m. to 8 p.m. ET, Monday-Friday. The Support team can be reached at 866-773-2782 or support@fastcase.com, as well as on chat on vLex Fastcase.

For more information, email techsupport@sbnm.org.

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://bit.ly/NMLegisLibrary>.

An INCLUSIVE INTERVIEW



with Kim Nguyen, 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 Kim Nguyen, Esq. Kim has been practicing law since 2022 and is currently an Associate Attorney at Ray Peña McChristian.

Q: What is your background?

A: I was born in a small town in southern Vietnam. My family and I traded in the life that we had in our home country to be low-income Americans in California. I attended college in California where I graduated magna cum laude with a BA in journalism and public relations and awarded the overall graduate in my department from Chico State. Right after graduation, I started my legal education at Washington and Lee University where I developed an interest in helping indigent communities from my summer internship at Contra Costa Public Defenders and my school's Criminal Justice Clinic. After law school, I moved to New Mexico with my pug and began practicing criminal defense at the Law Offices of the Public Defender. After two years at LOPD, I transitioned to civil defense.

Q: What made you want to become a lawyer?

A: A big part of being a lawyer is the constant learning that takes place, which matches my view that learning does not stop after graduation. My love for learning was cultivated from the stories that my mom told me growing up. My mom's childhood was war-torn, so she had limited educational opportunities. From her stories, I began placing great value in education which lead me to develop a love for learning.

Q: Who is your hero in the legal profession? Who's career or work do you wish to emulate?

A: Sonia Sotomayor. It is so inspirational that Sotomayor came from the Bronx housing projects to a Supreme Court Justice who champions the rights of marginalized communities and emphasize the importance of empathy and understanding in the context of the legal system.



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

A: The day I became a lawyer. I was working as a limited practitioner at the Public Defender's Office when I found out I passed the bar. It was a huge wave of relief because not passing meant I'd move back to California. My parents flew out from California for the swearing in ceremony and they were so happy to have the first lawyer in the family.

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

A: The biggest challenge was overcoming the feeling of inadequacy within my legal career and develop confidence.

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: My advice is to have confidence in your abilities and knowledge because you are going to do great.

Q: What advice would you give for overcoming these feelings of inadequacy and believing oneself can be great?

A: I think overcoming impostor syndrome is an individual journey, there's no one size fits all. For me, I had to really work on my confidence and deal with my personal insecurities. I focused on my physical and mental health. Moreover, I felt more confident when I felt more prepared. My biggest advice is to focus on your physical and mental health.

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

A: I really enjoy writing, and a big part of my current position requires writing motions.

Q: If you could have one superpower, what would it be, and why?

A: I'd like to be able to teleport because I'd save so much money on travel.

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

A: New Mexico can offer more volunteering programs and opportunities that includes training into the relevant area of law. I think volunteering create a more inclusive community and it is also a great opportunity to get experience in a less familiar field of law.

Interested in being the subject of an Inclusive Interview?

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



You're Invited!

New Mexico
State Bar Foundation

GOLF Classic



*Golf Registration Is
NOW OPEN!*
You don't have to be a lawyer to play!

SEPTEMBER 29, 2025

Tee Time: 8 a.m. (MT)

SANDIA GOLF CLUB

30 Rainbow Rd NE
Albuquerque, N.M. 87113

- **Tournament Players: Individual:** \$175 before Sept. 1, \$200 on or after Sept. 1
Foursome: \$700 before Sept. 1, \$800 on or after Sept. 1

Register to play at: <https://form.jotform.com/sbnm/2025GolfClassic>

*Proceeds benefit the New Mexico State Bar Foundation,
a 501(c)(3) nonprofit organization.*



Sponsorship opportunities are also available!

Please contact Joey Gutierrez at 505-797-6057 or
nmsbfdevelopment@sbnm.org with any questions regarding the Golf Classic.



Visit www.sbnm.org/barfoundation for more information
about the New Mexico State Bar Foundation and its programs.



**New Mexico
State Bar Foundation**



Introducing the

New Mexico Lawyer Assistance Program's

The Other NM Bar Meeting!

**A brand-new in-person support group meeting
for all legal professionals!**

The State Bar of New Mexico's New Mexico Lawyer Assistance Program proudly presents to you **The Other NM Bar Meeting** – a CONFIDENTIAL traditional 12-step meeting for legal professionals. Open to all lawyers, law students, judges and other legal professionals, the meeting's purpose is to provide a safe space for people to support one another in their desire to stop drinking and using.

The Other NM Bar Meeting meets in person every Thursday evening from 5:30 to 6:30 p.m. (MT) at the First Unitarian Church in Albuquerque, N.M. For those unable to make it in person, there will be an option to join telephonically in the future.

For more information about **The Other NM Bar Meeting**,
email NMLAP@sbnm.org.

The Other NM Bar Meeting



Frequency: Every Thursday



Time: 5:30–6:30 p.m. (MT)



Location: First Unitarian Church,
3701 Carlisle Blvd. NE,
Albuquerque, N.M. 87110



Who: Any legal professional



State Bar of New Mexico
Lawyer Assistance Program



STATE OF NEW MEXICO EXECUTIVE OFFICE SANTA FE, NEW MEXICO

Proclamation

WHEREAS, paralegals serve as an essential bridge between the attorneys and the clients they diligently represent in the great state of New Mexico; and

WHEREAS, paralegals make invaluable contributions through their expertise in drafting and analyzing legal documents, case planning, conducting research, interviewing clients, and developing legal pleadings, all of which are critical to the effective functioning of our legal system; and

WHEREAS, in response to the rapidly evolving nature of our legal landscape, the responsibilities of New Mexico's paralegals are continually expanding, including the provision of pro bono services to underserved communities throughout our state; and

WHEREAS, the Paralegal Division of the State Bar of New Mexico, proudly celebrating its 30th anniversary from 1995 to 2025, which has continued its dedication to enhancing professional development within the state; and

WHEREAS, the goals of the Paralegal Division include facilitating efficient administration to support growth, and fostering the development of paralegals through ongoing education and training; and

WHEREAS, the Paralegal Division is committed to promoting the delivery of legal services in a manner that is both economic and efficient, ensuring access to justice for all New Mexicans.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, do hereby proclaim August 26, 2025 as:

“Paralegal Day”

throughout the State of New Mexico.

Attest:

Maggie Toulouse Oliver
Secretary of State

Done at the Executive Office this
17th day of June 2025.

Witness my hand and the Great
Seal of the State of New Mexico.


Michelle Lujan Grisham
Governor

Legal Education Calendar

August

- | | | |
|--|--|--|
| <p>28 Truck Crashes are NOT Just Big Car Crashes: What to Know Before Taking on Your First Trucking Case
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>28 Working Within New Mexico's Anti-Donation Clause
1.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-08282025</p> | <p>29 Trust and Estate Strategies for Single Clients
1.0 G
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-08292025-Tel</p> |
|--|--|--|

September

- | | | |
|--|--|---|
| <p>3 September Hearing Panels
4.0 G
Web Cast (Live Credits)
New Mexico Medical Review Commission
www.nmms.org</p> | <p>5 2025 Solo and Small Firm Institute
5.0 G, 1.0 EP
In-Person or Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-09052025</p> | <p>10 Maxims, Monarchy and Sir Thomas More
2.5 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-09102025</p> |
| <p>3 FOIA as a Litigation Tool: Unlocking Government Records Before You File
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>5 A Day in the Life: Practical Examples of Artificial Intelligence in Law Firms
1.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-09052025-1</p> | <p>12 Trial Ready – Command the Courtroom: Stories that Stick, Skills that Win
7.0 G
Live Program
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> |
| <p>3 How to Overcome Substance Use Disorder and Avoid Legal Ethics Issues and Using Mindfulness as Part of Your Toolkit
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-09032025</p> | <p>8 The Andrea Taylor Sentencing Advocacy Workshop – Virtual Style
18.0 G
Web Cast (Live Credits)
Administrative Office of the U.S. Courts
www.uscourts.gov</p> | <p>12-14 Taking and Defending 19-21 Depositions
31.0 G, 4.5 EP
Live Program
UNM School of Law
lawschool.unm.edu/cle/upcoming.html</p> |
| <p>4 Unlocking Vocal Power, Presence, and Authenticity in the Courtroom
1.0 G
Web Cast (Live Credits)
New Mexico Trial Lawyers Association & Foundation
www.nmtla.org</p> | <p>10 Unlocking the Sentencing Guidelines, a Virtual Series: Session 17 – 2025 Guideline Amendments
1.0 G
Web Cast (Live Credits)
Administrative Office of the U.S. Courts
www.uscourts.gov</p> | <p>17 WEBINAR: Appellate Series, Session 6: You Are What You Write! The Ethical Implications of Appellate
1.0 EP
Web Cast (Live Credits)
Administrative Office of the U.S. Courts
www.uscourts.gov</p> |
| <p>4 Internet Ethics: Navigating Lawyers Responsibilities Online
1.0 EP
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-09042025</p> | | <p>24 Dying with Dignity: End of Life Services in New Mexico
2.0 G
Live Program
New Mexico Women's Bar Association
www.nmwba.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>.



Opportunities for Pro Bono Service CALENDAR

September

- | | |
|---|---|
| <p>10 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> | <p>12 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> |
|---|---|

October

- | | | |
|---|--|--|
| <p>10 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>21 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>23 Statewide Legal Teleclinic
Telephonic
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Virtual</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

September

- | | | |
|--|---|---|
| <p>3 Divorce Options Workshop
Virtual
State Bar of New Mexico
Call 505-797-6022 to register
Location: Virtual</p> | <p>10 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> | <p>12 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> |
| <p>24 Consumer Debt/Bankruptcy Workshop
Virtual
State Bar of New Mexico
Call 505-797-6094
Location: Virtual</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.

From the New Mexico Supreme Court

Opinion Number: 2025-NMSC-011

No: S-1-SC-39742 (filed January 9, 2025)

**STATE OF NEW MEXICO, ex rel. RAÚL TORREZ,
New Mexico Attorney General,**

Petitioner,

v.

**BOARD OF COUNTY COMMISSIONERS FOR LEA
COUNTY, BOARD OF COUNTY COMMISSIONERS FOR ROOSEVELT
COUNTY, CITY OF CLOVIS, and CITY OF HOBBS,**

Respondents.

ORIGINAL PROCEEDING

Raúl Torrez, Attorney General
James W. Grayson,
Chief Deputy Attorney General
Aletheia V.P. Allen, Solicitor General
Nicholas M. Sydow,
Deputy Solicitor General
Santa Fe, NM

for Petitioner

John W. Caldwell, Jr.,
County Attorney
Hobbs, NM

Ray Peña McChristian, P.C.
Jeffrey T. Lucky
Brian P. Brack
Albuquerque, NM

for Respondent Board of County
Commissioners for Lea County

NM Local Government Law, LLC
Randy M. Autio
Michael I. Garcia
Albuquerque, NM

Alliance Defending Freedom
Daniel Tadhg Bagley
Erin M. Hawley
Washington, DC

for Respondent Board of County
Commissioners for Roosevelt County

Law Offices of Michael J. Seibel
Michael J. Seibel
Albuquerque, NM

for Respondents City of Clovis
and City of Hobbs

Efren A. Cortez
Hobbs, NM

for Respondent City of Hobbs

Crowley & Gribble, P.C.
Joseph J. Gribble
Albuquerque, NM

Alliance Defending Freedom
Erin M. Hawley
Washington, DC

for Amici Curiae New Mexico Family Ac-
tion Movement, Right to Life
Committee of New Mexico, and New
Mexico Alliance for Life

Peifer, Hanson, Mullins & Baker, P.A.
Mark T. Baker
Rebekah A. Gallegos
Albuquerque, NM

for Amici Curiae Planned
Parenthood of the Rocky Mountains,
American College of Obstetricians
and Gynecologists, and Bold Futures
NM

Bleus & Associates, LLC
Nicholas J. Rimmer
Albuquerque, NM

Lawyering Project
Juanluis Rodriguez
Melissa Shube
Brooklyn, NY

for Amicus Curiae Eastern New
Mexico Rising

Elinor J. Rushforth
María Martínez Sánchez
Albuquerque, NM

for Amicus Curiae American Civil
Liberties Union

► From the New Mexico Supreme Court

OPINION

BACON, Justice.

