

DIGITAL BAR BULLETIN

November 12, 2025 • Volume 64, No. 21





State Bar of
New Mexico
Est. 1886

License Renewal and MCLE Compliance

Due February 2, 2026

- ✓ 2026 Licensing certifications and fees (Rule 24-102 NMRA)
- ✓ 2025 MCLE requirements (Rule 18-201 NMRA)

The deadline has been extended from Feb. 1 due to the date landing on a weekend this year. The State Bar of New Mexico will not be open on Feb. 1.

**To complete requirements and check your MCLE transcript
visit www.sbnm.org/LicenseRenewal**

For questions, email license@sbnm.org

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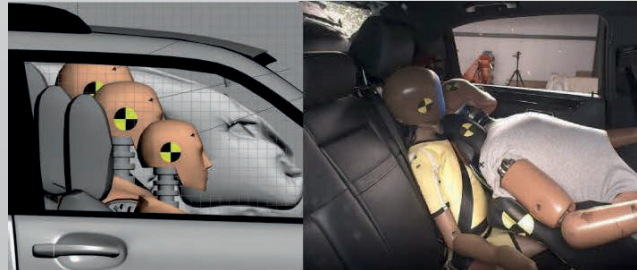
IS YOUR CASE AT A RECOVERY DEAD-END?

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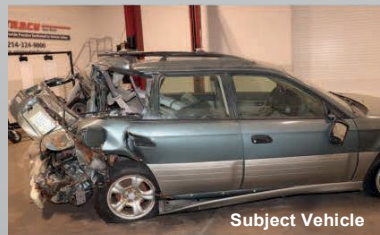


Crashworthiness

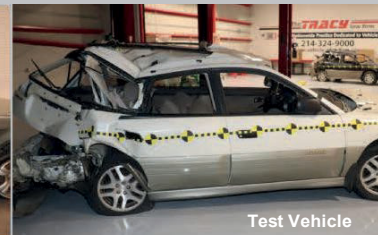
focuses on how the vehicle's safety systems performed, not who caused the accident. At my firm's Crash Lab, we continually study vehicle safety through engineering, biomechanics, physics, testing and innovation.



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.



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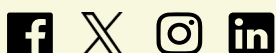
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CLE COURSE SPOTLIGHT

2025 BUSINESS LAW INSTITUTE



DATE
Nov. 19, 2025



TIME
9 AM – 4:45 PM (MT)



LOCATION
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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://lawlibrary.nmcourts.gov>.

Second Judicial District Court Court Closure Notice

All Offices and Divisions of the Second Judicial District Court will be closed briefly on Dec. 12. The Children's Court will be closed from 11:15 a.m. to 1:45 p.m. (MT). The District Court downtown location will be closed from 11:30 a.m. to 1:30 p.m. (MT).

Bernalillo County Metropolitan Court Court Closure Notice

The Bernalillo County Metropolitan Court will close from 11 a.m. to 2 p.m. (MT) on Dec. 12 for the court's annual Holiday Staff Appreciation Lunch. Misdemeanor Custody Arraignments and Felony First Appearance Hearings will proceed at their regularly scheduled times. The court's outdoor walk-up window will remain open.

STATE BAR NEWS

2026 Budget Disclosure Deadline to Challenge Expenditures

The State Bar of New Mexico Board of Bar Commissioners has completed its budgeting process and finalized the 2026 Budget Disclosure, pursuant to the State Bar

Professionalism Tip

With respect to the public and to other persons involved in the legal system:

I will willingly participate in the disciplinary process.

Bylaws, Article VII, Section 7.2, Budget Procedures. As of Nov. 1, the budget disclosure will be available in its entirety on the State Bar website at www.sbnm.org on the financial information page under the About Us tab. The deadline for submitting a budget challenge is on or before noon (MT), Dec. 1, and the form is provided on the last page of the disclosure document. The BBC will consider any challenges received by the deadline at its Dec. 10 meeting. Address challenges to: Executive Director Richard Spinello, State Bar of New Mexico, PO Box 92860, Albuquerque, N.M. 87199; or info@sbnm.org. Challenges may also be delivered in person to the State Bar Center, 5121 Masthead NE, Albuquerque, N.M. 87109.

Board of Bar Commissioners 2025 Board of Bar Commissioners Elections

Voting for the Board of Bar Commissioners elections began on Nov. 5 in the Second Judicial District (Bernalillo County) and the Third and Sixth Judicial Districts (Dona Ana, Grant, Hidalgo, and Luna Counties). Voting is being conducted electronically, and a link to the ballot was sent by email to all active members in those judicial districts (and El Paso County, Texas who vote for members in the Third and Sixth Judicial Districts). See information on the candidates in the Oct. 22 Bar Bulletin. Be sure to check your spam/junk folders for the election email from elections@sbnm.org, and if you have a new email address, please notify us at techsupport@sbnm.org of your new address. The election closes on Nov. 30 at noon (MT).

Appointment to New Mexico State Bar Foundation Board

The Board of Bar Commissioners of the State Bar of New Mexico will appoint one director to the New Mexico State Bar Foundation Board for a three-year term. The New Mexico State Bar Foundation advances the legal community's commitment to serve the legal profession and people of New Mexico. Through member donations, fundraising and programs, the Foundation provides and promotes access to legal services to underserved New Mexicans. The Foundation also supports public service, education and diversity, as well as organizations consistent with its mission. For more information about the Bar Foundation, visit: <https://www.sbnm.org/Bar-Foundation>.

Active status members of the State Bar of New Mexico who are interested in serving on the Board should submit a letter of interest and resume to bbc@sbnm.org by Nov. 21.

Appointments to Vacancies in the Seventh and Thirteenth Judicial Districts, the Eleventh Judicial District and the Twelfth Judicial District

The Board of Bar Commissioners will appoint four members to vacancies on the Board in the following districts: Seventh and Thirteenth Judicial Districts (two positions), Eleventh Judicial District (one position) and Twelfth Judicial District (one position). Pursuant to Rule 24-101(F), vacancies of district bar commissioners shall be filled by appointment of the Board of Bar Commissioners until the next regular election of the Board, and the term will be for one year from Jan. 1, 2026 through Dec. 31, 2026. The Board of Bar Commissioners will make the appointments at its Dec. 10 meeting. Active status members with a principal place of practice (address of record) in these districts are eligible to apply. The Board of Bar Commissioners meets five times per year with one meet-



New Mexico
State Bar Foundation

Give Back Through the New Mexico State Bar Foundation During License Renewal Season

Help Us Reach Our Goal on GivingTuesday – Dec. 2!

As you renew your license to practice this year, please consider donating to the New Mexico State Bar Foundation, a 501(c)(3) nonprofit organization. 100% of your donations are tax deductible and support Bar Foundation programs that provide and promote access to civil legal services to underserved New Mexicans.

For more information about donating to the New Mexico State Bar Foundation, contact nmsbfdevelopment@sbnm.org.

Donations are gratefully accepted year-round at www.sbnm.org/donate.

ing during the State Bar of New Mexico Annual Meeting. Active status members interested in serving on the Board should submit a letter of interest and resume to bbc@sbnm.org by Nov. 21 COB (MT).

Client Protection Fund Notice of Commissioner Vacancy

One Commissioner appointment for a three-year term for the Client Protection Fund will be made in accordance with Rule 17A-005 (B). The purpose of the Client Protection Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in the courts of New Mexico. The new term will begin Jan. 1, 2026. Applicants must be active members of the State Bar of New Mexico. Anyone interested in serving on the Commission should send a letter of interest and brief résumé to kate.kennedy@sbnm.org.

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>.

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UNM SCHOOL OF LAW Law Library Hours

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

OTHER NEWS Center for Civic Values Judges Needed for Gene Franchini High School Mock Trial Competition

The Gene Franchini New Mexico High School Mock Trial Competition is seeking volunteer judges for its qualifier rounds Feb. 20 - 21, 2026, in Albuquerque, N.M. This hands-on experience builds critical thinking, confidence and a deeper understanding of the justice system. Tentative participants may sign up at:

registration.civicvalues.org/mock-trial/registration.

The deadline for registration is Feb. 4, 2026. For questions, contact Kristen at the Center for Civic Values at 505-764-9417 or Kristen@civicvalues.org.

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>.

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A Message from **New Mexico State Bar Foundation President** *Stefanie K. Davis*

Greetings, New Mexico legal community,

As 2025 and my term as President of the New Mexico State Bar Foundation (“Bar Foundation”) come to a close, I am drawn to reflect on the Bar Foundation’s achievements. With each year comes a new opportunity for my colleagues and I on the Bar Foundation Board to initiate new projects and goals for the Bar Foundation to strive toward. I look back on 2025 as a highly accomplished year for the Bar Foundation in its continued service to the public.

2025 marked the final year of the Bar Foundation’s 2023 – 2025 Strategic Plan. Through our collaboration with the staff of both the Bar Foundation and State Bar of New Mexico (“State Bar”), we reached many milestones, including the hiring of a full-time Development Director and expanding the reach of our fundraising efforts. In the process, I have seen the Bar Foundation fully realize its unified mission of serving the legal community and supporting the public. In 2026, we’ll continue that momentum under our new 2026 – 2028 Strategic Plan, focused on innovation, accessibility and community partnership.

Many of the Bar Foundation’s goals center on maintaining—and growing—the robust and strong operation of two of our incredible programs that continue to improve lives every day, the Legal Resources for the Elderly Program (LREP) and the Modest Means Helpline (MMH). Established over 30 years ago, the Legal Resources for the Elderly Program is one of New Mexico’s most powerful legal tools for New Mexico’s elderly population, assisting nearly 3,400 clients for the 2025 fiscal year. The Modest Means Helpline, which just passed its third anniversary in October, has also quickly become one of the state’s go-to resources for those with unmet needs. As of Oct. 2025, the Modest Means Helpline’s services have benefitted over 22,700 New Mexican residents across all 33 counties. Together, these programs have made a profoundly positive impact on New Mexico’s legal landscape, producing so many moving and inspirational stories of success. I am grateful to our dedicated staff, whose passion and commitment make this work possible.

The Bar Foundation’s Center for Legal Education remains one of New Mexico’s premier educational tools for attorneys. As legal education modes and topics shift and evolve, the Center for Legal Education commits itself to the legal community’s learning preferences and topic areas of interest. With more attorneys than ever choosing self-study CLE courses to fulfill their education credits, the Center for Legal Education has quickly expanded its on-demand self-study library for attorneys who prefer to attend CLE courses virtually at any time in any place. The Center for Legal Education has also embraced the mandatory Equity in Justice (EIJ) CLE credit implemented in 2024. Since the Supreme Court mandated attorneys to include EIJ credits to fulfill their CLE requirements, the Center for Legal Education has quickly embraced the curation of courses fulfilling this credit by facilitating well over 100 courses meeting the requirements of the EIJ credit type.