I. INTRODUCTION

{1} This mandamus proceeding concerns the authority of county and municipal officials to enact local ordinances regulating abortion, as well as clinics and providers. Exercising our original jurisdiction, we consider whether officials in Lea and Roosevelt counties and the cities of Clovis and Hobbs (Respondents) exceeded their authority by enacting ordinances preempted by state law. {2} The ordinances at issue (collectively, the Ordinances) create blanket prohibitions on the mailing or receipt of any abortion-related instrumentality, which purport to be in “compliance with federal law,” namely portions of the Comstock Act, 18 U.S.C. §§ 1461-62. *See* Hobbs, N.M., Ordinance No. 1147, chs. 5.52.010-.090 (2022) (Hobbs Ordinance) (amending Title 5 of the Hobbs Municipal Code); Clovis, N.M., Ordinance No. 2184-2022, chs. 9.90.010-.070 (2023) (Clovis Ordinance) (amending Title 9 of the Clovis City Code); Roosevelt County, N.M., Ordinance No. 2023-01, §§ 1-10 (Jan. 10, 2023) (Roosevelt Cnty. Ordinance); Lea County, N.M., Ordinance No. 99, §§ 1-8 (Dec. 8, 2022) (Lea Cnty. Ordinance). Additionally, three of the Ordinances create licensing schemes (collectively, licensing Ordinances) exclusive to abortion clinics and providers that mandate clinic compliance with the Comstock Act and vest city commissioners and county managers with sole discretion for licensure approval. *See* Hobbs Ordinance No. 1147, chs. 5.52.030-.060; Clovis Ordinance No. 2184-2022, chs. 9.90.020-.050; Roosevelt Cnty. Ordinance No. 2023-01, §§ 5-8. {3} The State of New Mexico (the State) seeks a writ of prohibitory mandamus to restrain Respondents from enforcing the Ordinances and to invalidate the Ordinances as preempted by state law. In the alternative, the State argues the Ordinances violate the

Equal Rights Amendment under Article II, Section 18 of the New Mexico Constitution. The State contends that by “singl[ing] out abortion for burdensome regulation and civil liability,” the Ordinances contain an impermissible sex-based classification that presumptively violates our Equal Rights Amendment. *See N.M. Right to Choose/NARAL v. Johnson*, 1999-NMSC-005, ¶ 2, 126 N.M. 788, 975 P.2d 841 (holding that a rule prohibiting state funding for medically necessary abortions violated the Equal Rights Amendment). Relatedly, the State asserts that the right to terminate a pregnancy is an inherent right embraced under the trifold protections of due process, privacy, and the inherent rights clause. N.M. Const. art. II, §§ 18, 10, 4.

{4} Because we conclude the Ordinances, in their entirety, plainly conflict with provisions of the Reproductive and Gender-Affirming Health Care Freedom Act (the Health Care Freedom Act or the Act), NMSA 1978, §§ 24-34-1 to -5 (2023), we hold the Ordinances are preempted by state law. Additionally, because the licensing Ordinances conflict with the Medical Practice Act (MPA), NMSA 1978, §§ 61-6-1 to -34 (1978, as amended through 2023); the Medical Malpractice Act (MMA), NMSA 1978, §§ 41-5-1 to -29 (1978, as amended through 2023); the Health Care Code (HCC), NMSA 1978, §§ 24A-1-1 to -20 (1978, as amended through 2024); and the due process provisions of the Uniform Licensing Act (ULA), NMSA 1978, §§ 61-1-1 to -37 (1957, as amended through 2024), we hold the licensing Ordinances are also preempted by those state laws. We therefore decline to reach the State’s additional arguments under the New Mexico Constitution. *See Allen v. LeMaster*, 2012-NMSC-001, ¶ 28, 267 P.3d 806 (“It is an enduring principle of constitutional jurisprudence that courts will avoid deciding constitutional questions unless required to do so.” (internal quotation marks and citation omitted)).

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Our forbearance of the constitutional questions, however, should not be construed as commentary on their merit. Rather, we heed the canon of constitutional avoidance and refrain from deciding constitutional issues unnecessary to the disposition of this case. *Id.*; *see also State v. Radosevich*, 2018-NMSC-028, ¶ 8, 419 P.3d 176 (“[W]e must be guided by the well-established principle of statutory construction that statutes should be construed, if possible, to avoid constitutional questions.” (internal quotation marks and citation omitted)).

{5} We similarly decline to address Respondents’ arguments with respect to the Comstock Act and federal preemption, which we deem unnecessary to the resolution of the issues before this Court. We therefore emphasize that our decision to grant the writ of prohibitory mandamus and invalidate the Ordinances on the basis of state law preemption rests solely on state law grounds. *See Michigan v. Long*, 463 U.S. 1032, 1041 (1983) (“If the state court decision indicates clearly and expressly that it is alternatively based on bona fide separate, adequate, and independent grounds, we, of course, will not undertake to review the decision.”).

II. BACKGROUND

{6} We first review the factual and legal developments that led to the State’s petition for a writ of prohibitory mandamus. The Ordinances did not arise in a vacuum. Indeed, these local laws are precisely the result presaged by the dissent in *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215, 360-61 (2022) (Breyer, Sotomayor, and Kagan, JJ., dissenting).¹ By overturning *Roe v. Wade*, 410 U.S. 113 (1973), and declaring the authority to regulate abortions a state issue, *Dobbs* invited the kind of intrastate conflicts created by the Ordinances, which must be resolved under state law. *See Dobbs*, 597 U.S. at 302. Ultimately, the issues before this Court reduce to whether mandamus lies in the action brought by the State and

¹ “And because, as the Court has often stated, protecting fetal life is rational, [s]tates will feel free to enact all manner of restrictions. The Mississippi law at issue here bars abortions after the 15th week of pregnancy. Under the majority’s ruling, though, another [s]tate’s law could do so after ten weeks, or five or three or one—or, again, from the moment of fertilization. States have already passed such laws, in anticipation of today’s ruling. More will follow. Some [s]tates have enacted laws extending to all forms of abortion procedure, including taking medication in one’s own home.” *Dobbs*, 597 U.S. at 360 (Breyer, Sotomayor, and Kagan, JJ., dissenting).

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whether state law preempts the Ordinances.

A. The Repeal of New Mexico's

Abortion Ban and Enactment of

Laws Protecting Access to Abortion

{7} For fifty-seven years, New Mexico classified abortion as a fourth-degree felony offense. *See* NMSA 1953, §§ 40A-5-1 to -3 (1963) (repealed as amended and renumbered 2021). Our criminal code during that period reflected a near-total abortion ban which, while unenforceable under *Roe v. Wade*, imposed criminal liability for providing abortions unless deemed necessary “to preserve the life of the woman or to prevent serious and permanent bodily injury.” Sections 40A-5-1 to -3; *see also* *Roe v. Wade*, 410 U.S. at 164-65. In 2021, our Legislature repealed the state’s criminal abortion ban thereby removing significant barriers to abortion access, including abolishing criminal penalties for abortion, eliminating consent requirements for minors seeking an abortion, and abandoning prohibitions on the prescription and dispensing of medication abortions by non-physician medical professionals, such as nurses. *See* NMSA 1978, §§ 30-5-1, -3 (1969), (repealed 2021); *State v. Strance*, 1973-NMCA-024, ¶ 8, 84 N.M. 670, 506 P.2d 1217 (discussing a “justified medical termination”).

{8} The repeal of criminal abortion ushered in subsequent legislative and executive actions that broadened access to abortion. *See, e.g.*, §§ 24-34-1 to -5; *State of N.M., Exec. Ord. 2022-107* (June 27, 2022) (clari-

fying executive policy protecting access to reproductive health care services including abortion); *State of N.M., Exec. Ord. 2022-123* (Aug. 31, 2022) (providing funding for a comprehensive reproductive health care clinic in Doña Ana County on the state’s southern border). Of central importance to this proceeding, the Health Care Freedom Act, the first substantive enactment affirmatively addressing the right to access reproductive health care in New Mexico, went into effect June 16, 2023. *See* §§ 24-34-1 to -5. The Act prohibits any public body,² entity, or individual from interfering with access to reproductive or gender-affirming health care and imposes penalties for violations of the Act’s provisions. Sections 24-34-3 to -4. As public bodies, all cities and counties within the state—including Hobbs, Clovis, Lea County, and Roosevelt County—are subject to the language of the Act. Further, the Act creates a private right of action to bring suit against any public body or entity for violating the Act.³ Section 24-34-5. Notably, the Ordinances emerged amidst these significant legislative and executive actions protecting access to abortion.⁴

B. The Ordinances Purport to Require Compliance with Federal Law and to Impose Licensing Requirements on Abortion Clinics

{9} From our reading of the Ordinances, we distill the following: the Ordinances contain nearly identical language and seek to restrict local access to abortion services

by purportedly requiring compliance with the federal Comstock Act. *See* Hobbs Ordinance No. 1147, ch. 5.52.070; Clovis Ordinance No. 2184-2022, ch. 9.90.060; Roosevelt Cnty. Ordinance No. 2023-01, §§ 2, 9; Lea Cnty. Ordinance No. 99, § 6. The Comstock Act, in part, imposes felony liability for the mailing of “[e]very article or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use; . . . Every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for producing abortion, or for any indecent or immoral purpose.”⁵ 18 U.S.C. § 1461.

{10} The Hobbs, Clovis, and Roosevelt County Ordinances also create unique licensing schemes for the operation of abortion clinics and for the provision of abortions generally. *See* Hobbs Ordinance No. 1147, chs. 5.52.030-.060; Clovis Ordinance No. 2184-2022, chs. 9.90.020-.050; Roosevelt Cnty. Ordinance No. 2023-01, §§ 5-8. Significantly, two of the ordinances broadly define abortion clinics as “any building or facility, other than a hospital, where an abortion of any type is performed, or where abortion-inducing drugs are dispensed, distributed, or ingested.” Hobbs Ordinance No. 1147, ch. 5.52.020; Roosevelt Cnty. Ordinance No. 2023-01, § 1(B). Under these definitions, any location where an abortion is

² Under Section 24-34-2(B), a “public body” is defined as “a state or local government, an advisory board, a commission, an agency or an entity created by the constitution of New Mexico or any branch of government that receives public funding, including political subdivisions, special tax districts, school districts and institutions of higher education.”