As central as the Bar Foundation’s core programs and resources are to its mission in serving both the legal community and the public, I have seen it grow as an engine for fostering a strong sense of community among New Mexico’s legal professionals. At this year’s Annual Meeting, for example, the Bar Foundation held a very well-attended Glitz in a Glass event, where over 60 individuals purchased tickets to enter a drawing to potentially win a three-carat diamond valued at \$5,000. The event was closely followed by the Bar Foundation’s 2025 Golf Classic, which took place at the Sandia Golf Club and raised over \$16,500 in cash and in-kind donations and proved a highly successful follow-up to the 2024 Golf Classic. Beyond raising critical funds, these events remind us how deeply New Mexico’s legal community cares about giving back.

One of the most rewarding parts of my term as President was instituting the Bar and Bar Foundation Roadshow. During my childhood, my father served as the leader of a statewide volunteer organization. He believed it was important for the leader to visit every branch of the organization throughout the state, which meant spending many family trips during my childhood driving to Deming, Roy, Raton and many other places along the way. Those trips were the inspiration for the Roadshow. I am so grateful to State Bar President Aja Brooks for agreeing enthusiastically to join me on the road and for playing a critical role in making it happen. We visited Hobbs

and Portales during our joint presidential year, meeting attorneys serving those communities and learning from them how the State Bar and Bar Foundation can better serve them. Making those connections and talking about how the Bar Foundation's programs are improving access to justice for New Mexicans statewide were truly highlights of my term.

As we head into license renewal season, I would like to take a moment to encourage you to support the Bar Foundation's goal of raising 10% more in donations this year via the donation portion of the licensing application. Each year, the Bar Foundation's Legal Resources for the Elderly Program, Modest Means Helpline and more help thousands of underserved residents statewide, and your donations help us in our mission to deliver on our promise to New Mexico's financially challenged populations and beyond. Please donate to the Bar Foundation during license renewal or visit www.sbnm.org/donate to contribute any time throughout the year. I also encourage you to consider donating to the Bar Foundation on GivingTuesday next month on Dec. 2. Many organizations and nonprofits around the globe celebrate this day of generosity by supporting their communities, and as the charitable arm of the State Bar, your contributions enable us to give back to the community.

The State Bar of New Mexico and New Mexico State Bar Foundation are unified by a shared purpose to uphold the legal profession in New Mexico by providing ample and effective resources for attorneys while also empowering New Mexico residents through access to justice and educational tools. The Bar Foundation remains a powerful and innovative force for connection and service. As the Bar Foundation continues to grow, I look forward to seeing the relationships it builds and strengthens with partners in the community. I am excited to watch the 2026 Bar Foundation President, Liz Travis, carry out the work of implementing our 2026-2028 Strategic Plan. Most of all, I am honored to have led the Bar Foundation toward achieving its many ambitious goals in 2025. Thank you to the New Mexico legal community for your support.

Sincerely,



Stefanie K. Davis

President, New Mexico State Bar Foundation





New Mexico State Bar Foundation

2025 Golf Classic!

The **New Mexico State Bar Foundation** (“Bar Foundation”) hosted its **2025 Golf Classic** at the Sandia Golf Club at the Sandia Resort & Casino on Sept. 29, the proceeds of which will benefit the Bar Foundation and its programs for New Mexico residents and the New Mexico legal community. Attendees of the event enjoyed a full day of fun competition and camaraderie on the greens. State Bar of New Mexico Secretary-Treasurer and Bar Foundation Director Lucy H. Sinkular gave some opening remarks about the event agenda and the Bar Foundation’s inspiring work.

After playing 18 holes, lunch was held at the Event Center at Sandia Golf Club, where attendees gathered to eat and mingle before the 2025 Golf Classic’s raffle drawings. Following lunch, winners of the raffle drawings and awards across multiple fun categories were announced. State Bar of New Mexico President-Elect and Bar Foundation Director Allison H. Block-Chavez and Bar Foundation President Stefanie K. Davis both gave remarks about the Bar Foundation and announced the post-game prize drawings.

The Golf Classic was very well-attended by both members of New Mexico’s legal community and the general public, bringing together both groups in support of the Bar Foundation’s mission and programs. As a result, the New Mexico State Bar Foundation 2025 Golf Classic was a fun and successful event. Raising over \$16,500 cash and in-kind donations, all of which will go towards the Bar Foundation’s programs and services, including the Modest Means Helpline, the Legal Resources for the Elderly Program and the Center for Legal Education. Thank you to everyone who participated in this year’s Golf Classic. ■

1. The Sandia Resort & Casino looms large as players near one of the 18 holes on the greens.
2. 2025 Golf Classic players pose before they head onto the golf course for friendly competition.
3. The majestic Sandia mountains set a beautiful backdrop for the event.
4. Two golfers smile for the camera as they head onto the greens at the start of the game.
5. State Bar of New Mexico Commissioner Brett Phelps (Fourth and Eighth Judicial Districts) (right) teamed up with two peers for the competition.
6. After the competition ended, golfers returned to the Event Center at Sandia Golf Club for lunch and networking.



1.



2.



3.



4.



5.



6.

GIVING TUESDAY

**Give Back Through
the New Mexico
State Bar Foundation!**



#GivingTuesday
(Dec. 2) is a global
generosity movement
unleashing the
power of radical
generosity!

100% of your donation to the New Mexico State Bar Foundation, a 501(c)(3) nonprofit organization, is **tax deductible** and **supports** Bar Foundation programs that provide and promote access to civil legal services to underserved New Mexicans:

- ♥ Each of the Bar Foundation's two legal helplines/referral programs have assisted in over **3,400 cases** in fiscal year 2025, for a grand total of **over 7,800 cases** where assistance was provided! The two helplines are the **Modest Means Helpline (MMH)** for New Mexicans of limited financial means and the **Legal Resources for the Elderly Program (LREP)** for senior citizens in New Mexico.
- ♥ **Free Divorce Options and Consumer Debt/Bankruptcy Workshops** are monthly virtual legal workshops open to the public and presented by volunteer attorneys.



**Help Us Reach Our Goal
on GivingTuesday - Dec. 2!**

10% MORE In Donations This Year



**Donations to the New Mexico State Bar Foundation
are gratefully accepted year-round at www.sbnm.org/donate** 

Other ways to support the New Mexico State Bar Foundation's programs:

- ♥ Attend New Mexico State Bar Foundation Center for Legal Education's high-quality, affordable educational programs for the legal community at **cle.sbnm.org**
- ♥ State Bar of New Mexico licensees can donate during license renewal by visiting **www.sbnm.org/licensing**

**For more information about donating to the New Mexico
State Bar Foundation, contact nmsbfdevelopment@sbnm.org.**

The Supreme Court of New Mexico Announces 2025 Year-End Rule Amendments

Approved Oct. 31, 2025

The Supreme Court has approved a number of changes to the rules, forms, and uniform jury instructions (UJIs) for the 2025 rulemaking cycle under Rules 23-106.1 and 23-106.2 NMRA. What follows is a summary of those changes approved by the Court on October 31, 2025. The summary also includes out-of-cycle amendments approved by the Court on October 31, 2025. Unless otherwise noted in the history note at the end of each approved rule, form, or UJI, amendments will take effect on December 31, 2025. The full text of the amendments in markup format and the related orders are available on the Court's website by clicking [here](#). Approved rule amendments will also appear on [NMOneSource.com](#) by their effective date.

Children's Court Rules Committee

CASA Duties – New Forms 10-528 and 10-529 NMRA; Amended Rule 10-164 NMRA

The Supreme Court approved the Children's Court Rules Committee's recommendation to amend Rule 10-164 NMRA and to adopt new forms that govern the appointment of a court-appointed special advocate (CASA) and set forth the duties of a CASA in child welfare cases.

Rules of Civil Procedure for State Courts Committee

Service by Social Media, E-mail, or Text Message – Amended Rule 1-004 NMRA

The Supreme Court approved the Rules of Civil Procedure for State Courts Committee's recommended amendments to Rule 1-004 NMRA that allow for service of process via social media, e-mail, or text message if service of process cannot be accomplished under other methods of service.

Contributory Negligence – Amended Rule 1-008 NMRA

The Supreme Court approved the Committee's recommendation to amend Rule 1-008 NMRA to eliminate the reference to contributory negligence and to add a reference to comparative fault in line with current caselaw.

Medical Debt Collection – New Forms 4-226A, 4-301A, and 4-805C NMRA; Reinstated and Amended Form 4-805B NMRA; Amended Rules 1-009, 1-055, 1-060, 1-065.1, 1-065.2, 2-201, 2-702, 2-703, 2-801, 2-802, 3-201, 3-702, 3-704, 3-801, and 3-802 NMRA; Forms 4-801, 4-801A, 4-808, 4-808A, and 4-809 NMRA

The Supreme Court adopted the Committee's proposed new civil forms and approved its recommended amendments to various civil rules and forms to implement the Patients' Debt Collection Protection Act, NMSA 1978, §§ 57-32-1 to -10 (2021) and its associated regulations.

Residential Foreclosures – Amended Rule 1-003.3 and 1-054.2 NMRA; Amended Form 4-712 NMRA

The Supreme Court approved the Committee's recommended amendments to Rule 1-003.3 and 1-054.2 NMRA and Form 4-712 NMRA that clarify that the rules apply only to certain types of foreclosures and provide a definition for the term residential.

Expungement and Orders of Expungement – New Rule 12-610 NMRA; Amended Rules 1-077.1 and 1-079 NMRA; Amended Forms 4-951, 4-952, 4-953, 4-955, 4-956, 4-957, 4-958, 4-959, 4-960, 4-960.1, 4-960.2, and 4-960.3 NMRA; Withdrawn Forms 4-954 and 4-957.1 NMRA

On recommendation of the Committee, the Court formally adopted, amended, and withdrew various rules and forms for use in expungement proceedings that were provisionally adopted by the Court in 2021. In addition, on recommendation of the Supreme Court Clerk's Office, the Court adopted new Rule 12-610 NMRA and approved amendments to Rule 1-077.1 NMRA, and Forms 4-951, 4-952, and 4-953 NMRA to establish a procedure for district courts to follow when an appellate court maintains records related a case that is subject to an order of expungement.

Rules of Criminal Procedure for State Courts Committee

Length of Time to Correct an Illegal Sentence – Amended Rule 5-801 NMRA

The Supreme Court approved the Rules of Criminal Procedure for State Courts Committee's recommended amendments to Rules 5-801 NMRA clarifying the length of time a district court has to correct an illegal sentence. These amendments are intended to conform with the Supreme Court's ruling in *State v. Romero*, 2023-NMSC-008, 528 P.3d 640.

Habitual Criminal Proceedings – Amended Rule 5-509 NMRA

The Supreme Court approved the Committee's recommended amendments to Rule 5-509 NMRA requiring the district attorney to file a rebuttal witness list at least five (5) days before the habitual criminal sentencing proceeding.