³ Pursuant to Section 24-34-5(A), “[a] person claiming to be aggrieved by a violation of the Reproductive and Gender-Affirming Health Care Freedom Act may maintain an action in district court for appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages or punitive damages, or the sum of five thousand dollars (\$5,000) for each violation of the Reproductive and Gender-Affirming Health Care Freedom Act, whichever is greater.”

⁴ The Ordinances were adopted in late 2022 and early 2023: the city of Hobbs ordinance No. 1147 was adopted on November 7, 2022; Lea County ordinance No. 99 was adopted on December 8, 2022; the city of Clovis ordinance No. 2184-2022 was adopted on January 5, 2023; and Roosevelt County ordinance No. 2023-01 was adopted on January 10, 2023.

⁵ In 2022, the Office of Legal Counsel for the United States Department of Justice issued commentary clarifying the application of the Comstock Act. *See* Application of the Comstock Act to the Mailing of Prescription Drugs That Can Be Used for Abortions, 46 Op. O.L.C. ____ (2022), <https://www.justice.gov/olc/opinion/application-comstock-act-mailing-prescription-drugs-can-be-used-abortions> (last visited Dec. 20, 2024) (“Section 1461 of title 18 of the U.S. Code does not prohibit the mailing of certain drugs that can be used to perform abortions where the sender lacks the intent that the recipient of the drugs will use them unlawfully. Because there are manifold ways in which recipients in every state may lawfully use such drugs, including to produce an abortion, the mere mailing of such drugs to a particular jurisdiction is an insufficient basis for concluding that the sender intends them to be used unlawfully.”).

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performed—other than a hospital—is an abortion clinic subject to the Ordinances’ licensure requirements.

{11} Additionally, the two county ordinances authorize penalties and statutory damages for violation of the ordinances. The Lea County ordinance provides for penalties amounting to \$300 per violation of the Comstock Act, which includes aiding and abetting a violation of the Comstock Act. Lea Cnty. Ordinance No. 99, §§ 6-7. Similarly, Roosevelt County’s ordinance creates a private cause of action providing that any person can “bring a civil action against any person or entity” that violates the Comstock Act and upon prevailing may claim statutory damages of “not less than \$100,000 for each violation.” Roosevelt Cnty. Ordinance No. 2023-01, § 3(A), (B)(3).

{12} In response to the passage of the Ordinances, the State filed a petition for a writ of mandamus and stay of Respondents’ enforcement of the Ordinances. The Court granted the stay, ordered briefing, and held oral argument. For the reasons that follow, we now grant the petition for a writ of mandamus.

III. DISCUSSION

A. The Exercise of Mandamus

Jurisdiction Is Appropriate and Expedient Resolution of This Issue Is Required

{13} We first consider whether mandamus is the proper remedy for the State’s action. We exercise original jurisdiction in mandamus under Article VI, Section 3 of the New Mexico Constitution. See N.M. Const. art. VI, § 3 (“The supreme court shall have original jurisdiction in . . . mandamus against all state officers, boards and commissions . . . ; it shall also have power to issue writs of mandamus . . . and to hear and determine the same.”); see also *State ex rel. Sandel v. N.M. Pub. Util. Comm’n*, 1999-NMSC-019, ¶ 11, 127 N.M. 272, 980 P.2d 55 (discussing the Court’s original jurisdiction in mandamus). We reserve our exercise of mandamus for extraordinary circumstances. See *State ex rel. Richardson v. Fifth Jud. Dist. Nominating Comm’n*, 2007-NMSC-023, ¶ 9, 141 N.M. 657, 160 P.3d 566.

When appropriate, mandamus has both compulsory and prohibitory effects. See *State ex rel. Sugg v. Oliver*, 2020-NMSC-002, ¶ 7, 456 P.3d 1065 (“[M]andamus is most often applied to compel the performance of an affirmative act . . . [or] to prohibit unconstitutional official action.” (internal quotation marks and citations omitted)). Therefore, mandamus “will lie only to force a clear legal right against one having a clear legal duty to perform an act” or “to prohibit unconstitutional official action.” *State ex rel. Riddle v. Oliver*, 2021-NMSC-018, ¶ 23, 487 P.3d 815 (internal quotation marks and citations omitted). “In considering whether to issue a prohibitory mandamus, we do not assess the wisdom of the public official’s act; we determine whether that act goes beyond the bounds established by the New Mexico Constitution.” *Adobe White-water Club of N.M. v. State Game Comm’n*, 2022-NMSC-020, ¶ 9, 519 P.3d 46 (quoting *Am. Fed’n of State, Cnty. & Mun. Emps. v. Martinez*, 2011-NMSC-018, ¶ 4, 150 N.M. 132, 257 P.3d 952).

{14} Respondents dispute the propriety of mandamus in this case. We have previously held that mandamus will lie when “a petitioner [seeks] to restrain one branch of government from unduly encroaching or interfering with the authority of another branch” and the question concerns “a purely legal issue concerning the non-discretionary duty of a government official” *Sandel*, 1999-NMSC-019, ¶ 11. Under such circumstances, *Sandel* guides our inquiry through application of a three-part test that queries whether the issue:

(1) implicates fundamental constitutional questions of great public importance, (2) can be answered on the basis of virtually undisputed facts, and (3) calls for an expeditious resolution that cannot be obtained through other channels such as a direct appeal.

Id.

{15} Although this case does not implicate the separation of powers in a strict sense, it is well established that “mandamus is a discretionary writ and flexible by nature.”

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Riddle, 2021-NMSC-018, ¶ 25. Indeed, “[t]his Court has never insisted upon a technical approach to the application of mandamus where there is involved a question of great public import and where other remedies might be inadequate to address that question.” *Id.* (internal quotation marks and citation omitted). The question here readily meets that standard, where we are called upon to decide whether multiple inferior political subdivisions have unduly encroached on or interfered with the plenary authority of the Legislature. In addition, this question presents a purely legal issue concerning whether Respondents exceeded their authority by enacting the Ordinances in conflict with general laws of the state thereby interfering with the Legislature’s plenary authority to make laws regulating abortion clinics and providers. See *Sandel*, 1999-NMSC-019, ¶ 11 (discussing the Court’s jurisdiction in mandamus where one branch of government has encroached on another); N.M. Const. art. III, § 1 (establishing separation of powers); NMSA 1978, § 3-17-1 (1993) (establishing municipalities’ power to adopt ordinances); NMSA 1978, § 4-37-1 (1975) (establishing counties’ power to adopt ordinances).

{16} Of the three *Sandel* factors, only the third requires consideration. We have already determined that the issue implicates great public importance, and we are persuaded that the validity of the Ordinances can be decided on the basis of virtually undisputed facts. We therefore address the parties’ arguments about whether the issue “calls for an expeditious resolution that cannot be obtained through other channels such as a direct appeal.” *Sandel*, 1999-NMSC-019, ¶ 11.

{17} Expedient resolution is required here, the State argues, because the Ordinances “severely restrict access to reproductive health care in those cities and counties.” The State urges that if we decline to issue prohibitory mandamus, local governments “will continue to pass laws that attempt to regulate and prohibit abortion” and that such laws have a chilling effect on the exercise of New Mexicans’ constitutional rights,

⁴ At the time of completing RDAP, Prisoner was incarcerated in a private correctional facility, Lea County Correctional Facility, which gives relevance to Subsection (K).

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and on the provision of care by medical professionals. Conceding this matter could have first been brought in district court, the State nonetheless submits that mandamus provides an appropriate means of bringing about definitive resolution.

{18} Quoting *State ex rel. Bird v. Apodaca*, Respondent Roosevelt County counters that, in general, this Court “defer[s] to the district court so that we may have the benefit of a complete record and so the issues may be more clearly defined.” 1977-NMSC-110, ¶ 5, 91 N.M. 279, 573 P.2d 213. While that may be true in general, our consideration of the purely legal question in this case does not suffer for lack of a complete record or clarity. Irrespective of whether relief from the district court may be available, mandamus may still be proper “when issues of sufficient public importance are presented which involve a legal and not a factual determination.” *State ex rel. King v. Lyons*, 2011-NMSC-004, ¶ 23, 149 N.M. 330, 248 P.3d 878 (internal quotation marks and citation omitted). This is particularly true when the boundaries of legislative, judicial, or executive power are implicated.

{19} Alternatively, Respondents argue that an expeditious determination is unnecessary because enforcement of the Ordinances is unlikely. They contend the Ordinances do nothing to restrict access to abortion “because no abortion providers are operating in any of those four jurisdictions.” In essence, Respondents claim that the dearth of reproductive health care in their jurisdictions renders the law ineffective to restrict access to abortion. In their view, “[t]here is no need for immediate

relief when there is no evidence or reason to believe that the ordinances are affecting abortion access on the ground.”⁶

{20} The State argues that the Ordinances are having a chilling effect on abortion access, contrary to the clearly articulated policy of favoring abortion access established by the Executive and Legislative branches of government. We agree with the State. We cannot countenance Respondents’ argument that, because the sought-after care is available 200 miles away and the State has not identified an individual who has been affected, the Ordinances impose no restrictions on access to abortion and an expeditious resolution is unwarranted. To the contrary, we consider the fact that no abortion clinics or providers currently operate in any of the four jurisdictions lends support to the State’s claim of the Ordinances’ chilling effect and the need for expeditious resolution.

{21} Moreover, it does not follow that a lack of abortion providers and clinics in these jurisdictions renders the Ordinances ineffective to restrict access to abortion. Indeed, the proscribed conduct of “shipping or receiving abortion pills or abortion-related paraphernalia” imbues the Ordinances with extraterritorial effect, thereby erecting a dragnet of considerable reach that threatens to ensnare patient and provider alike. Thus, the potential impacts of the Ordinances, including the likelihood that they will have a chilling effect, convince us this issue warrants expeditious resolution.

{22} Yet another factor favors our expeditious resolution of this issue. Additional county and municipal ordinances—nearly

identical to those at issue here—are in effect across the state. Consequently, potential conflicts with legislative authority continue unabated. Thus, our resolution of this issue will answer whether these conflicts with state law may continue. Accordingly, because “[t]his Court on several occasions has recognized that mandamus is an appropriate means to prohibit unlawful or unconstitutional official action,” and this case implicates encroachment on the Legislature’s authority, we determine this issue warrants expeditious resolution. *Sandel*, 1999-NMSC-019, ¶ 11 (internal quotation marks and citation omitted). We therefore turn to the merits of the State’s petition.

B. County and Municipal Ordinances May Be Preempted by State Law

{23} Having determined the exercise of our mandamus jurisdiction is proper, we next examine state law preemption of the Ordinances. The State argues that Respondents’ enactment of the Ordinances constitutes an invasion of the Legislature’s authority by conflicting with four general state laws: the Health Care Freedom Act, the MPA, the MMA, and the Public Health Act (PHA), NMSA 1978, §§ 24-1-1 to -44 (1973, as amended through 2024). While the State cites Sections 24-1-3 and 24-1-5 of the PHA for purposes of licensure of all health facilities, we note here and incorporate hereafter in its place the HCC, the enactment of which during the pendency of this case transferred the “health facility licensing and certification bureau” to the Health Care Authority (the Authority).⁷ See § 24A-1-5 annot. (July 1, 2024).

⁵ While the NMCD rules use slightly different language to describe scopes of review, we do not find it a material change from the statute. Compare NMCD CD-082801 § C.16 (stating that the Director’s review will include the “case”) with NMCD CD-082801 §§ C.13-14 (requiring the Classification Supervisor or Program Manager or Unit Manager, followed by the Warden, to review the “packet”).

⁶ Amicus, Eastern New Mexico Rising (ENMR), raises countervailing considerations in explaining why this is not so. Specifically, ENMR argues that the Ordinances’ adoption of the Comstock Act’s prohibition on the mailing or receipt of any “abortion pills or abortion-related paraphernalia” has a disproportionate impact on pregnant people living in rural communities for whom telemedicine abortion care is the preferred option. The alternative, ENMR points out, is a 200-mile trek to obtain care, a hardship disproportionately borne by low-income people, people of color, and undocumented people. Accord *Dobbs*, 597 U.S. at 361 (Breyer, Sotomayor, and Kagan, JJ., dissenting) (“Above all others, women lacking financial resources will suffer from today’s decision.”).

⁷ We note the PHA remains a general law despite the relevant role over licensure of health facilities being transferred to the Health Care Authority. See § 24-1-3(K) (“The department has authority to . . . ensure the quality and accessibility of health care services and the provision of health care when health care is otherwise unavailable.”).

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{24} While federal preemption is a constitutional doctrine “rooted in the Supremacy Clause of the United States Constitution,” no such analog to the Supremacy Clause exists in the Constitution of New Mexico. *Schmidt v. Tavenner’s Towing & Recovery, LLC*, 2019-NMCA-050, ¶ 7, 448 P.3d 605; U.S. Const. art. VI. Notwithstanding this federal distinction, state preemption analysis flows from our interpretation of our state constitution as granting the Legislature “plenary . . . authority limited only by the state and federal constitutions.” *Daniels v. Watson*, 1966-NMSC-011, ¶ 16, 75 N.M. 661, 410 P.2d 193 (internal quotation marks and citation omitted). Thus, “[l]egislation may be validly enacted if not inhibited by one or the other of these documents.” *Id.* Hence, because only the state and federal constitutions abridge the legislative authority, no other branch or subsidiary of state government, including political subdivisions, may curtail the Legislature’s plenary authority to legislate. See N.M. Const. art. IV, § 1 (“The legislative power shall be vested in a senate and house of representatives which shall be designated the legislature of the state of New Mexico.”).

{25} Preemption doctrine protects the Legislature’s plenary authority. See N.M. Const. art. X, §§ 5-6 (providing legislative requirements for incorporated counties and home rule municipalities). Sections 3-17-1 (municipal ordinances) and 4-37-1 (county ordinances) govern municipal and county authority to enact laws and, therefore, guide our analysis of preemption. See *Stennis v. City of Santa Fe*, 2008-NMSC-008, ¶ 21, 143 N.M. 320, 176 P.3d 309 (“Under New Mexico law, ‘a municipality may adopt ordinances or resolutions not inconsistent with state law.’” (quoting § 3-17-1)).

{26} Because Respondent cities of Hobbs and Clovis are home rule municipalities, and Lea and Roosevelt are counties, our application of preemption doctrine requires consideration of the distinct lawmaking authority possessed by both home rule municipalities and counties.⁸ Therefore, we begin by delineating the scope of municipal

and county authority before analyzing the State’s specific preemption challenges. The interpretation of municipal and county ordinances is a question of law reviewed de novo. See *Stennis*, 2008-NMSC-008, ¶ 13 (“Interpretation of municipal ordinances and statutes is a question of law that we review de novo.”).

{27} County and municipal power flows exclusively from the state. See N.M. Const. art. X, §§ 5-6. Counties and municipalities are “instrumentalities acting under the sovereignty of the state” to whom power has been granted to facilitate a more convenient exercise of local governance. *State v. Rodriguez*, 2005-NMSC-019, ¶ 10, 138 N.M. 21, 116 P.3d 92; see also NMSA 1978, § 3-15-7 (1965) (authorizing municipal charters to “provide for any system or form of government that may be deemed expedient and beneficial to the people of the municipality”).

{28} Municipal power is granted by and derives from the Legislature through “the process of incorporation under the Municipal [Charter] Act.” *New Mexicans for Free Enter. v. City of Santa Fe*, 2006-NMCA-007, ¶¶ 13-14, 138 N.M. 785, 126 P.3d 1149; NMSA 1978, §§ 3-15-1 to -16 (1965, as amended through 2018). As such, municipalities are “an auxiliary of the state government” and subordinate to the state. *City of Albuquerque v. N.M. Pub. Regul. Comm’n*, 2003-NMSC-028, ¶ 3, 134 N.M. 472, 79 P.3d 297 (internal quotation marks and citation omitted); *Temple Baptist Church, Inc. v. City of Albuquerque*, 1982-NMSC-055, ¶ 10, 98 N.M. 138, 646 P.2d 565 (“It is well settled that municipalities have no inherent right to exercise police power; their right must derive from authority granted by the [s]tate.”).

{29} Home rule municipalities are distinct in one significant regard in that they enjoy “a limited form of autonomy from state interference in matters of local concern.” *New Mexicans for Free Enter.*, 2006-NMCA-007, ¶ 14; see also N.M. Const. art. X, § 6(D). Therefore, municipalities chartered as home rule have greater latitude to “exercise all legislative powers and perform all

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functions *not expressly denied* by general law or charter.” N.M. Const. art. X, § 6(D) (emphasis added).

{30} We have “construed the meaning of ‘not expressly denied’ . . . to mean that some express statement of the power denied must be contained in the general law in order to effectively limit a municipality’s home-rule power.” *Casuse v. City of Gallup*, 1987-NMSC-112, ¶ 5, 106 N.M. 571, 746 P.2d 1103 (citation omitted). Therefore, home rule municipalities need not “look to the [L]egislature for a grant of power to act, but only look[] to legislative enactments to see if any express limitations have been placed on their power to act.” *New Mexicans for Free Enter.*, 2006-NMCA-007, ¶ 15 (internal quotation marks and citation omitted).

{31} By contrast, “[a] county is but a political subdivision of the [s]tate, and it possesses only such powers as are expressly granted to it by the Legislature, together with those necessarily implied to implement those express powers.” *El Dorado at Santa Fe, Inc. v. Bd. of Cnty. Comm’rs*, 1976-NMSC-029, ¶ 6, 89 N.M. 313, 551 P.2d 1360. Thus, home rule municipalities’ authority is positive in nature and retained unless the Legislature has expressly abrogated it, while counties, like non-home rule municipalities, must look to the Legislature for express grants of authority to act. See N.M. Const. art. X, § 5(C) (“An incorporated county may exercise all powers and shall be subject to all limitations granted to municipalities by Article 9, Section 12 of the constitution of New Mexico and all powers granted to municipalities by statute.”); see also § 4-37-1 (“All counties are granted the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties.”); *State ex rel. Haynes v. Bonem*, 1992-NMSC-062, ¶ 10, 114 N.M. 627, 845 P.2d 150 (noting that non-home rule municipalities incorporated before 1970 “looked to state statutes for express or implied grants of authority, and if they did not find such authority, they could not act”).

⁸ Respondents Clovis and Hobbs chartered as home rule municipalities in 1971 and 2001, respectively. See NM Legislative Handbook, Home Rule Municipalities, https://www.nmlegis.gov/Publications/handbook/home_rule_municipalities_24.pdf (last visited Dec. 23, 2024).

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{32} As these authorities demonstrate, the power of home rule municipalities and counties is subject to the supremacy of state law. *See* § 3-17-1 (“The governing body of a municipality may adopt ordinances or resolutions not inconsistent with the laws of New Mexico.”); § 4-37-1 (“The board of county commissioners may make and publish any ordinance to discharge these powers not inconsistent with statutory or constitutional limitations placed on counties.”). Therefore, when a conflict arises between state and local law, local authority must yield.

{33} Whether a local law is inconsistent with state law and is therefore preempted requires analysis under our governing test for preemption. We examine whether “the ordinance permits an act the general law prohibits, or vice versa.” *Stennis*, 2008-NMSC-008, ¶ 21 (internal quotation marks and citation omitted). We also inquire whether the regulated activity “is of such a character that local prohibitions on those activities would be inconsistent with or antagonistic to that state law or policy.” *New Mexicans for Free Enter.*, 2006-NMCA-007, ¶ 43. Additionally, a municipality’s “ability to regulate in an area may be preempted either expressly, by the language of a statute, or impliedly, due to a conflict between the local body’s ordinances and the contents, purposes, or pervasive scheme of the statute.” *San Pedro Mining Corp. v. Bd. of Cnty. Comm’rs*, 1996-NMCA-002, ¶ 9, 121 N.M. 194, 909 P.2d 754. Because municipalities are “presumed to retain the power to exercise [their] normal authority over an activity,” express preemption is found where the Legislature has clearly stated its intent to preempt local control. *Id.* Alternatively, implied preemption is found where the ordinance presents a “conflict[] with a state statute or regulation, or if the statute demonstrates an intent to occupy the entire field.” *Id.* ¶ 11.

{34} Therefore, our analysis of preemption encompasses three questions: 1) whether there is a general law at issue,

2) whether the exercise of municipal or county power is expressly denied by general law, and 3) whether the municipal or county power is implicitly denied by general law.

C. The Ordinances Are Expressly and Implicitly Preempted by State Law

1. The Health Care Freedom Act, MPA, MMA, ULA and HCC are general laws

{35} A general law is one which “applies generally throughout the state.” *Haynes*, 1992-NMSC-062, ¶ 15 (internal quotation marks and citation omitted). In determining whether a law is general, we focus “on the impact of the law and whether it implicates matters of statewide concern, as opposed to matters of purely local concern.” *Id.* ¶ 18.

{36} “[F]or a general law to supersede a home rule municipality’s charter or ordinance, the subject matter of the general legislative enactment must pertain to those things of general concern to the people of the state.” *Id.* (internal quotation marks and citation omitted). Accordingly, the test is “whether it affects all, most, or many of the inhabitants of the state . . . or whether it affects only the inhabitants of the municipality and is therefore of only local concern.” *Id.* ¶ 19.

{37} The statutes invoked by the State—the Health Care Freedom Act, MPA, MMA, and HCC—as well as the ULA, implicate “matters of statewide concern, as opposed to matters of purely local concern,” and are therefore general laws. *Id.* ¶ 18.

{38} We begin with the Health Care Freedom Act, which comprehensively addresses access to reproductive and gender-affirming health care in the state. *See* §§ 24-34-1 to -5. The Act’s general applicability arises from its purpose to protect access to reproductive and gender-affirming health care. *See id.* These are issues “of general concern to the people of the state” that, by virtue of their relationship to constitutional rights,⁹ necessarily “implicate[] matters of statewide concern.” *Haynes*, 1992-NMSC-062, ¶ 18; *see also* N.M. Const. art. II, § 18. Thus,

Respondents’ view that reproductive and gender-affirming health care “affects only the inhabitants of [a] municipality” does not abide with the Act’s purpose. *Haynes*, 1992-NMSC-062, ¶ 19.

{39} The Act’s general applicability is further demonstrated by its broad proscription of any actions by public bodies and entities that discriminate, restrict, or interfere with “a person’s ability to access or provide reproductive health care or gender-affirming health care within the medical standard of care.” Section 24-34-3(A)-(B). That proscription would be wholly undermined if it could be evaded or ignored by a local government or other public body. Accordingly, the Health Care Freedom Act is a general law.