Time Limits for Probation Violation Hearings – Amended Rule 5-805 NMRA

The Supreme Court approved the Committee's recommended amendments to Rule 5-805 NMRA, adding a list of circumstances after which the sixty (60) day time limit to hold an adjudicatory hearing for a probation violation tolls.

Use of Videotaped Depositions – Amended Rule 5-504 NMRA

The Supreme Court approved the Committee's recommended amendments to Rule 5-504 NMRA removing an internal reference to former Rule 5-503(N) NMRA and clarifying that the rules of evidence guide the admission of evidence gathered through videotaped depositions.

Misdemeanor Crime of Domestic Violence Form – New Form 9-515A NMRA

On the Committee's recommendation, the Supreme Court adopted new Form 9-515A NMRA for use in criminal cases to facilitate the Administrative Office of the Courts' obligation to report information to the National Instant Criminal Background Check System (NICS).

Domestic Relations Rules Committee

Temporary Orders of Protection – Amended Forms 4-963 and 4-963A NMRA

On recommendation of the Domestic Relations Rules Committee, the Supreme Court approved amendments to Forms 4-963 and 4-963A NMRA to prohibit restrained parties from disconnecting or restricting access to the protected party's phone or internet services. The Court also approved the recommended amendments that clarify a protected party may have exclusive access to, and control of, residential security systems.

Extreme Risk Firearm Protection Orders – New Forms 4-1001, 4-1001.1, 4-1002, 4-1003, 4-1004, 4-1005, 4-1006, 4-1007, 4-1008, 4-1009, 4-1010, 4-1011, 4-1012, 4-1013, 4-1014, and 4-1015 NMRA

The Supreme Court approved the Committee's recommendation to formally adopt, with modifications, new civil forms that have been in use in proceedings involving extreme risk firearm protection orders.

Objections to Domestic Violence Special Commission Recommendations – Amended Form 4-965 NMRA

The Supreme Court approved the Committee's recommended amendments to Form 4-965 NMRA to reflect the 2022 amendment to Rule 1-053.1 NMRA extending the period to object to a domestic violence special commissioner's recommendations from ten (10) days to fourteen (14) days.

Parental Consent to Kinship Guardianship – Form 4A-505 NMRA

On the Committee's recommendation, the Supreme Court approved amendments to Form 4A-505 NMRA to expressly state that parents who are consenting to kinship guardianship are agreeing to a suspension of their parental rights.

Rules of Evidence Committee

“Gay Panic Defense” – New Rule 11-414 NMRA

The Supreme Court approved the Rules of Evidence Committee’s recommendation to adopt new Rule 11-414 NMRA. The new rule creates a procedure for courts to determine the admissibility of evidence related to the gender or sexual orientation of a victim or witness in a criminal or civil proceeding. The rule also prohibits the defendant from using certain evidence about the victim’s or witness’s perceived or actual gender or sexuality as a defense, justification, or excuse in criminal and civil proceedings.

Uniform Jury Instructions (UJI)-Civil Committee

Compensation for Limitations to Property Access – Amended UJI 13-719 NMRA

On recommendation of the UJI-Civil Committee, the Court approved amendments to UJI 13-719 NMRA in response to *City of Albuquerque v. Tecolote Resources, Inc.*, 2024-NMCA-029, 544 P.3d 321. The amendments clarify that the instruction should not be given in condemnation cases involving partial takings, and shall only be given in cases where access to property is lost or impaired but no land has been taken.

Use of Artificial Intelligence (AI) by Jurors – Amended UJI 13-110 NMRA

The Supreme Court approved the Committee’s recommendation to amend UJI 13-110 NMRA prohibiting jurors from referring to any AI resources to obtain information relating to the case being tried.

Punitive Damages for Cumulative Conduct – Amended UJI 13-1718 NMRA

The Supreme Court approved the Committee’s recommendation to amend the use notes and committee commentary of UJI 13-1718 NMRA. The amendments allow the trial court to determine, depending on the particular circumstances of the case being tried, whether other theories of punitive damages contained in UJI 13-1827 NMRA may be incorporated into UJI 13-1718.

Rules of Professional Conduct and Duty – Amended UJI 13-2411 NMRA

The Supreme Court approved the Committee’s recommendation to amend UJI 13-2411 NMRA to remove the suggestion that the Rules of Professional Conduct impose a duty on an attorney in legal malpractice cases, in response to *Waterbury v. Nelson*, 2024-NMSC-020, 557 P.3d 96.

Uniform Jury Instructions (UJI)-Criminal Committee

Aggravated Shoplifting and Organized Retail Theft – New UJIs 14-1610A, 14-1612, 14-1613, 14-1614, 14-1615, 14-1616, 14-1617, and 14-1618 NMRA; Amended UJIs 14-1610 and 14-1611 NMRA

On recommendation of the UJI-Criminal Committee, the Court approved the amendment of UJIs 14-1610 and 14-1611 NMRA and adopted new jury instructions to implement legislative changes to the shoplifting statute, NMSA 1978, § 30-16-20 (2023), and the passage of the organized retail crime statute, NMSA 1978, § 30-16-20.1 (2023).

Multiple Defendants – Amended UJI 14-6003 NMRA; Withdrawn UJI 14-6005 NMRA

The Supreme Court approved the Committee’s recommended amendments to UJI 14-6003 NMRA and withdrawal of UJI 14-6005 NMRA. The amendments to UJI 14-6003 increase the scope of the UJI to include situations involving multiple defendants facing the same charges, and multiple defendants facing multiple charges. UJI 14-6005 was made redundant with the expanded scope of UJI 14-6003.

Sexual Exploitation of Children (Manufacture) – Amended UJI 14-633 NMRA

The Supreme Court approved the Committee’s recommendation to amend UJI 14-633 NMRA to reflect the statutory mens rea required for sexual exploitation of children (manufacture) as explained in *State v. Rael*, 2024-NMSC-010, 548 P.3d 66. In addition, the amendments combine elements of the instruction to streamline language and include explanatory committee commentary of the Supreme Court’s holding in *Rael*.

► From the New Mexico Supreme Court

<https://supremecourt.nmcourts.gov>

Intentional Child Abuse – Amended UJI 14-626 NMRA

The Supreme Court approved the Committee's recommendation to amend the use notes of UJI 14-626 NMRA to indicate that UJI 14-141 NMRA, the general intent instruction, should not be given in intentional child abuse and abandonment cases.

Second Judicial District Court

Local Rules of the Second Judicial District Court – New LR2-128 NMRA; Amended LR2-106, LR2-109, LR2-111, LR2-114, LR2-126, LR2-127, LR2-306, LR2-308, and LR2-603 NMRA; Withdrawn LR2-102 NMRA, LR2-107, LR2-304, and LR2-305 NMRA

The Supreme Court approved the Second Judicial District Court's recommendation to adopt a new local rule addressing notices of unavailability. The Court also approved the District's recommendation to amend various local rules regarding scheduling priorities, court decorum, transportation of incarcerated persons to trials and hearings, appearances for children's court cases, filing fees, and orders to show cause. Next, the Supreme Court approved minor, technical amendments to LR2-306, LR2-308, and LR2-603 NMRA. Finally, the Supreme Court approved the District's recommendation to withdraw its rules regarding the election of chief judge, court hours and closures, furloughs, and designation of proceedings for transcript conferences. These amendments are intended to ensure consistency with statewide rules and policies of the New Mexico judiciary and reflect current practices and policies followed at the District.

Board of Bar Examiners

Rules Governing Admission to the Bar – Amended Rules 15-102, 15-203, 15-205, 15-207, and 15-301 NMRA

The Supreme Court approved the recommendation of the Board of Bar Examiners and the Supreme Court Clerk's Office to amend the Rules Governing Admission to the Bar to add new definitions and additional factors for consideration and to clarify procedures for submitting applications and completing licensure.

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Guardianship and Conservatorship Reports and Financial Statements – New Form 4-998.1 NMRA; Amended Rule 1-145 NMRA

On recommendation of WINGS, the Supreme Court formally adopted and amended Rule 1-145 NMRA, which was provisionally adopted in 2022. The rule sets forth procedures and timelimits for the filing of reports and financial statements by professional guardians and conservators in guardianship and conservatorship proceedings. The Supreme Court also adopted new Form 4-998.1 NMRA, the accompanying cover sheet to be included with the filing of financial statements by professional guardians and conservators.

Multiple Committees

Implicit Bias Instructions – New UJIs 13-110.1 and 14-101B NMRA; Amended UJIs 13-2005, 13-2009, 14-6006, and 14-6008 NMRA

On recommendation of the UJI-Civil Committee and UJI-Criminal Committee, the Supreme Court adopted new UJIs and approved the amendment of civil and criminal UJIs to address implicit bias in the judicial system.

Metropolitan Court Appeals – New Rules 7-703.1 and 12-609 NMRA; Amended Rules 1-072, 2-601, 2-705, 3-202, 3-701, 3-706, 3-708, 5-827, 7-406, 7-611, 7-702, 7-703, and 12-102 NMRA; Amended Forms 4-202, 4-204, 4-302, 4-707, 4-707A, 4-708, 4-905, 4-909, and 4-924 NMRA; Withdrawn Rules 1-073 and 3-109 NMRA; Withdrawn Form 4-909A NMRA

On recommendation of the Appellate Rules Committee, the Rules of Civil Procedure for State Courts Committee, and the Rules of Criminal Procedure for State Courts Committee, the Supreme Court adopted, amended, and withdrew various civil, criminal, and appellate rules that govern appeals from the metropolitan court.

Supreme Court Clerk's Office

Oral Argument Requests – Amended Rule 12-319 NMRA

On recommendation of the Supreme Court Clerk's Office, the Supreme Court has amended Rule 12-319 NMRA to clarify and streamline the process for requesting oral argument in the appellate courts. Parties may now request oral argument on the cover page or first page of the opening brief.

► From the New Mexico Supreme Court

<https://supremecourt.nmcourts.gov>

Juror Handbook – Withdrawn Juror Handbook

The Supreme Court approved the Supreme Court Clerk's Office's recommendation to withdraw the Juror Handbook from the Uniform Jury Instructions-Criminal.

Pronouns in UJIs – Various Amended UJIs in the NMRA

On recommendation of the Supreme Court Clerk's Office and Supreme Court Commission on Equity and Justice, the Supreme Court approved the amendment of various UJIs in the NMRA to remove gendered pronouns and language and replace them with gender-neutral language.

Pronouns and Salutations in Court Pleadings – New Rule 23-116 NMRA

On recommendation of the Supreme Court Commission on Equity and Justice and the Supreme Court Clerk's Office, the Supreme Court adopted new Rule 23-116 NMRA, which allows parties and attorneys to include preferred pronouns and designated salutations in court pleadings and requires courts and attorneys appearing before the court to use the party's or attorney's name, personal pronouns, or designated salutation when addressing, referring to, or identifying the party or attorney. The proposed amendments are intended to implement Supreme Court Order No. S-1-AO-2024-00016, In the Matter of the Use of Personal Pronouns and Designated Salutations in Court Pleadings.

Typos and Technical Changes – Amended Rule 1-038 NMRA; Amended Form 9-403 NMRA; Amended UJIs 13-1320 and 14-6013 NMRA

The Supreme Court approved the Supreme Court Clerk's Office's recommendation to amend Rule 1-038 NMRA, Form 9-403 NMRA, and UJIs 13-1320 and 14-6013 NMRA to correct typographical errors and make minor, technical changes.

Supreme Court

Pretrial Release – Amended Rules 5-401, 5-403, 6-401, 6-403, 7-401, 7-403, 8-401, and 8-403 NMRA

The Supreme Court formally approved amendments to Rules 5-401, 5-403, 6-401, 6-403, 7-401, 7-403, 8-401, and 8-403 NMRA regarding pretrial release that were provisionally approved by Supreme Court Order No. S-1-AO-2025-00013, In the Matter of the Provisional Amendment of Rules 5-401, 5-403, 6-401, 6-403, 7-401, 7-403, 8-401, and 8-403 NMRA.

**THE RULE AMENDMENTS SUMMARIZED ABOVE
CAN BE VIEWED IN THEIR ENTIRETY AT THE
NEW MEXICO SUPREME COURT WEBSITE**

<https://supremecourt.nmcourts.gov/rules-forms-files/approved-amendments-to-rules-and-forms/2025-approved-amendments-to-rules-and-forms/>

Fall 2025

New Attorney Swearing-In Ceremony



New attorneys raise their hands to officially be sworn into the State Bar of New Mexico.



More of the latest admittees to the State Bar as they give their oath.



Chief Justice David K. Thomson speaks to New Mexico's new attorneys about their responsibilities as attorneys and their profession.



State Bar of New Mexico President Aja N. Brooks gives inspiring remarks to New Mexico's latest admittees to the State Bar.



State Bar of New Mexico Young Lawyers Division Chair Lauren Riley describes the benefits of participating in the division's programs and events as they grow within their occupation.

The Fall 2025 Swearing-In Ceremony was held at the University of New Mexico Continuing Education Conference Center on Sept. 29, where 144 new attorneys were sworn in as the newest licensees of the State Bar of New Mexico ("State Bar"). The ceremony was well-attended by guests and prominent members of New Mexico's legal community. Some of New Mexico's crucial legal programs and organizations held booths outside of the main auditorium where attorneys were sworn in; each of which provide useful resources for legal professionals, regardless of experience in the field.

Noted speakers during the Swearing-In Ceremony included New Mexico Supreme Court Chief Justice David K. Thomson, Senior Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice Julie J. Vargas and Justice Briana H. Zamora. Also giving speeches were State Bar of New Mexico President Aja N. Brooks and State Bar of New Mexico Young Lawyers Division ("YLD") Chair Lauren Riley.

Chief Justice Thomson gave some remarks to New Mexico's new attorneys conveying the gravity of their occupation and the importance of their responsibilities as lawyers. In addition, State Bar President Brooks echoed his remarks while also speaking to the resources the State Bar provides to attorneys as they begin their careers.

YLD Chair Lauren Riley spoke to new admittees as well, offering words of encouragement as they begin their journeys. She described the ways in which the YLD assists attorneys new to the field through socials and networking events, volunteer opportunities such as Ask-a-Lawyer Call-In Day and much more. Toward the end of her speech, she echoed Chief Justice Thomson and State Bar President Brooks' remarks when she quoted the 2002 film, "Spider-Man": "With great power comes great responsibility."

Legal Education Calendar

November

- | | | |
|--|--|---|
| <p>13 Buy/Sell Agreements: Crafting for Closely Held Companies, Part 1
1.0 G
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-11132025</p> | <p>14 True Crime Ethics: The Alec Baldwin Dismissal and the Karen Read Acquittal
2.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-11142025-B</p> | <p>18 Pee-wee Herman and the Criminal Justice System's History of Bias Against the Gay Community
1.0 EIJ
Webinar or In-Person
NMSBF Center for Legal Education
https://bit.ly/CLE-11182025-B</p> |
| <p>13 Making the Case: How to Get a Sexual Assault Exam Kit Admitted Into Evidence
1.5 G
Teleconference
New Mexico Coalition of Sexual Assault Programs
https://nmcsap.org</p> | <p>13 Buy/Sell Agreements: Crafting for Closely Held Companies, Part 2
1.0 G
Teleseminar
NMSBF Center for Legal Education
https://bit.ly/CLE-11142025-A</p> | <p>19 2025 Business Law Institute
4.0 G, 1.0 EP & 1.0 EIJ
Webinar or In-Person
NMSBF Center for Legal Education
https://bit.ly/CLE-11192025</p> |
| <p>13 2025 Probate Institute
6.0 G, 1.0 EP
Webinar or In-Person
NMSBF Center for Legal Education
https://bit.ly/CLE-11132025-A</p> | <p>18 Basics of New Mexico Landlord-Tenant Law
1.5 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-Basics-of-New-Mexico-Landlord-Tenant-Law</p> | <p>19 The Supreme Court's Shadow Docket & the Trump 47 Administration
1.5 G
Teleconference
National Association of Appellate Court Attorneys Inc.
https://www.naacaonline.org</p> |
| <p>14 2025 Real Property Institute
3.0 G
Webinar or In-Person
NMSBF Center for Legal Education
https://bit.ly/CLE-11142025</p> | | <p>21 Bryan Stevenson: 2025 Annual Meeting Keynote Address (Live Replay)
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-2025AMKeynote-1</p> |

December

- | | | |
|--|--|--|
| <p>2 2025 Intellectual Property Institute
4.0 G, 1.0 EP & 1.0 EIJ
Webinar or In-Person
NMSBF Center for Legal Education
https://bit.ly/CLE-12022025</p> | <p>3 Using AI and Practicing Virtually - Recent Opinions from the Ethics Advisory Committee
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-12022025-B</p> | <p>9 2025 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204 (Live Replay)
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-12092025</p> |
| <p>3 Conducting the Law Firm Practice Management Review
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-12032025-A</p> | <p>4 2025 New Mexico Cannabis Law Summit
4.0 G, 1.0 EP & 1.0 EIJ
Webinar or In-Person
NMSBF Center for Legal Education
https://bit.ly/CLE-12042025-A</p> | <p>9 Defeating Imposter Syndrome for Lawyers
1.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-12092025-C</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>.



CLE PLANNER

Your Guide to Continuing Legal Education

Need to Know....

Center for Legal Education course registration fees go to support the important efforts of the **New Mexico State Bar Foundation**:

- Legal Resources for the Elderly Program
- Modest Means Helpline
- Legal Education for Attorneys
- *And more*



Inside this Issue

- ▶ Programs with the Committees, Sections, and Divisions of the State Bar
- ▶ Special Highlight – Bryan Stevenson Keynote
- ▶ Refreshed On-Demand Library
- ▶ Upcoming CLE courses



New Mexico State Bar Foundation
Center for Legal Education

The Center for Legal Education is a non-profit New Mexico accredited CLE course provider dedicated to providing high-quality, affordable educational programs to the legal community. The Center offers a full range of educational services. For more information, contact us or visit us online.



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▶ Register online at <https://cle.sbnm.org> or call 505-797-6020
Email cleonline@sbnm.org with any questions



State Bar Committee, Section, and Division Annual CLE Programs

Join the Center for Legal Education, in collaboration with various Committees, Sections, and Divisions of the State Bar of New Mexico, for their Annual CLE Programs

- ▶ November 13 – *Probate Institute*
- ▶ November 14 – *Real Property Institute*
- ▶ November 19 – *Business Law Institute*
- ▶ November 20 – *Immigration Law Institute*
- ▶ December 2 – *Intellectual Property Institute*
- ▶ December 4 – *New Mexico Cannabis Law Summit*
- ▶ December 5 – *Guardian ad Litem Institute*
- ▶ December 10 – *Tax Law Institute*
- ▶ December 12 – *Natural Resource, Energy and Environmental Law Institute*
- ▶ January 23, 2026 – *5th Annual Women in the Law Symposium*



Our On-Demand/Self-Study Library is growing...

Newly Added On-Demand Courses Include:

**AI for Transactional, Small Firm, and Other Lawyers:
Ethics and Efficiency in Your Legal Practice**

The Rule of Law, Federal Action and Balance of Powers

Race, Class and Gender-Conscious Mentoring

Breaking Barriers: Addressing Bias and Advancing Women in the Legal Profession

**Navigating the New Frontier: Ethical Uses of Generative Artificial Intelligence
in Legal Practice**

**Tribal and State Court Collaborations – Sovereigns Working Together to Better
One Another**

G General **EP** Ethics/Professionalism **EIJ** Equity in Justice

The Cap on Self-Study Credits is Lifted:

Now all 12 required MCLE credits may be Self-Study, Virtual or In-Person credits. There is no longer a 4.0-credit cap on Self-Study courses; however, only pre-approved Self-Study courses are allowed.

For more details, read Rule 18-204(C) NMRA.

For Center for Legal Education pre-approved Self-Study courses, visit our
On-Demand/Self-Study library at: <https://cle.sbnm.org/courses/8102>



Did you miss **Bryan Stevenson's** *impactful* and *inspiring* keynote address at this year's Annual Meeting?



Join the Center for Legal Education for a replay of this Equity in Justice session!



KEYNOTE ADDRESS

Live Replay

Bryan Stevenson

(1.0 EIJ)

➤ **November 21 • Noon**

[Click here to register](#) ➤

➤ **December 17 • Noon**

[Click here to register](#) ➤

BRYAN STEVENSON is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated and the condemned. Bryan Stevenson is the founder and Executive Director of the Equal Justice Initiative, a human rights organization in Montgomery, Alabama. Under his leadership, EJI has won major legal challenges eliminating excessive and unfair sentencing, exonerating innocent death row prisoners, confronting abuse of the incarcerated and the mentally ill and aiding children prosecuted as adults. Bryan Stevenson is the author of the critically acclaimed New York Times bestseller, "Just Mercy".

November/December Programs

November 13

2025 Probate Institute

6.0 G and 1.0 EP

8:15 a.m.–4:45 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-11132025-A>

November 14

2025 Real Property Institute

3.0 G

9 a.m.–12:30 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-11142025>

November 14

True Crime Ethics: The Alec Baldwin Dismissal and the Karen Read Acquittal

2.0 EP

11 a.m.–1 p.m.

WEBINAR

<https://bit.ly/CLE-11142025-B>

November 18

Pee-Wee Herman and the Criminal Justice System's History of Bias Against the Gay Community

1.0 EIJ

11 a.m.–Noon

WEBINAR

<https://bit.ly/CLE-11182025-B>

November 18

Basics of New Mexico Landlord-Tenant Law

1.5 G

Noon–1:30 p.m.