{40} The MPA’s applicability is similarly comprehensive, as demonstrated by its pervasive regulatory scheme governing physician licensure and practice in the state. Sections 61-6-1 to -34. The MPA’s plain language makes its general applicability abundantly clear. Enacted “to protect the public from the improper, unprofessional, incompetent and unlawful practice of medicine,” the MPA vests the medical board with exclusive licensing and disciplinary authority for a physician’s practice of medicine. Section 61-6-1(B)-(C). Creating the medical board and vesting it with exclusive authority to license and discipline physicians shows a clear legislative intent for the MPA to apply equally to all practitioners within the state. *See* §§ 6-6-2, -5. Indeed, the medical board’s authority under the MPA is subject only to the broader scheme under the ULA. As the name implies, the ULA imposes uniformity in the licensure of professionals in the state of New Mexico and “promote[s] uniformity with respect to the conduct of board hearings and judicial review.” Section 61-1-28.

{41} The ULA outlines the procedural due process afforded its licensees—such as an opportunity for a hearing, notice, and method of service—and imposes consistency on professional licensure and disciplinary actions regardless of the requirements unique

⁹ In N.M. Right to Choose/NARAL, this Court held the Equal Rights Amendment precluded the Human Services Department from restricting funding for medically necessary abortions under the state’s Medicaid program. Pursuant to the Equal Rights Amendment, we determined that there was “no compelling justification for treating men and women differently with respect to their medical needs.” 1999-NMSC-005, ¶¶ 1-2.

► From the New Mexico Supreme Court

to each professional licensing board. *See* §§ 61-1-3, -4, -8, -28. Thus, “because the people of the state have an interest in maintaining a uniform system of conditions,” the MPA and ULA apply generally throughout the state. *Haynes*, 1992-NMSC-062, ¶ 18 (internal quotation marks and citation omitted).

{42} The MMA is a similarly comprehensive statute, setting malpractice insurance requirements and limitations on liability for all health care providers in the state. *See* §§ 41-5-5 to -6. Through the MMA, we have recognized that “[t]he Legislature has clearly demonstrated a concern for the health of the citizens of New Mexico as it is affected by the availability of practicing physicians and assured by the availability of malpractice insurance.” *Lester v. Hall*, 1998-NMSC-047, ¶ 11, 126 N.M. 404, 970 P.2d 590.

{43} The fourth and final statute at issue, the HCC, encompasses broad public health laws for New Mexico and delineates the powers of the Authority to oversee, in pertinent part, licensure of health facilities throughout the state. Sections 24A-1-3, -5. Indeed, the express statutory purpose of the Health Care Authority Act is “to establish a single, unified department to administer laws and exercise functions relating to health facility licensure.” NMSA 1978, § 9-8-3 (2023, as amended through 2024). Further, the HCC directs the Authority to

- (1) promulgate and enforce rules for the licensure of health facilities under its jurisdiction;
- (2) license and inspect health facility premises to ensure compliance with laws, rules and public safety; and
- (3) carry out such other duties as provided by law.

Section 24A-1-3(B). Like the MPA, the HCC imposes uniformity in access and quality of health care throughout the state. *See* § 24A-1-3. Thus, because the HCC affects all inhabitants of the state, we conclude it is a general law. *See Haynes*, 1992-NMSC-062, ¶ 19.

{44} Having concluded that the Health Care Freedom Act, the MPA, the MMA, the ULA, and the HCC are general laws, we turn to whether the Ordinances are expressly or implicitly preempted by these state laws.

2. The Health Care Freedom Act expressly preempts the Ordinances

{45} Under our analysis for express preemption, we must determine whether a general law permits acts prohibited by a local ordinance. *See Stennis*, 2008-NMSC-008, ¶ 21. Under the Health Care Freedom Act, the Legislature explicitly preempted conflicting laws or policies implemented by other public bodies: “[a] public body shall not impose or continue in effect any law, ordinance, policy or regulation that violates or conflicts with the provisions of [the Health Care Freedom Act].” Section 24-34-3(D). The Ordinances are antagonistic to this legislative statement of express preemption. *Cf. New Mexicans for Free Enter.*, 2006-NMCA-007, ¶ 43 (“[A]n ordinance will conflict with state law when state law specifically allows certain activities or is of such a character that local prohibitions on those activities would be inconsistent with or antagonistic to that state law or policy.”). Therefore, even under the broad grant of authority to home rule municipalities, the Ordinances fail because the Legislature expressly revoked the authority to enact local laws in conflict with the Act.

{46} Further, the Ordinances plainly prohibit what the Health Care Freedom Act permits. Specifically, the Ordinances interfere with access to reproductive health care, in direct contravention of the Act. Section 24-34-3(A)-(D). The non-exhaustive list of reproductive and gender-affirming services protected by the Act includes abortion.¹⁰ Therefore, the Ordinances’ prohibitions on mailing abortion medication and the licensing Ordinances’ requirements for abortion providers and expansive definitions of “abortion clinic,” Hobbs Ordinance No. 1147, ch. 5.52.020; Roosevelt Cnty. Ordinance No. 2023-01, § 1(B), work in tandem to deny, restrict, and interfere “with a person’s ability to access or provide repro-

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ductive health care.” Section 24-34-3(B).

{47} Respondents dispute preemption by the Act, arguing the Ordinances merely enforce compliance with, and are duplicative of, federal law. We disagree. While the Ordinances restate the Comstock Act’s prohibitions, they do not, as Respondents claim, “simply parrot” federal law. The Ordinances go significantly beyond federal requirements by, among other things, purporting to regulate access to and licensure of so-called abortion clinics and physicians in a manner that prohibits or interferes with access to reproductive health care. Our Legislature’s adoption of the Health Care Freedom Act is an express rebuke of Respondents’ actions. Indeed, the Legislature seemingly contemplated local dissent and ensured that any conflicting law would be expressly preempted by the Act. *See* § 24-34-3(D). By invalidating any existing law and prohibiting any prospective law in conflict, the Act supplied the “express limitations . . . on [Respondents’] power to act.” *New Mexicans for Free Enter.*, 2006-NMCA-007, ¶ 15; *see* § 24-34-3(D).

{48} Therefore, because the Legislature stated its intent to abrogate any current or prospective law in conflict with its provisions, we hold the Ordinances are expressly preempted by the Act. Section 24-34-3(D).

3. The MPA, the MMA, and the ULA implicitly preempt the licensing Ordinances

{49} While the foregoing analysis is sufficient to grant the relief sought by the State, we also hold that the licensing Ordinances are implicitly preempted by the MPA and ULA because of the Legislature’s “intent to occupy the entire field” of licensure for medical professionals. *San Pedro Mining Corp.*, 1996-NMCA-002, ¶ 11. The purpose of the MPA is to “provide laws and rules controlling the granting and use of the privilege to practice medicine and to establish a medical board to implement and enforce the laws and rules.” Section 61-6-1(B). The pervasive regulatory scheme under both the MPA and ULA demonstrates the Legislature’s intent to occupy the field of medical licensure

¹⁰ Section 24-34-2(C) lists the following services: “(1) preventing a pregnancy; (2) abortion; (3) managing a pregnancy loss; (4) prenatal, birth, perinatal and postpartum health; (5) managing perimenopause and menopause; (6) managing fertility; (7) treating cancers of the reproductive system; or (8) preventing or treating sexually transmitted infections.”

► From the New Mexico Supreme Court

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specifically, and state professional licensure generally. See *Casuse*, 1987-NMSC-112, ¶ 6 (“[A]ny New Mexico law that clearly intends to preempt a governmental area should be sufficient without necessarily stating that affected municipalities must comply and cannot operate to the contrary.” (citation omitted)). The MMA affects the same pervasive regulatory scheme by effecting “adequate access to health care services” and a process for recovery “for any malpractice claims.” *Baker v. Hedstrom*, 2013-NMSC-043, ¶ 20, 309 P.3d 1047.

{50} The Ordinances prohibit any person from violating the Comstock Act’s provisions under 18 U.S.C. § 1462(c) (mailing or receipt of any abortion pills or abortion-related paraphernalia). See Hobbs Ordinance No. 1147, ch. 5.52.070; Clovis Ordinance No. 2184-2022, ch. 9.90.060; Roosevelt Cnty. Ordinance No. 2023-01, §§ 2, 9; Lea Cnty. Ordinance No. 99, § 6. As previously noted, the Hobbs and Roosevelt ordinances define abortion clinics in exceedingly broad terms, the effect of which potentially subjects any provider operating outside a hospital to the Ordinances’ licensing schemes. See Hobbs Ordinance No. 1147, ch. 5.52.020; Roosevelt Cnty. Ordinance No. 2023-01, § 1(B). This is because a provider who performs an abortion in “any building or facility, other than a hospital” must first apply for what the Ordinances term an “abortion license.” See Hobbs Ordinance No. 1147, chs. 5.52.020-.030; Roosevelt Cnty. Ordinance No. 2023-01, §§ 1(B), 5; see also Clovis Ordinance No. 2184-2022, ch. 9.90.020 (creating a licensure requirement for abortion clinics). Failure to secure an abortion license and any activity that purportedly violates the Comstock Act results in a violation of the ordinance. See Hobbs Ordinance No. 1147, chs. 5.52.030-.070; Roosevelt Cnty. Ordinance No. 2023-01, §§ 5-9; Clovis Ordinance No. 2184-2022, chs. 9.90.020-.060.

{51} The Ordinances’ requirements for a separate license to perform an individual medical procedure is incongruous with the

purpose of uniformity in licensing under the ULA. See § 61-1-28. Further, the manner of piecemeal licensure imposed by the licensing Ordinances and potential liability for practitioners who provide abortion-related care would defeat the MPA’s purpose to ensure the practice of medicine within the standard of care that applies equally to all procedures, as well as the legislative intent of the MMA to ensure availability of health care. See § 61-6-1; *Baker*, 2013-NMSC-043, ¶¶ 16-17.

{52} Moreover, by placing the authority to issue and revoke licenses with county managers and city commissioners, the licensing Ordinances disregard the due process protections enshrined in the ULA to ensure professionals seeking a license have adequate notice and opportunity to respond to violations. See §§ 61-1-3, -4, -8, -28; Hobbs Ordinance No. 1147, ch. 5.52.060; Clovis Ordinance No. 2184-2022, ch. 9.90.050; Roosevelt Cnty. Ordinance No. 2023-01, § 8. More directly, the licensing Ordinances conflict with the ULA’s express prohibition of actions by boards against licensees or license applicants related to protected health care activity as defined in the Health Care Freedom Act. See § 61-1-10.1. Again, it would be incongruous to allow Respondents to discipline licensed professionals for activities that are exempt from discipline by their own licensing boards. Therefore, we are unpersuaded by Respondents’ claims that the ordinances are “not a ‘medical licensing regime’” and that the ordinances “do nothing to restrict physicians or anyone else from performing abortions in New Mexico.”

{53} If permitted to stand, the licensing Ordinances would subvert the state’s regulatory regime for the practice of medicine. The purpose of the MPA is to “provide laws and rules controlling the granting and use of the privilege to practice medicine.” Section 61-6-1(B). The Ordinances disrupt this purpose by creating a parallel system under which pregnant people would be

disproportionately exposed to the very risks the MPA seeks to eliminate—“the improper, unprofessional, incompetent and unlawful practice of medicine.” *Id.* Additionally, the Ordinances’ requirements implicate the availability of health care services and providers in the state, thus conflicting with the legislative goals of the MMA. See *Baker*, 2013-NMSC-043, ¶ 16 (noting the MMA “provid[ed] incentives to persons to furnish health care services” to ensure their availability (citation omitted)). Our test is unequivocal: “when two statutes that are governmental or regulatory in nature conflict, the law of the sovereign controls.” *Casuse*, 1987-NMSC-112, ¶ 6. Accordingly, we hold the licensing Ordinances are implicitly preempted by the MPA, MMA, and ULA.