WEBINAR

<https://bit.ly/CLE-11182025>

November 19

2025 Business Law Institute

4.0 G, 1.0 EP, 1.0 EIJ

9 a.m.–4:45 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-11192025>

November 19

The Privilege: Exactly What Communications Between Attorney and Client Are Protected?

1.0 EP

11 a.m.–Noon

TELESEMINAR

<https://bit.ly/CLE-11192025-A>

November 20

2025 Immigration Law Institute

3.0 G

1–4:30 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-11202025>

November 21

I Want Out, Too: Russian Roulette/Stand-off & Tag-along Rights in Business Transactions

1.0 G

11 a.m.–Noon

TELESEMINAR

<https://bit.ly/CLE-11212025>

December 2

2025 Intellectual Property Institute

4.0 G, 1.0 EIJ, 1.0 EP

9 a.m.–4:25 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-12022025>

December 3

Conducting the Law Firm Practice Management Review

1.0 EP

11 a.m.–Noon

WEBINAR

<https://bit.ly/CLE-12032025-A>

December 3

Using AI and Practicing Virtually - Recent Opinions from the Ethics Advisory Committee

1.0 EP

1–2 p.m.

WEBINAR

<https://bit.ly/CLE-12032025-B>

December 4

2025 New Mexico Cannabis Law Summit

4.0 G 1.0 EIJ, 1.0 EP

9 a.m.–4:45 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-12042025-A>

December 5

2025 Guardian ad Litem Fundamentals

5.2 G, 1.0 EP

8:30 a.m.–4:30 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-12052025>

December 9

Navigating Conflicts of Interest, Part 1

1.0 EP

11 a.m.–Noon

TELESEMINAR

<https://bit.ly/CLE-12092025-A>

December 9

2025 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204 (Live Replay)

1.0 EP

Noon–1 p.m.

WEBINAR

<https://bit.ly/CLE-12092025>

December 9

Artificial Intelligence for Lawyers

1.0 G

11 a.m.–Noon

WEBINAR

<https://bit.ly/CLE-12092025-B>

December 10

Navigating Conflicts of Interest, Part 2

1.0 EP

11 a.m. – Noon

TELESEMINAR

<https://bit.ly/CLE-12102025-A>

December 10

Ben Franklin on Ethics

2.0 EP

11 a.m. – 1:10 p.m.

WEBINAR

<https://bit.ly/CLE-12102025-B>

December 11

The Yellowstone CLE: Can the Dutton Family Get Away With Murder?

1.0 G

11 a.m.–Noon

WEBINAR

<https://bit.ly/CLE-12112025-A>

December 12

Ethics in the Age of AI: Navigating the Legal Landscape with ChatGPT

1.0 EP

1–2 p.m.

WEBINAR

<https://bit.ly/CLE-12122025>

December 12

2025 Natural Resource, Energy and Environmental Law Institute

4.4 G, 1.0 EIJ, 1.0 EP

8 a.m.–4:30 p.m.

IN-PERSON AND WEBINAR

<https://bit.ly/CLE-12122025-A>

December 16

True Crime Ethics: The Alec Baldwin Dismissal and the Karen Read Acquittal

2.0 EP

11 a.m.–1 p.m.

WEBINAR

<https://bit.ly/CLE-12162025-A>

December 16

The Commander in Chief at High-Tide, Wherever that Line May Be (Live Replay)

1.0 G

Noon–1 p.m.

WEBINAR

<https://bit.ly/CLE-12162025-C>

December 16

A New Federal Approach Towards Justice and Rehabilitation: RIO Reentry Court (Live Replay)

1.0 G

1:30–2:30 p.m.

WEBINAR

<https://bit.ly/CLE-12162025-D>

December 17

Practical Advice on Credit Reporting and Debt Collection for Lawyers and their Clients (Live Replay)

1.0 G

1:30–2:30 p.m.

WEBINAR

<https://bit.ly/CLE-12172025>

December 18

The Wisdom Factor: Ethical Practice Beyond Compliance (Live Replay)

1.0 EP

Noon–1 p.m.

WEBINAR

<https://bit.ly/CLE-12182025-A>

December 18

Justice by Design: Artificial Intelligence, Law, and the Future of Us (Live Replay)

1.5 EIJ

1:30–3 p.m.

WEBINAR

<https://bit.ly/CLE-12182025-B>

December 19

Environmental Justice: Past, Present, and Near Future (Live Replay)

1.0 EIJ

9–10 a.m.

WEBINAR

<https://bit.ly/CLE-12192025-A>

CLE Registration

Ways to Register:

➤ Online: <https://cle.sbnm.org> ☎ Phone: 505-797-6020 @ Email: cleonline@sbnm.org

REGISTER EARLY! Advance registration is recommended. Online registration closes one day ahead of each program. **CLE Cancellations & Refunds:** We understand that plans change. If you find you can no longer attend a program, please contact the Center for Legal Education. We are happy to assist you by transferring your registration to a future CLE event or providing a refund, subject to Center policy. **MCLE Credit Information:** The NM State Bar Foundation's Center for Legal Education is an accredited CLE course provider. **Note:** Programs subject to change without notice.

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Check our website for more updates to our program schedule!

In celebration of 30 years as a division of the State Bar of New Mexico, the Paralegal Division recognizes the following current active or inactive members who became members in the first five years of the Division.

Clydene Baca*
Kathleen Campbell*
Carolyn Cochran
Nettie Condit
Linda Flores
Kay Homan*
Suzette Johnson
Marie Marino*
Amanda Olsen

1995 - 2025

Yolanda Sandoval
Linda Schilling
Tomma Shumate
Ruby Silva
Donna Sowers*
Kim Steele*
Deborah Tope*
Marcia Treadwell
Paula Vasquez*

*Charter Member



State Bar of New Mexico
Paralegal Division
Est. 1995

To learn more about the Paralegal Division and see the qualifications to join, visit our webpage: www.sbnm.org/paralegals

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State Bar of
New Mexico
Est. 1886

Disciplinary Quarterly Report

► Report By Disciplinary Counsel

<https://nmdisboard.org>

Reporting Period: July 1, 2025 – September 30, 2025

Final Decisions

Final Decisions of the NM Supreme Court 0

Summary Suspensions

Total number of attorneys summarily suspended 0

Total number of attorneys summarily suspended
(reciprocal) 0

Administrative Suspensions

Total number of attorneys administratively suspended 1

In the Matter of Amber Castro, (No. S-1-SC-40856). The New Mexico Supreme Court entered an order on the petition for administrative suspension for failure to cooperate administratively suspending the Respondent pursuant to Rule 17-207(B) NMRA, effective September 12, 2025.

Disability Inactive Status

Total number of attorneys removed from disability inactive states 0

Charges Filed

Charges were filed against an attorney for allegedly violating or attempting to violate the Rules of Professional Conduct, knowingly assist or induce another to do so or do so through the acts of another, committing a criminal act that reflects adversely on the lawyers honesty, trustworthiness or fitness as a lawyer in other respects, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly not providing competent representation to a client; failing to act with reasonable diligence and promptness in representing a client; failing to properly communicate with a client; failing to make reasonable efforts to expedite litigation, and/or engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney by failing to provide competent representation to a client, failing to act with reasonable diligence and promptness in representing a client, failing to keep a client reasonably informed about the status of a matter, charging or collecting an unreasonable fee, failing to have a written fee agreement communicating the scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible, failing to make reasonable efforts to expedite litigation consistent with the interest of the

client, making a false statement in connection with a disciplinary proceeding, failing to give full cooperation to disciplinary counsel, engaging in conduct involving fraud, dishonesty, deceit or misrepresentation, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney by asserting an issue in a proceeding when there is no basis in fact for doing so, making a false statement of fact to a tribunal or failing to correct a false statement previously made to a tribunal, making a statement attorney knew to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney not licensed to practice law before the Courts of the State of New Mexico by engaging in the practice of law as a non-admitted attorney, knowingly make a false statement of material fact in connection with a disciplinary matter, and engaging in conduct prejudicial to the administration of justice.

Injunctive Relief

Total number of injunctions prohibiting the unauthorized practice of law 0

Reciprocal Discipline

Total number of reciprocal discipline filed 0

Reinstatement from Probation

Petitions for reinstatement filed 0

Public Censure

Total number of public censures 0

Formal Reprimands

Total number of attorneys formally reprimanded 0

Informal Admonitions

Total number of attorneys admonished 4

Letters of Caution

Total number of attorneys cautioned 6

Attorneys were cautioned for the following conduct: (2) lack of competence, (2) lack of diligence, (2) failure to communicate, (2) dishonesty, deceit, fraud, misrepresentation.

Disciplinary Quarterly Report

► Report By Disciplinary Counsel

<https://nmdisboard.org>

Complaints Received

<i>Allegations.....</i>	<i>No. of Complaints</i>		
Trust Account Violations	3	Improper Means.....8	
Conflict of Interest	8	Criminal Conduct.....0	
Dishonesty, fraud, misrepresentation.....	31	UPL	0
Specifically prohibited conflicts	40	Improper Trial Publicity.....	0
Neglect and/or Incompetence	66	Lack of Fairness to Opposing Party/Counsel.....	10
Failure to Follow Client Instructions.....	1	Contact with Represented Party	3
Misrepresentation or Fraud	0	Meritless Claims or Defenses	1
Improper Withdrawal.....	4	Lack of Diligence.....	2
Breach of Confidentiality	2	Other.....	1
Fees.....	5	Disruption of Tribunal	0
Engaged in Conduct Prejudicial to Admin of Justice.....	1	Unauthorized practice of law.....	0
Improper Communications.....	0	*Total number of complaints received	221*
Failure to Communicate.....	5		
Improper statements about judge's integrity	1		
Prosecutorial Misconduct	4		
Improper Statements about Judge.....	1		

*Denotes total number of complaints received through 9/30/2025. May differ from the total number reflected in the table due to reporting timing.

*Denotes total number of complaints received through 9/30/2025. May differ from the total number reflected in allegations due to reporting timing.

An INCLUSIVE INTERVIEW



with Chrystian J. Gonzalez, 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 and belonging in our profession is beneficial to all legal employers; be they private firms, government entities or nonprofits.

This Inclusive Interview is with Chrystian J. Gonzalez, Esq. Chrystian has been practicing law for five years and is a Children's Court Attorney for the New Mexico Children, Youth, and Families Department. He also currently serves as a Bar Commissioner for the 3rd and 6th Judicial Districts on the State Bar of New Mexico Board of Bar Commissioners.

Q: What is your background?

A: I am a first generation Mexican American, born in El Paso, Texas. My parents are originally from El Paso's sister city, Ciudad Juarez, Chihuahua, Mexico. I am also a veteran of the United States Air Force, where I served as an active-duty enlisted member for six years, earning the rank of Staff Sergeant. During my service, I trained and supervised incoming airmen and participated in deployments supporting pre and post-9/11 missions, such as Operations Northern Watch, Enduring Freedom, and Iraqi Freedom.

Q: What made you want to become a lawyer?

A: The idea of pursuing a career as an attorney had not occurred to me until one of my college philosophy professors talked to me about law school and becoming an attorney. Had he not planted this seed of possibility, I might not have considered it an achievable path. But my curiosity and desire for success motivated me to try; so, I went for it. And that meeting having made all the difference, I now try to plant the same seed every chance I get. While I have always been drawn to serving my community, I am beyond captivated with the combination of analytical thinking with advocacy, and with using knowledge to empower others and create fairness out of a legal dispute.

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

A: To put it simply, I am most proud of reaching my clients' goals in a case. The most satisfying moment for me as an attorney is when a judge grants the final order, my client and I share a final handshake, and the case is successfully concluded. Helping a client finalize a legal process that has caused them significant stress truly brings profound fulfillment.



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

A: My biggest challenges come from my current position as a Children's Court Attorney. Collaborating with social workers and investigators to assess a family's situation can be heartbreaking when we find that legal limitations prevent us from assisting them. The law tends to be reactive rather than proactive by design, which is usually quite effective, but also disappointing when it fails, especially in cases of abuse or neglect of children.

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

A: Dismissing a case, particularly when children are reunified with their parents, is a joyous occasion in the courtroom that everyone that is present cannot help but celebrate. Also, completing a child or sibling adoption, especially when they have been waiting a long time to finalize. It is wonderful to witness these moments.

Q: What is your advice for other veterans who want to become lawyers?

A: If any fellow veteran is considering this path, I would assume that they may feel as I did: unprepared for new territory and doubting the probabilities of success. The Air Force had three tenets that I still hold to: integrity first, service before self, and excellence in all we do. These are ingrained as we set out to learn the many useful skills needed to thrive in the military, from hospital corners to strategic thinking, and experiences in a world much bigger than the one we came from. In my experience, many people join the military because they want to be a part of something bigger, and because they want to make something of themselves. I believe I was better prepared as a veteran than I ever would have been as a recent graduate. Joining the legal community is no different. What's more, the fundamental rules are the same, except the armory is in the law books and the fight is the courtroom. So, I would encourage others to just go for it and not look back.

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

A: The Flash, of course! If every time I were headed to Court, I could familiarize myself with the entire Code, relevant caselaw, pleadings, and evidence in a matter of seconds, I would be unstoppable. But it also wouldn't hurt to have Barry Allen's metabolism and enjoy seconds and even dessert after every meal.

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

A: I think the New Mexico Bar is actively advancing inclusivity consciously and continuously. This very project is creating space and opportunities for veterans, and other individuals from diverse backgrounds, to feel more welcomed and supported within the legal profession. Still, there is always more that can be done. One meaningful way the legal community can become even more inclusive is by expanding outreach and support for aspiring legal professionals from rural, Indigenous, and Hispanic communities. These groups represent a significant portion of our state's population yet remain underrepresented in the legal field. I believe that nothing is more important than this effort and taking active steps to make these goals a reality creates a legal profession that would better serve both its members and its community.

Interested in being the subject of an Inclusive Interview?

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





The Roehl Circle of Honor:

A History

By Brandon McIntyre

Over the past 25 years, the Roehl Circle of Honor has evolved from a son's tribute to his father into one of the most revered recognitions for trial attorneys in New Mexico. A highlight of the State Bar Center's lobby, spanning a wall that includes both plaques for each of the Roehl Circle of Honor's inductees as well as photos of the current year's honorees, the Roehl Circle of Honor has an unforgettable presence at the State Bar Center for all its visitors.

Conceived in the wake of one of the largest personal injury verdicts in New Mexico history and carrying enormous weight as a "legacy award" for esteemed trial lawyers, the Roehl Circle of Honor is a tradition that simultaneously honors experienced trial attorneys of the past and present while inspiring the legal professionals of the future.



Joseph E. Roehl

The Roehl Circle of Honor officially receives its name from famed trial attorney Joseph E. Roehl. Born and raised in Albuquerque, N.M., Joseph Roehl attended law school at the University of Texas in Austin. After graduating, Joseph clerked for Chief Judge Sam G. Bratton, who served on the U.S. Court of Appeals for the Tenth Circuit and is the University of New Mexico School of Law's Bratton Hall's namesake.

After clerking for Chief Judge Bratton, Joseph joined the firm now known as Modrall Sperling, or Modrall, Sperling, Roehl, Harris & Sisk, P.A. Becoming its managing partner in 1954, Joseph held that role in until 1972. Over that time, the firm grew from six attorneys to over 30 and became the largest law firm in New Mexico. The firm developed a reputation for helping attorneys to become skilled and effective trial lawyers.

Nearly half a century later, his son, Jerrald "Jerry" J. Roehl, would follow his father's footsteps in trial law.



Like Father, Like Son

Currently practicing at the Roehl Law Firm PC in catastrophic personal injury and product liability, Jerry first entered the legal field in 1972. Founding his own practice in 1976, Jerry, too, became known for his work in trial law. After 23 years in the profession, and after seven years of litigation, Jerry won one of the largest personal injury verdicts in state history in 1995.

Honoring Thy Father

In the wake of the trial, Jerry, who felt very close with his father, wanted to honor him in some way. A man of deep humility, Joseph Roehl initially showed hesitation to his son's proposition.



“He was very modest,” Jerry said. “I kept pressing him until he finally told me, ‘Let’s do something to honor trial lawyers.’” As a result, the two found a solid and noble middle ground.

Establishing the Circle of Honor

Around the time that Joseph and Jerry agreed to establish a means of honoring accomplished trial lawyers, plans surrounding the construction of the State Bar Center were underway. During this time, Jerry connected with the State Bar of New Mexico President and Board of Bar Commissioners to discuss the concept for honoring trial attorneys.



“The idea was to recognize one to five trial lawyers each year—essentially a legacy award for those at the height of their careers,” Jerry explained.

The first committee set out to honor attorneys widely regarded among their peers as outstanding civil trial lawyers. Nominees would require not just a majority, but a strong consensus of votes.

Delayed Until the New Millennium

In May 1996, Joseph passed away, leaving behind a legacy in trial law and a full career in inspiring young attorneys to try cases before settling them.

“My father died before the State Bar Center was completed,” Jerry said. “We were very close, and for several years, I just couldn’t bring myself to move it forward.”

Sometime in 2000, once the State Bar Center had been fully constructed, State Bar leadership reconnected with Jerry to touch base regarding the Roehl Circle of Honor, inspiring Jerry to work on preparing for the first induction ceremony. Formally held in Oct. 2001, the Roehl Circle of Honor’s first ceremony posthumously awarded five honorees noted for their career in trial law.

Every year since, the Roehl Circle of Honor has inducted one to five new honorees into its ranks and has held a consistent ceremonial structure through this day, including the unveiling of photographs of each of the inductees, remarks by one speaker per inductee as chosen by the inductees and connecting with peers and colleagues in celebration of the inductees.

The Future of the Roehl Circle of Honor

Jerry Roehl’s daughter, Katherine Channing “K.C.” Roehl, gave some remarks during this year’s induction ceremony. Envisioned as a successor, K.C. brings a unique but familiar energy.

“I’m trying to talk K.C. into taking over as Master of Ceremonies,” Jerry stated. “I’m also, this year, going to make an honest attempt to get younger committee members involved so that, as it evolves, we will have a younger group coming up to take over.”

The Roehl Circle of Honor: A Legacy of Excellence

Now 30 years since its conception, and 24 since the first induction ceremony was held, the Roehl Circle of Honor remains a steadfast tradition in New Mexico’s legal community. A powerful tribute to New Mexico trial attorneys, those who are recognized have led extraordinary careers in trial law, inspiring both the next generation of legal professionals and trial lawyers with years of experience.

The best advice Jerry ever received came from his father: Set cases up to try. Joseph Roehl believed that trying cases in court was the best form of real-world legal experience young attorneys could receive. A testament to grit, hard work and perseverance in the courtroom, the Roehl Circle of Honor’s dedication to distinguished trial attorneys teaches that the most rewarding moments in the legal field often come from the most challenging ones. ■



New Inductees to the Roehl Circle of Honor

KATHY LOVE, ESQ. • PÍA DOMÍNGUEZ SALAZAR, ESQ.
WILLIAM P. SLATTERY, ESQ.

Kathy Love, Pia Dominguez Salazar and William (“Bill”) P. Slattery were inducted into the Roehl Circle of Honor at the State Bar Center on Oct. 21, 2025. The Roehl Circle of Honor is named after the late Joseph E. Roehl, who is known as one of the premier trial lawyers of our generation. New inductees are welcomed into the circle each year to honor his memory and commitment to the trial lawyer community.



Jerry Roehl, Pia Dominguez Salazar, William (“Bill”) P. Slattery and Kathy Love

Kathy Love began her career in the courtroom as a public defender in the trenches in metropolitan court; the place where many people have their only interaction with our legal system. She later tried criminal cases around the state and experienced firsthand the righteous, and often thankless, work of standing up for the rights of people navigating the justice system. That was the proving ground that forged her identity as a civil trial lawyer. Her passion is representing the underdog and holding powerful entities accountable for wrongdoing on behalf of those who are needlessly injured or killed and their families. She recognizes that she has had a life of privilege and opportunity and relishes the ability to give back to the community.

Her favorite thing about being a lawyer is that she is always learning new things. She has donned a hard hat to investigate a fire at a smelting plant, driven a semi-truck (and realized her life-long dream of pulling the truck's cord to honk the horn), investigated corporate kick-backs, learned about heart surgeries, delivering babies and brain injuries and had many experiences she would not have had but for her job as a lawyer.

Love is a partner with McGinn Montoya Love Curry & Sievers law firm. For 25 years, the firm has been more than a job to her; it's family. She has grown professionally and personally largely due to collaboration with her partners and staff, and because of the wonderful clients she has been privileged to represent.

Pía Domínguez Salazar is a dedicated trial lawyer who has spent over three decades fighting for justice on behalf of families harmed by medical negligence. Born and raised in New Mexico, Pía draws deep inspiration from her parents, Zoilo and Angela Dominguez, whose love and guidance laid the foundation for her lifelong pursuit of advocacy and fairness.

After graduating from the University of New Mexico School of Law, Pía began her career alongside partner Stephen Durkovich, where she worked on complex medical malpractice cases. One of her earliest cases involved uncovering dangerous systemic failures in the university hospital's pediatric oncology program, where outdated and diluted leukemia medications were given to children, causing numerous preventable deaths. That experience ignited her commitment to exposing and changing corporate negligence in healthcare.

In 2004, Pía co-founded her own plaintiffs' firm with Patrick W. Sullivan and Tammy Jasionowski. Together as partners for over thirty years, they built a practice centered on advocating for families devastated by substandard medical care. Pía's work has helped shape New Mexico law to better protect patients and hold powerful healthcare corporations accountable.