4. The HCC implicitly preempts the licensing Ordinances

{54} Lastly, we conclude the licensing Ordinances are implicitly preempted by the HCC for two reasons. First, the Legislature has demonstrated an intent to preempt under the HCC by creating a comprehensive licensing scheme addressing the requirements for operating a health facility. See § 24A-1-5; 8.370.18.2 NMAC. Pertinent here, the Authority’s power pursuant to the HCC extends to definition and licensure of health facilities throughout the state, the scope of which encompasses “abortion clinics” as defined in the Hobbs and Roosevelt ordinances and discussed above.¹¹ See § 24A-1-5; Hobbs Ordinance No. 1147, ch. 5.52.020; Roosevelt Cnty. Ordinance No. 2023-01, § 1(B). Additionally, to ensure uniformity across the state, health facility regulations governing licensure requirements for all manner of health facilities have been promulgated under the Authority’s purview. See 8.370.18 NMAC. Specifically, the HCC mandates that “a health facility shall not be operated without a license issued by the authority,” and the regulations identify the Authority as the exclusive licensing entity for health facilities. Section 24A-1-5(A) (emphasis added); 8.370.18.7(J) NMAC.

¹¹ The HCC defines a “health facility” as “a public hospital; profit or nonprofit private hospital; general or special hospital; outpatient facility; crisis triage center; freestanding birth center; adult daycare facility; nursing home; intermediate care facility; assisted living facility; boarding home not under the control of an institution of higher learning; shelter care home; diagnostic and treatment center; rehabilitation center; infirmary; community mental health center that serves both children and adults or adults only; or a health service organization operating as a freestanding hospice or a home health agency.” Section 24A-1-2(D).

► From the New Mexico Supreme Court

{55} The Authority's rules also include licensure procedures to which various kinds of health facilities are subject. 8.370.18.9-.18 NMAC. Under these rules, "[a] one-year nontransferable license shall be issued to any health facility complying with all rules of the authority." Section 24A-1-5(E). Thus, the license is conditioned solely on compliance with the rules of the Authority.

{56} The licensing Ordinances usurp the Authority's licensing authority, principally by imposing separate licensing requirements for the operation of a health facility and secondarily by creating new requirements beyond that which is mandated by state law. For example, under the licensing Ordinances, an abortion clinic or health facility providing abortions must provide a statement of compliance with the Comstock Act. *See* Hobbs Ordinance No. 1147, ch. 5.52.040(F); Clovis Ordinance No. 2184-2022, ch. 9.90.030(F); Roosevelt Cnty. Ordinance No. 2023-01, § 6(F). The licensing Ordinances thus eschew the Authority's facility licensing requirements in favor of their own and contravene the HCC by attempting to "control the manner" in which licenses are issued. *See ACLU v. City of Albuquerque*, 1999-NMSC-044, ¶¶ 11, 17, 128 N.M. 315, 992 P.2d 866 (holding an Albuquerque curfew ordinance was implicitly preempted by state law).

{57} Second, the Legislature has implicitly preempted the licensing Ordinances by virtue of the HCC's "statutory grant of authority to another governmental body"—the Authority—and piecemeal local action would be inconsistent with the Authority's delegated role. *New Mexicans for Free Enter.*, 2006-NMCA-007, ¶ 20. In *New Mexicans for Free Enterprise*, the Court of Appeals held the Minimum Wage Act did not preempt a municipal wage ordinance, in part, because the act did "not grant comprehensive authority to set minimum wages to the state." *Id.* Conversely, here, the HCC grants comprehensive authority as the sole licensing entity for health facilities to the Authority. *See* § 24A-1-5(A) ("A health facility shall not

be operated without a license issued by the authority."); 8.370.18.7(J) NMAC.

{58} By placing the power to approve or deny licenses with city commissions and county managers, the Ordinances impermissibly intrude upon the Authority's exclusive licensing purview. *See* Hobbs Ordinance No. 1147, ch. 5.52.050 and Clovis Ordinance No. 2184-2022, ch. 9.90.040 (placing authority to issue a license with the city commissions); Roosevelt Cnty. Ordinance No. 2023-01, § 7 (placing authority to issue a license with the County Manager). In short, because the HCC creates a comprehensive licensing scheme for operating a health facility throughout the state and specifically governs health facility licensure, we conclude the licensing Ordinances are preempted. *See* § 24A-1-5; 8.370.18.2 NMAC.

D. Respondents Exceeded Their Constitutional and Statutory Authority

{59} In addition to being explicitly and implicitly preempted by multiple state laws, the Ordinances purportedly create individual rights that affect matters beyond Respondents' authority under the New Mexico Constitution and statutes. Local governments may not enact "private or civil laws governing civil relationships except as incident to the exercise of an independent municipal power." N.M. Const. art. X, § 6(D). Roosevelt County's ordinance authorizes a private right of action providing that any person other than a government employee may bring civil action and seek statutory damages of "not less than \$100,000 for each violation" of the section of the ordinance requiring individuals to comply with the Comstock Act. Roosevelt Cnty. Ordinance No. 2023-01, §§ 3, 2(A)-(C). The Lea County ordinance imposes a \$300 fine for violations, including for "conduct that aids or abets . . . violations" of the Comstock Act. Lea Cnty. Ordinance No. 99, §§ 6.3, 7. {60} Respondents argue the Ordinances constitute a lawful exercise of their police powers to license business and legislate for

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the health and safety of county and municipal inhabitants. However, "[a] municipality has no inherent right to exercise police power. Its powers are derived solely from the state." *City of Santa Fe v. Gamble-Skogmo, Inc.*, 1964-NMSC-016, ¶ 7, 73 N.M. 410, 389 P.2d 13. Because Respondents' authority to regulate health care access and physician licensure is entirely preempted, Respondents' police powers in these areas are extremely limited. To the extent Respondents have any residual authority, they certainly have no power to supplant the will of the statewide electorate in favor of their own. While we decide this case under the preemption doctrine, we strongly admonish Respondents for exceeding their authority under Article X, Section 6(D) of the New Mexico Constitution. Creating a private right of action and damages award that is clearly intended to punish protected conduct far exceeds any interest that is "incident[al] to the exercise of an independent municipal power." N.M. Const. art. X, § 6(D).

IV. CONCLUSION

{61} Our Legislature granted to counties and municipalities all powers and duties not inconsistent with the laws of New Mexico. The Ordinances violate this core precept and invade the Legislature's authority to regulate access to and provision of reproductive health care. Therefore, based on the independent and adequate state law grounds provided in the Reproductive and Gender-Affirming Health Care Freedom Act, the Medical Practice Act, the Medical Malpractice Act, and the Health Care Code, as well as the Uniform Licensing Act, we hold the Ordinances are preempted in their entirety. Accordingly, we grant the writ of mandamus prohibiting Respondents from enforcing the Ordinances.

{62} IT IS SO ORDERED.

C. SHANNON BACON, Justice
WE CONCUR:

DAVID K. THOMSON, Chief Justice
MICHAEL E. VIGIL, Justice
JULIE J. VARGAS, Justice
BRIANA H. ZAMORA, Justice

FORMAL OPINION

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Filing Date: 8/14/2025

No. A-1-CA-41226

**CONCERNED CITIZENS FOR NUCLEAR
SAFETY and HONOR OUR PUEBLO
EXISTENCE,**

Petitioners-Appellants,

v.

**NEW MEXICO WATER QUALITY
CONTROL COMMISSION,**

Respondent-Appellee

and

**TRIAD NATIONAL SECURITY, LLC and
NEW MEXICO ENVIRONMENTAL
DEPARTMENT,**

Intervenors-Appellees,

**IN THE MATTER OF THE PETITION FOR
REVIEW OF THE DECISION OF THE NEW
MEXICO ENVIRONMENT DEPARTMENT
ISSUING GROUND WATER DISCHARGE
PERMIT NO. DP-1132.**

**APPEAL FROM THE NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

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for Appellee New Mexico
Water Quality Control Commission

► Introduction of Opinion

The opinion filed on May 19, 2025, is hereby withdrawn, and this opinion is substituted in its place, following Respondent New Mexico Water Quality Control Commission's timely motion for rehearing, which this Court denies. This case arises from a decades-long effort by the Los Alamos National Laboratory (the Laboratory), its various managing entities—Triad National Security, LLC (Triad), the current managing entity for the Laboratory—and the United States Department of Energy (DOE) (collectively, the Permittees) to receive a ground water discharge permit from the New Mexico Environmental Department (NMED) for the Laboratory's radioactive liquid waste treatment facility (RLWTF). NMED issued Permit No. DP-1132 (the Permit) on May 5, 2022. In accordance with NMSA 1978, Section 74-6-5(O) (2009), Appellants Concerned Citizens for Nuclear Safety and Honor Our Pueblo Existence (collectively, Citizens) timely filed a petition for review with Appellee, the Water Quality Control Commission (WQCC). The petition for review was granted on August 30, 2022. **View full PDF online.**

Michael D. Bustamante, Judge,
Retired, sitting by designation.
WE CONCUR:

J. Miles Hanisee, Judge
Zachary A. Ives, Judge

To read the entire opinion, please visit
the following link:
<https://bit.ly/A-1-CA-41226updated>

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-41542
State of New Mexico
v.
Patrick James Woods

Introduction of Opinion

Defendant Patrick James Woods was convicted, upon a guilty plea, of various charges arising from a multi-vehicle collision—including two counts of third-degree homicide by vehicle (reckless driving), NMSA 1978, § 66-8-101(A), (D) (2016); one count of third-degree great bodily injury by vehicle (reckless driving), § 66-8-101(B), (E); leaving the scene of an accident (great bodily harm or death), NMSA 1978, § 66-7-201(B) (1989); and failure to give immediate notice of accidents, NMSA 1978, § 66-7-206 (2022). On appeal, Defendant argues the district court erred in designating his homicide by vehicle and great bodily injury by vehicle convictions as serious violent offenses under the Earned Meritorious Deductions Act (EMDA), NMSA 1978, § 33-2-34 (2015, amended 2025). We affirm.

Jennifer L. Attrep, Judge
WE CONCUR:
Jane B. Yohalem, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41542>

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

Introduction of Opinion

The opinion filed on June 25, 2025, is hereby withdrawn, and this opinion is substituted in its place, following Respondent's timely motion for rehearing, which this Court denies. Respondent Jarrod 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-42284Updated>

No. A-1-CA-41466
Edwin Wilson
v.
Cincinnati Specialty
Underwriters Insurance
Company

Introduction of Opinion

This appeal revolves around two issues: first, whether Defendant Cincinnati Specialty Underwriters Insurance Company, an insurer, committed bad faith by breaching the duty to defend or duty to settle owed its insured, the Improved Benevolent and Protective Order Elks of the World Albuquerque Navajo Lodge #863 (the Lodge); and second, whether an insurance policy held by the Lodge covered Plaintiff Edwin Wilson for injuries sustained at the Lodge. The underlying lawsuit against the Lodge was brought by Plaintiff, who suffered a catastrophic injury from a 2015 shooting there. **View full PDF online.**

J. Miles Hanisee, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41466>

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-41658
Bryce Franklin
v.
Access Corrections

Introduction of Opinion

The district court dismissed Plaintiff's complaint against Defendant, Access Corrections, without prejudice for insufficient service. On appeal, we conclude that Plaintiff did not satisfy the requirements of Rule 1-004 NMRA for the proper service of a business entity by mail and that the district court did not abuse its discretion by concluding that Plaintiff did not act with reasonable diligence under the circumstances. We therefore affirm.