Her approach is rooted in compassion and a deep respect for her clients' stories. She is known not only for her ability in the courtroom, but also for the enduring relationships she maintains with the people she represents.

Pía is a proud member of the New Mexico Trial Lawyers Association and is recognized as a Super Lawyer in Medical Malpractice and a National Trial Lawyers Top 100 Trial Lawyer. Above all, she remains grounded by her husband Jesús and children Téa and Diego.

William P. Slattery ("Bill") was born and raised in Oakland, California, attended St. Ignatius College Preparatory in San Francisco and the University of California at Davis. Bill graduated from Lewis and Clark Law School in Portland, Oregon in 1981. He moved to Albuquerque in December 1981, and after passing the New Mexico bar examination, moved to Santa Fe where he has lived for the past forty-three years.

Bill first practiced with the Appellate Division of the New Mexico Public Defender Department and the Special Prosecutions Division of the New Mexico Attorney General's Office. In these formative years, he had the good fortune of working for and with exceptional attorneys Janet Clow and Michael Dickman (NMPD), Paul Bardacke, Fred Smith, John Paternoster and Richard Klein (NMAG). Bill has fond memories of these years and attributes his love of litigation and commitment to excellence to his work with these dedicated attorneys.

Mr. Slattery began his private practice in 1986 as an associate attorney with Montgomery and Andrews and then as an associate attorney and partner with Campbell and Black. Bill's fondest recollections of his practice in these years involve representing the Regents of the University of California and the Los Alamos National Laboratory.

For the last 35 years of his career, Bill primarily represented physicians, hospitals and other medical providers in trials throughout New Mexico. During the majority of this time, he practiced in the Santa Fe office of Hinkle Shanor. Between 2003-2009 he practiced with Simons and Slattery. Bill had the privilege of trying numerous civil jury trials against most of the best plaintiff trial attorneys practicing in New Mexico. He considered vigorously and ethically representing his clients' best interest his highest priority. He is most grateful for the trust his clients placed in him. ■

Rio Grande Reckoning: Rethinking Groundwater Resources & Rights During Drought

By Taylor J. Black and Warigia M. Bowman,
University of New Mexico School of Law

INTRODUCTION

Over the 2025 summer, a 10-mile stretch of the Rio Grande through Albuquerque, New Mexico ran dry. This event represents the deepening of a worrisome trend. In late July of 2022, the Rio Grande in Albuquerque had no water for the first time since the 1980s. With extreme drought events increasing in frequency and intensity due to climate change, water law in the American West must adapt to unprecedented challenges.

As once-reliable rivers run dry, tribes, farmers, cities and businesses are likely to rely more heavily on groundwater resources. This shift in resource use exposes critical gaps in our state's legal framework for managing the relationship between hydrologically connected surface water and groundwater. Increasing scarcity suggests the need for reform in how the state balances its competing water demands.



CHALLENGES FOR GROUNDWATER IN NEW MEXICO

Groundwater resources in New Mexico currently face critical stress, exposing water users to uncertainty. The prior appropriation doctrine grants senior rights holders precedence,¹ yet these senior rights must be evaluated in the context of shrinking supplies. Over-reliance on groundwater further complicates efforts to meet growing demands, especially where recharge is slow or disrupted.² The ensuing debate over how to balance groundwater exploitation underscores the importance of reform: Efforts should be targeted at shifting both law and policy toward sustainable solutions that support equity, community resilience and the environment in the face of drought.

STAKEHOLDER TENSIONS

Tribes hold some of the most senior water rights in the state. Their priority dates often go back as far as “time immemorial.” First nations may rely on surface flows to supply ceremonial sites or recharge sacred springs. Hispanic communities also hold significant senior water rights rooted in Spanish and Mexican law across many New Mexico valleys and towns.³ All agricultural users face crop losses when ditches and rivers run dry. New Mexico's natural environment, including fish and other wildlife such as bighorn sheep and eagles, rely on riparian habitat and must adapt to drying conditions.

As historic users tighten their belts, newcomers are criticized for imposing more strain on the regions' existing communities and waning water supplies. New municipal development in historically dry areas will require increased supplies and

WATER LAW TERMS FOR NEW MEXICO PRACTITIONERS

- **PRIOR APPROPRIATION DOCTRINE:**
The legal principle that earlier users have priority over later, more junior users.
- **SENIOR RIGHTS:**
Water rights with earlier priority dates that must be protected from impairment by junior users.
- **CONJUNCTIVE MANAGEMENT:**
Recognition that surface water and groundwater are hydrologically connected and must be managed together.
- **BENEFICIAL USE:**
The requirement that water rights exist only when water is put to productive purposes such as agriculture, municipal supply or domestic use.

♥♥ When rivers run dry, the legal system struggles to balance absolute priority rights against practical realities of community survival, economic stability, and environmental protection. ♥♥

WHAT IS AN AQUIFER? AND OTHER HYDROLOGIC TERMS

- An **“AQUIFER”** is an underground layer of water-bearing porous material that yields significant quantities of water to wells or springs. Aquifers typically form among materials like sand, gravel, fractured rock and limestone.
- **“RECHARGE”** means the process by which water moves downward from surface water to groundwater, replenishing aquifer supplies. This occurs through infiltration of precipitation, surface water or applied water into subsurface formations.
- **“DRAWDOWN”** means the lowering of the water table or potentiometric surface around a pumping well, creating a cone-shaped depression in the water level.
- The **“WATER TABLE”** is the underground level at which soil and rock are permanently saturated with water. The water table fluctuates based on precipitation, recharge, withdrawal and seasonal or annual changes in water use and climate.
- An **“ARTESIAN WELL”** is an aquifer confined by an impermeable layer where the water pressure is sufficient to bring water to the surface.

new delivery infrastructure. While industry does contribute to job creation, new businesses like data centers promise record water consumption, imposing more strain on municipalities, farmers and traditional users.⁴

Drought intensifies conflicts among stakeholders, each with their own unique water needs. When rivers run dry, the legal system struggles to balance absolute priority rights against practical realities of community survival, economic stability, and environmental protection. New Mexico must implement novel law and policy solutions to address the realities of scarcity for everyone across the state’s varying geographies.

PROPOSED SOLUTIONS

First, the legislature could extend public trust doctrine to groundwater resources across the state.⁵ This approach focuses on sustainability and requires the state to manage aquifers as a trustee for current and future generations, potentially overriding purely private property concepts of water rights when public interests are at stake. Second, New Mexico could follow other states and establish constitutional rights to a clean environment,⁶ creating enforceable equity standards that courts could potentially apply to water resources during shortage periods. Next, amending or renegotiating interstate compacts to account for climate-changed conditions could ensure compact obligations do not constrain the water needs of all users. Amending compacts requires cooperation from more than one state but may be necessary as surface water supplies decline.

Additionally, our state’s unique circumstances require tailored solutions. For instance, New Mexico’s State Water Plan⁷ lacks integration with climate adaptation frameworks. Next time the State Water Plan is reviewed, it should be made more adaptive to drought. The plan should also ensure major decisions and standards are under state, not federal oversight. The authors also recommend that oil and gas industries across the eastern part of the state be subject to special regulations regarding groundwater use. Many believe that extractive industries should be limited to using non-potable water sources, leaving the state’s very limited freshwater for drinking and agriculture.⁸

Finally, subsidies for farmers in the Farm Bill or in state legislation could assist in updating irrigation technology and promote changes in crop choice. Water-saving irrigation technology can dramatically reduce both surface water and ground water use, but it is expensive. Accordingly, providing small farmers capital depreciation or grants to adopt such technology will assist young farmers, farmers of color and Native farmers. Instead of alfalfa or other water thirsty crops, farmers should be encouraged to plant drought-tolerant and water-friendly options like Indian corn, rye, oats and legumes.⁹

CONCLUSION & FINAL REFORM SUGGESTIONS

The drying of the Rio Grande, and the subsequent strains on the Rio Grande aquifer which lies below the river, represent both crisis and opportunity for water

♥♥ The drying of the Rio Grande, and the subsequent strains on the Rio Grande aquifer which lies below the river, represent both crisis and opportunity for water law in New Mexico. ♥♥

law in New Mexico. While our prior appropriation system provides vital legal stability, drying conditions necessitate reforms and rethinking and being more specific about water law concepts like “safe yield.” The state could extend public trust to groundwater, adapt the State Water Plan to climate realities, more carefully regulate industry and support farmers by promoting sustainable practices. Lasting reform should promote basin-level flexibility while ensuring all New Mexicans benefit equitably from sound, adaptive water governance.

Any reform effort must also address practical implementation challenges. Executive agencies need qualified staff to monitor wells and administer complex priority systems. Water courts require resources for judicial employees to complete adjudications that provide foundational legal certainty. Despite strong local stewardship, achieving robust water governance in our state remains a daunting task.

The stakes could not be higher. New Mexico’s future economic prosperity, environmental health, and social stability, as well as our cultural heritage, depend on developing legal frameworks that can effectively balance competing water needs and encourage sustainable use of water resources. Reform is both not only legally feasible but also practically necessary for New Mexico’s resilience in the future. ■

ENDNOTES

¹ See N.M. CONST. art. XVI, § 2 (enshrining prior appropriation doctrine in state Constitution).

² See, e.g., Dominic C. DiGiulio et al., *The Need to Protect Fresh and Brackish Groundwater Resources During Unconventional Oil and Gas Development*, 3 CURR. OPIN. ENVTL. SCI. & HEALTH 1, 1 (2018) (“[T]he proportion of groundwater to total overall water use for irrigation in the United States increased from 23% to 43% between 1950 and 2010.”).

³ See, e.g., David Benavides et al., *Acequias*, in *Water Matters!*, 4-1 to 4-12, at 4-1 (Utton Transboundary Resources Ctr., 2013) (recognizing acequias used by Pueblos and ranchitos endure because of a “cultural longing to continue ancestral practices and pass them on to future generations”).

⁴ See, e.g., WATER RESOURCES PODCAST: *Increasing Water Consumption in Data Centers Amplifies Local Water Scarcity*, at 26:22 (Spotify, Jan. 31, 2023) (explaining how national-level surveys of data centers obscure how centers exacerbate water scarcity at a local scale).

⁵ See, e.g., Erik Swenson, *Public Trust Doctrine and Groundwater Rights*, 53 U. MIA. L. REV. 363, 390–91 (1998) (arguing doctrine should encompass groundwater rights).

⁶ Both Pennsylvania and Montana promote the right to a clean environment. PA. CONST. art. I, § 27; MONT. CONST. art. IX, § 1.

⁷ See NMSA 1978, § 72-14-3.1 (2003) (authorizing Interstate Stream Commission and State Engineer to “implement a comprehensive state water plan”).

⁸ See, e.g., DiGiulio et al., *supra* note 2, at 1–2 (arguing that increased resource use “highlights the need for protecting groundwater,” “especially during unconventional oil and gas development”).