Katherine A. Wray, Judge
WE CONCUR:
Zachary A. Ives, Judge
Shammara H. Henderson, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41658>

No. A-1-CA-41080
Cheryl Duran
v.
Board of Education
of Pojoaque Valley
School District

Introduction of Opinion

Defendant, the Board of Education of Pojoaque Valley School District, appeals the district court's judgment in favor of Plaintiffs Cheryl and Benjamin Duran, as parents and next friends of their minor daughter, K.D., who suffered injuries when another student attacked her at school. Defendant argues the district court erred in determining that immunity was waived under the building waiver, NMSA 1978, § 41-4-6(A) (2007), of the New Mexico Tort Claims Act (TCA), NMSA 1978, §§ 41-4-1 to -27, -30 (1976, as amended through 2020), and in awarding Plaintiffs \$400,000. We affirm.

Jennifer L. Attrep, Judge
WE CONCUR:
Megan P. Duffy, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41080>

No. A-1-CA-41289
State of New Mexico
v.
Steven Joshua Candelaria

Introduction of Opinion

Defendant Steve Candelaria appeals his convictions for one count of abuse of a child (no death or great bodily harm), contrary to NMSA 1978, Section 30-6-1(D) (2009); one count of aggravated battery against a household member with a deadly weapon, contrary to NMSA 1978, Section 30-3-16(C) (2018); and one count of aggravated assault against a household member with a deadly weapon, contrary to NMSA 1978, Section 30-3-13(A)(1) (1995). On appeal, Defendant argues that (1) Defendant's conviction for child abuse was not supported by sufficient evidence; (2) Defendant's convictions for aggravated battery and aggravated assault violate principles of double jeopardy; and (3) Defendant received ineffective assistance of counsel. For the reasons set forth below, we affirm.

Shammara H. Henderson, Judge
WE CONCUR:
Jacqueline R. Medina, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41289>



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The State Bar of New Mexico Senior Lawyers Division is honored to host the annual Attorney In Memoriam Ceremony. This event honors New Mexico attorneys who have passed away during the last year and recognizes their work in the legal community. The Division invites the family, friends and colleagues of those being honored, to attend the 2025 In Memoriam Ceremony.

Save the Date

**Tuesday, Nov. 18, 2025 • 5:00 p.m.
State Bar Center**

For any questions or comments, please contact Member Services
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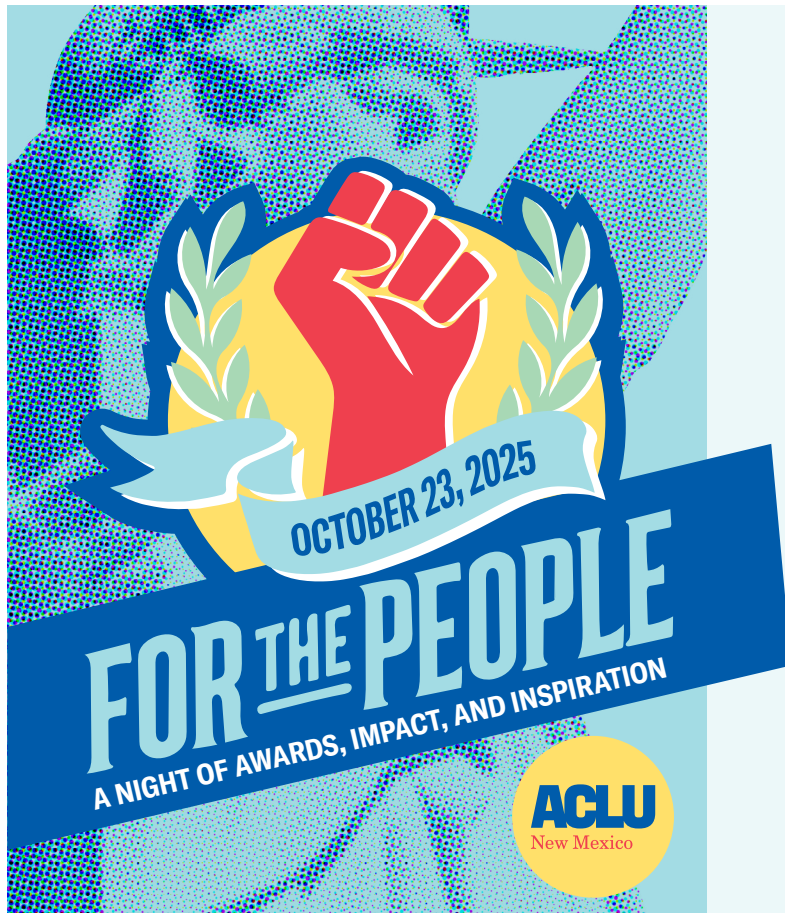
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Wednesday, September 24, 2025

11:00 a.m. – 1:00 p.m.

Hispano Chamber of Commerce

large conference room

1309 4th St SW, Albuquerque, NM 87102

This panel features the following speakers:



Danielle Slupesky, *Death Doula*
Justin Welch, *End of Life financial planner*
Erin Marshall, *Attorney*
Rep. Dayan Hochman-Vigil, *Legislator*
Kim Padilla, *Moderator*



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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!

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Positions

Judicial Clerkships, Court of Appeals Judge Kristopher Houghton

Recently Appointed Court of Appeals Judge Kristopher Houghton is accepting applications for two clerkship positions to begin as soon as possible. This is an excellent opportunity for new or seasoned attorneys to work directly with an appellate judge and write judicial opinions on appeals across all areas of the law. Court of Appeals law clerk salaries are set by Supreme Court Order and currently are \$82,600 for 0-2 years of experience, \$93,356 for 2-4 years of experience and \$97,264 for more than 4 years of experience. Applicants should submit a one-page letter of interest, resume, law school transcript, writing sample (no more than ten pages), and a list of three references to the Clerk of the Court, Mark Reynolds, via email at coamhr@nmcourts.gov.

Attorneys

The Santa Fe and Albuquerque offices of Hartline Barger LLP, are seeking attorneys with 4+ years of experience to join their growing team. Hartline Barger, a nationally recognized trial law firm specializing in general civil litigation, built its reputation on product liability defense but has expanded to numerous practice areas. Given Hartline Barger's exceptional trial record over the last thirty years, Hartline is also a go-to firm for excess and monitoring counsel. We believe that associates develop best when given direct experience, including in depositions, hearings, briefing, and trial. Requirements: Strong academic and litigation background; Exceptional writing and advocacy skills; Independently manage a caseload – from beginning to end; Work closely with other attorneys and Partners on multitude of legal projects; Regularly handle court appearances and depositions; Take the lead with client communication and provide meaningful updates. We offer a competitive salary and collaborative firm culture with exceptional benefits. We also offer hybrid and in-office working options. How To Apply: If you're ready to work with some of the best trial attorneys in the country, take on a diverse docket of high-profile cases, and immerse yourself in a corporate culture that upholds the highest standards of professionalism, contact us and submit your resume to careers@hartlinebarger.com.

Attorneys Professional and Products/General Liability Litigation Groups

Rodey, Dickason, Sloan, Akin & Robb, P.A.'s Albuquerque office is currently seeking attorneys to practice in its Professional and Products/General Liability Litigation Groups. Opportunities are available for lateral associates and experienced attorneys. The candidate would participate in all aspects of case handling and would gain experience in taking depositions, preparing witnesses for depositions and defending depositions (including expert witnesses), brief and reporting writing, answering written discovery, and participating in direct contact with clients. The candidate would have the opportunity to work closely with some of the most talented defense lawyers in the state. Qualifications: Ideal candidate should have strong academic credentials and writing skills and be licensed in New Mexico. Rodey offers a competitive salary and bonus structure, comprehensive benefits package, including health, dental and vision; professional development and multi-faceted mentoring program; FSA and HSA plan option(s); 401K plan/ employer match; group life and long-term disability insurance; employee assistance program; wireless phone/ services stipend. To apply, please send a cover letter, resume, writing sample, and law school transcript attention "Ali Taylor, Human Resources Director" at: jobs@rodey.com with "Litigation Attorney" in the subject line. All inquiries will be kept confidential. Rodey is an Equal Opportunity Employer. Rodey Law Firm is not accepting unsolicited resumes from search firms for this position.

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.

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.

Internal Legal Counsel

New Mexico Tech seeks the following positions: Internal Legal Counsel. For full description of position visit <https://nmt.edu/hr/Internal%20Legal%20Counsel%200609825.pdf>. Please contact Jessica Dennis, Human Resources Coordinator Brown Hall Room 118, (575)-835-5370

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Mid- size downtown Defense litigation firm looking for a lawyer to do full or part-time litigation including depositions and trials. Pay range varies with experience \$70,000 - \$120,000. Congenial and easy-going firm. Please e-mail your resume to karrants@stiffllaw.com

Assistant Public Defender

The Public Defender at the Pueblo of Isleta is hiring an Assistant Public Defender to provide in-house counsel to clients where the Public Defender has a conflict of interest as well as to assist the Public Defender in cases where there is no conflict. The Assistant Public Defender will represent Native Americans in charged with crimes at the Pueblo of Isleta when the cases are filed in Tribal Court. The position is grant-funded for three years. Applicants should send their letter of interest, resume, and application to poiemployment@isletapueblo.com. The application can be found on the Pueblo of Isleta Careers webpage at <https://www.isletapueblo.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.

Assistant County Attorney

Sandoval County is hiring for an Assistant County Attorney at its office in Bernalillo, NM. Desired start date 8/4/2025. Under the direction of the County Attorney, serves as legal representative and advisor to the Board of County Commissioners, and other Elected Officials, directors and individuals requiring legal advice, when no conflict exists; assists with review of documents in Inspection of Public Records (IPRA) requests; represents the County in legal proceedings, including District Court and/or administrative proceedings in Tax, Garnishment, Employment, and Planning and Zoning, and other matters; drafts and reviews resolutions, contracts, ordinances, and other documents; researches legal issues and prepares Memorandum of Law for the County Attorney; provides legal assistance to all County Boards and Commissions; at the direction of the County Attorney oversees outside counsels' representation of the County; and performs other support functions as directed by the County Attorney. For more information see the job posting at: <https://www.governmentjobs.com/careers/sandovalcountynm/jobs/5010340/assistant-county-attorney>

Ninth Judicial District Court - Domestic Relations Hearing Officer

The Ninth Judicial District Court (Curry and Roosevelt Counties) is currently accepting applications for a full-time, at-will Domestic Relations Hearing Officer. The Domestic Relations Hearing Officer will hear matters in both counties. Applicants must hold a J.D. from an accredited law school, a license to practice law in New Mexico, and five years of experience in the practice of law with at least 20% of said practice having been in family law or domestic relations matters. For a complete job description and application instructions, please visit the careers section on the New Mexico Judiciary's website at <https://nmcourts.gov/careers/>.

**City of Albuquerque
Assistant City Attorney**

Want to work with the team voted the “Outstanding Public Owner” of the year? The City of Albuquerque is seeking an attorney to provide general counsel services to the City’s Department of Municipal Development (“DMD”), which oversees the construction and renovation of City facilities and maintenance of City streets. In addition to contract review, the attorney will be responsible for providing advice on a broad range of issues related to the construction of public works. The position provides the opportunity to develop expertise in construction law while helping the City provide much-needed resources. Attention to detail and strong writing and interpersonal skills are essential. Salary based upon experience. Hybrid in person/remote work schedule available. For more information or to apply please send a resume and writing sample to Angela Aragon at amaragon@cabq.gov.

**City of Albuquerque
Assistant City Attorney**

The City of Albuquerque Legal Department is seeking an Assistant City Attorney to join the Land Use and Enforcement (“LUE”) division. The LUE division advises numerous departments as they enforce a wide range of the City’s ordinances, including ordinances concerning housing standards, nuisance abatement, and animal treatment. In addition to advising departments, the LUE division represents the City in administrative hearings, in criminal prosecutions in Metro Court, and in civil matters in District Court. Responsibilities will include advising clients, boards, and commissions, drafting legal memoranda, and representing the City in administrative, criminal, and civil matters. Salary based upon experience. Hybrid in person/remote work schedule available. For more information or to apply please send a resume and writing sample to Angela Aragon at amaragon@cabq.gov.

Associate Attorney

Bradfute Sayer, P.C.—a boutique law firm based in Albuquerque and Santa Fe—is hiring an Associate Attorney or Of Counsel to support a dynamic mix of energy, tech, and infrastructure clients as they navigate complex federal and state regulatory landscapes. Our firm advises on a broad range of matters including AI and data center development, oil and gas, water treatment and reuse, hydrogen, renewable energy, and public land use throughout New Mexico. Key responsibilities include: Conducting precise legal research and preparing memoranda, filings, and contracts; Assisting with permit applications, regulatory processes, and enforcement actions; Presenting nuanced technical concepts to public officials and regulators; Supporting client engagement and stakeholder communications. You’ll work closely with attorneys who bring deep experience in New Mexico’s energy and water policies, offering mentorship and opportunities to collaborate with regulators, industry leaders, and community partners. Ideal candidates will bring: Strong legal research, writing, and communication skills; Initiative, attention to detail, and a genuine interest in energy, environmental, and administrative law; Active New Mexico bar membership or immediate eligibility. We offer: Competitive compensation package; Health benefits, 401(k), and paid time off; Full coverage of bar dues and CLE requirements. To apply, please send a resume and cover letter to kathy@bradfutelaw.com. Learn more about our work at www.bradfutelaw.com.

Assistant District Attorney

The Fifth Judicial District Attorney’s office has immediate positions open for new and/or experienced attorneys. Salary will be based upon the New Mexico District Attorney’s Salary Schedule with salary range of an Assistant Trial Attorney (\$80,218.00) to a Senior Trial Attorney (\$100,272.00), based upon experience. Must be licensed in the United States. This position is located in the Carlsbad, NM office. The office will pay for your New Mexico Bar Dues as well as the National District Attorney’s Association membership. Please send resume to Dianna Luce, District Attorney, 102 N. Canal, Suite 200, Carlsbad, NM 88220 or email to nshreve@da.state.nm.us

Senior Trial Attorney and Deputy District Attorney

The 12th Judicial District Attorney’s Office, serving Otero and Lincoln counties, is seeking a Senior Trial Attorney and a Deputy District Attorney. Employment will primarily be based out of the Alamogordo office. The 12th Judicial District is recognized as one of the leading districts in the state for the number of jury trials conducted each year. If you are seeking meaningful trial experience, you want to advance your career as a prosecutor, and work with a dedicated team to fight for the justice of victims - Come Join Our Team! Must be admitted to the New Mexico State Bar. Salary range \$100,000-122,000 DOE. Full benefits package and one of the best retirement plans (PERA) in the country. Email resume to: sgann@da.state.nm.us or visit our website <https://12th.nmdas.com/>

**Financial Institutions
Division Counsel**

The NM Regulation & Licensing Department is hiring for the Financial Institutions Division Counsel located in Santa Fe. This incumbent of the position provides legal advice, counsel, and other legal services to the Financial Institutions Division Director, Deputy Director, and other FID personnel. The incumbent will, among other duties: study, interpret and apply laws, court decisions, and other legal authorities; prepare legal documents, pleadings, memoranda, reports, opinions, and other materials; process request to inspect public records; intake, investigate, and prosecute administrative violations; draft administrative rules and coordinate their implementation; draft and/or review agency initiated/backed bill language; and provide legal representation in judicial proceedings in state and federal courts. Interested candidates must apply through <https://careers.share.nm.gov> and submit your application for position #10106318 under job opening ID 156743 by 09-27-2025.

Prosecuting Attorney

Job Title: Prosecuting Attorney (NMMB #10117851); Job ID: 156775; Posting End Date: 09/04/2025; Location: Santa Fe; Full/Part Time: Full-Time; Regular/Temporary Regular - PERM for State; Agency: Medical Examiners Board; Job Posting Type: Continuous Job Opening; Salary: \$39.11 - \$62.58 Hourly; \$81,349 - \$130,159 Annually; This position is a Pay Band C11. Posting Details: The New Mexico Medical Board (NMMB) is the state agency responsible for the regulation over 10,000 licensees including medical doctors (physicians), physician assistants, anesthesiologist assistants, genetic counselors, polysomnographic technologists, naturopaths and naprapaths. THIS POSTING WILL BE USED FOR ONGOING RECRUITMENT AND MAY CLOSE AT ANY TIME. APPLICANT LISTS MAY BE SCREENED MORE THAN ONCE. Why does the job exist? The Prosecutor position at the New Mexico Medical Board exists to enforce the Medical Practice Act by prosecuting medical professionals who engage in misconduct, litigating contested applications for licensure, and otherwise ensuring compliance with professional and legal standards. By reviewing complaints, collaborating with investigators, conducting legal research, and prosecuting cases, this role safeguards public health and maintains the integrity of the medical profession. The position also involves drafting legal documents, negotiating settlements, advising Board staff, and handling appeals, all of which contribute to an effective disciplinary process. Through these responsibilities, the prosecutor plays a key role in protecting citizens from unqualified or unethical healthcare providers while upholding regulatory compliance. How does it get done? Duties for this position include: Review complaints and investigative reports to assess potential violations; Collaborate with investigators to develop case strategies and gather evidence; Conduct legal research on relevant laws, regulations, and case precedents; Draft legal documents, including pleadings, motions, and settlement agreements; Negotiate settlements with licensees and their legal representatives; Prosecute cases at administrative hearings by presenting evidence and examining witnesses; Advise Board staff on legal matters related to investigations and disciplinary actions; Handle appeals and post-hearing

processes, including preparing briefs and responding to motions; Contribute to policy and regulatory development to enhance disciplinary procedures. Who are the customers? The New Mexico Medical Board (NMMB) key stakeholders such as The New Mexico Medical Board members, legislators, NMMB leadership and staff, applicants for licenses, current license holders, individuals requesting license reinstatement, patients, insurance companies, hospitals, clinics, attorneys, constituents, and other boards and agencies. Ideal Candidate: The ideal candidate will: Be licensed and in good standing to practice law in New Mexico for a minimum of three (3) years; Have litigation experience in administrative, regulatory or health law, or prosecutorial (experience required); Have a strong background in administrative, health, or regulatory law; Have the ability to assess complaints, review evidence, and build strong cases; Understand the Medical Practice Act and other relevant laws; Have capability to provide legal guidance to Board staff on investigations and disciplinary actions; Have willingness to contribute to improving regulatory and disciplinary processes. Minimum Qualification: Juris Doctorate degree from an accredited school of law. Must be licensed as an attorney by the Supreme Court of New Mexico or qualified to apply for limited practice license (Rules 15-301.1 and 15-301.2 NMRA). For more information on limited practice licenses, please visit <http://nmexam.org/limited-license/>. Employment Requirements: All Attorney classifications must be and remain licensed as an attorney, in good standing, by the Supreme Court of New Mexico, or licensed as an attorney and in good standing by the highest court of another state and eligible pursuant to the limited license provisions (See Rules 15-301.1 and 15-301.2 NMRA). Working Conditions: Work is performed in an office setting; late hours, weekends, on-call and callback work may be required. Will be exposed to regular periods of video display terminal and keyboard usage and stressful situations. Travel is required. Possible exposure to irate clientele. Incumbent will work under stress and frequent time constraints. Supplemental Information: Agency Contact Information: Monique Parks (505) 476-7226 or MoniqueM.Parks@nmmb.nm.gov. Bargaining Unit Position. This position is not covered by a collective bargaining agreement.

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!

Associate Attorney Sought

Description: Our top-rated regional litigation defense firm is seeking an associate to join our busy practice in our Albuquerque office. We have opportunities for associates who want to hit the ground running with interesting cases and strong mentors. The ideal candidate will have civil litigation experience, a strong background in legal research and writing, and will be comfortable working in a fast-paced environment. The successful candidate will be responsible for providing legal advice to clients, preparing legal documents, and representing clients in court proceedings, including trial. This is an excellent opportunity for a motivated individual to join a highly respected AV-rated law firm and gain valuable experience in the legal field. Salary for this role is competitive with a full benefits package, straightforward partner/shareholder track and a casual work environment. If you join us, you will be well supported with the infrastructure of a multi-state firm and a group of professionals that want you to succeed. Apply by sending your resume and writing sample to the contact listed in this ad. Additional info: Full time, indefinite; Competitive salaries based on experience. Contact: Paula palvarez@raylaw.com

Court Administrator – Ohkay Owingeh Tribal Courts

The Ohkay Owingeh Tribal Courts are seeking a qualified and dedicated Court Administrator to oversee daily court operations, manage staff, and support the judicial process with efficiency and integrity. The ideal candidate will have experience in court administration, strong organizational and leadership skills, and a commitment to serving the Ohkay Owingeh community. For more information or to apply, please contact Ms. Roberta Chavez, Human Resources, at roberta.chavez@ohkay.org, or visit the Ohkay Owingeh Human Resources website at <https://ohkay.org/jobs/>. Closing Date: Open until filled. Tribal preference will be given.

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Stiff, Garcia & Associates, LLC, a successful downtown insurance defense firm, seeks sharp, energetic Paralegal. Must be a self-starter, detail-oriented, organized, and have excellent communication skills. Paralegal degree, insurance defense and/or personal injury experience required. Bilingual in Spanish a plus. Please e-mail your resume and list of references to karrants@stiffllaw.com

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2025 Bar Bulletin

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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:
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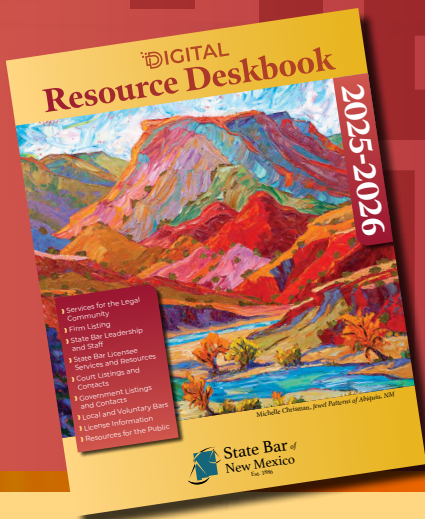


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