⁹ See, e.g., Warigia M. Bowman, *Dustbowl Waters: Doctrinal and Legislative Solutions to Save the Ogallala Aquifer Before Both Time and Water Run Out*, 91 U. COLO. L. REV. 1081, 1143–44 (2020) (arguing “a variety of changes must be made” in response to aquifer depletion, most importantly, “changes in irrigation technology, crop choice, consumer and farmer behavior, legal doctrine, and legislation”).



TAYLOR J. BLACK is a third-year J.D. Candidate at the University of New Mexico School of Law working toward the Natural Resources and Environmental Law Certificate. Taylor would like to extend gracious thanks to Professor Bowman for the invitation to join as co-author on this article.



Professor Warigia M. Bowman, J.D., PhD, is the Hatch Professor of Law at the University of New Mexico School of Law.

The mission of SBNM'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. Our state is an incredibly diverse place and a legal profession that embraces and fosters inclusivity will attract talent to its employ and clients to engage it!

With that in mind, we bring you the **Reflections** series. We call these “**Reflections**” because they not only reflect to our diverse legal community that they belong and are valued, but also because we hope it also inspires you to reflect on how you interact with people and communities in New Mexico that may be different from you and your experiences.

In honor of **Disability Employment Awareness Month**, we bring you this **Reflections** curated in collaboration with Eli Fresquez, Founder of Accessible New Mexico. Learn more about the organization [here](#)!



Access to Education

- **Read** about the 2018 consolidated cases referred to as “Yazzie/Martinez” in which Judge Sarah Singleton found that the New Mexico Public Education Department had violated the New Mexico Constitution by failing to provide to “at-risk students a uniform statewide system of free public schools sufficient for their education.” One of these such group of at-risk students is children with disabilities. Read more about that case and [here](#) and [here](#).
- **Watch** Lead Plaintiff Wilhelmina Yazzie speak on the reasons why she brought the lawsuit [here](#). Then register for the Committee on Diversity in the Legal Profession's CLE Symposium to see Ms. Yazzie speak live! To register for **in-person attendance**, click [here](#). To register for **virtual attendance**, click [here](#).
- **Listen** to just some of what law students with disabilities go through when attending law school on Law School Toolbox podcast [here](#). With transcript [here](#).
- **Read** some of what these students with disabilities had to go through to even become law students [here](#).



Inclusion in the Justice System

- **Read** the New Mexico Courts' newest accommodation plans under the Americans with Disabilities Act. These plans are specific to each court or judicial district. Those and more on this issue can be viewed [here](#).



Belonging at Work

- **Read** the 2023 United States Supreme Court [Loper Bright decision](#) widely known for its impact on Chevron Deference.
- Then **watch** analysis of how it may specifically impact disability accommodations and leave in the workplace [here](#).
- Just because we are lawyers doesn't mean we know our rights on disability accommodations in the workplace. **Watch this** from the Native American Disability Law Center.
- **Read** more about your rights as a person with disabilities in the workplace from [Disability Rights New Mexico](#).
- **Read** how the option of remote work removes unnecessary barriers and creates an inclusive workplace for folks with disabilities [here](#).
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Opportunities for Pro Bono Service CALENDAR

November

- | | | |
|--|---|--|
| 14 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual | 18 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 | 20 Statewide Legal Teleclinic
Telephone
Statewide
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Virtual |
|--|---|--|

December

- | | |
|--|---|
| 12 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual | 16 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 |
|--|---|

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

November

- | | | |
|--|---|--|
| 14 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual | 18 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 | 20 Statewide Legal Teleclinic
Telephone
Statewide
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Virtual |
|--|---|--|

December

- | | | |
|---|---|--|
| 3 Divorce Options Workshop
Virtual
State Bar of New Mexico
Call 505-797-6022 to register
Location: Virtual | 10 Consumer Debt/Bankruptcy Workshop
Virtual
State Bar of New Mexico
Call 505-797-6094
Location: Virtual | 12 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual |
|---|---|--|

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

From the New Mexico Supreme Court

Opinion Number: 2025-NMSC-016

No. S-1-SC-39542 (filed February 20, 2025)

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

DESIREE LENSEGRAV,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF TAOS COUNTY

Emilio J. Chavez, District Judge

Bennett J. Baur, Chief Public Defender
Kimberly Chavez Cook,
Appellate Defender
Luz C. Valverde,
Assistant Appellate Defender
Santa Fe, NM

for Appellant

Raúl Torrez, Attorney General
Meryl E. Francolini,
Assistant Solicitor General
Santa Fe, NM

for Appellee

OPINION

VIGIL, Justice.

{1} In this case of severe and pervasive prosecutorial misconduct, exacerbated by a lackluster defense, we hold that an Assistant District Attorney who uses opening statements to expose the jury to incriminating allegations from a non-testifying codefendant, repeatedly accuses a defendant of witchcraft, and relies on inflammatory and inadmissible evidence throughout the case, has knowingly committed misconduct so unfairly prejudicial and with such willful disregard for a reversal on appeal that retrial is barred by double jeopardy under Article II, Section 15 of the New Mexico Constitution.

I. BACKGROUND

{2} Joseph Morgas (Morgas) went missing in Taos, New Mexico, in August 2019. Police had no leads on the case for over a year. Then, in August 2020, police uncovered two suspects, Aram Montoya (Montoya) and his wife, Desiree Lensegrav (Defendant), after Montoya barricaded Defendant in their

Taos home before repeatedly stabbing her in the neck and back with a paring knife. Montoya took Defendant to the hospital and he was thereafter arrested and jailed for the attempted murder of Defendant. Defendant was airlifted to the University of New Mexico Hospital in Albuquerque, New Mexico, and placed in a medically induced coma in the intensive care unit.

A. Defendant's Pretrial Statements to Police

{3} When Defendant regained consciousness, two New Mexico State Police officers were waiting at her bedside to speak with her. She was immediately *Mirandized* and asked questions about what happened to her. She denied that Montoya had ever hit or threatened her in the past, denied any form of domestic violence, and told the officers that she and Montoya had “never even argued.” The officers confronted her with allegations that after Montoya’s arrest, he confessed to killing Morgas and that Montoya had thrown her “under the bus.”

{4} During the interview, Defendant’s account of what happened on the day that Morgas went missing was that Montoya sent

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her to a drug house to trade a mistakenly purchased bag of methamphetamine for their target drug, cocaine. While making the trade, she encountered Morgas. Morgas was a relative of the man who had raped and impregnated Defendant when she was a teenager. According to Defendant, Morgas laughed at her, called her a drug whore, told her that she deserved to be raped, said that he had video of her at the drug house, and that he would share the video with his family so that they could get custody of Defendant’s child.

{5} Defendant returned home in tears and told Montoya what had happened. She told police that she wanted Montoya to “kick [Morgas’s] ass.” She drove Montoya back to the drug house. Defendant stayed in the truck while Montoya went inside. Morgas was there along with the owner of the house, Nate Rodriguez (Rodriguez), and several other people. Defendant stated that Montoya and Morgas fought outside the house while everyone else looked on. Montoya overpowered Morgas, put him in a headlock, and “choked him out.” Montoya dragged Morgas’s limp body back to the truck. Defendant kicked open the passenger side door, and Montoya got in, dragging Morgas, who was still in the headlock, into the truck with him. Defendant said that Morgas was purple and never moved or breathed after Montoya put him in the truck. Additionally, she checked his pulse, and there was none.

{6} Defendant admitted that she spent the next several hours assisting Montoya in disposing of Morgas’s body and attempting to cover up the homicide. She supplied grim details about the process—including burning, burial, exhumation, decapitation, reburial, crushing the skull, and throwing it into a river—all of which were done, as she described, while she was in shock and afraid that Montoya would kill her too if she did not assist.

{7} After giving her statement to police, Defendant was cuffed to her bed. Two days later, she was transported to the Taos County Sheriff’s office where she was interviewed for a second time by two different police officers. Defendant provided the same account in all meaningful respects: she wanted Montoya to beat Morgas up but

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did not want him killed; Montoya choked Morgas out during the fight outside, at which point Morgas went limp and never showed any further sign of life; and she assisted Montoya in covering up the homicide in fear for her own life.

B. Pretrial Proceedings

{8} Defendant was charged with first-degree willful and deliberate murder, first-degree felony murder, first-degree kidnapping, three counts of tampering with evidence, and conspiracy to commit first-degree murder.

{9} The State was represented by Assistant District Attorney Cosme Ripol (ADA Ripol) and a secondary prosecutor. The State built its pretrial case around Montoya's statements. It included him on all witness lists, filed multiple subpoenas for his presence, submitted transport orders to have him brought to district court, and moved in limine to enter Montoya's statements to law enforcement into evidence as statements in furtherance of a conspiracy, noting the State's intent to call Montoya as the State's final witness. The State also filed a separate motion in limine to treat Montoya as a hostile witness because Montoya had given conflicting statements about whether he or Defendant had killed Morgas, and Montoya had stated in a defense interview that he implicated Defendant "because he was mad at her." ADA Ripol argued that "[b]ecause of Montoya's tortured conscience, confused and tangled emotions and feelings toward [Defendant]—and the honor code of the institutionalized criminal mind—[Montoya] is a hostile witness who will lie to protect [Defendant]."

{10} The State changed its strategy at the last minute. Montoya was omitted from the State's second amended final witness list the day voir dire began. ADA Ripol announced to the district court that he and the secondary prosecutor had worked over the weekend to "totally reorganize[] how we're going to prosecute . . . this case," and they had concluded "that we do *not*—this is over the weekend—need [Montoya] and will *not* be calling him in our case in chief." As a result, ADA Ripol informed the district court that he had released Montoya from his subpoena. The district court judge then announced the witness list for the defense

to the prospective jurors from the bench, which did include Montoya.

C. Trial

{11} Despite the State having removed Montoya from the witness list, ADA Ripol nevertheless used his opening statement to expose the jury to Montoya's incriminating allegations against Defendant. Bolstered with copious amounts of other inflammatory and inadmissible evidence, including allegations that Defendant was a "witch" and a "bruja" (a term for "witch" in Spanish) who controlled Montoya through her menstrual blood, ADA Ripol embarked on a three-day-long exercise in pathos and character assassination that utterly deprived Defendant of a fair trial that is guaranteed by the New Mexico Constitution.

1. Opening statement

{12} In his opening statement, and over no objection by the defense, ADA Ripol told the jury that they were about to hear "a story," as he phrased it,

of a strong, smart, determined, manipulative, vengeful, capable, controlling, resilient, cunning, human being with a profound drug problem—[Defendant]—who used a needy, insecure, physically strong, and potentially violent human being—[Montoya]—with a soul—he had a soul and a conscience—that he could not control, no matter how much cocaine and meth he used with her, to disguise the agony and the pain of the horrific homicide that she told him and assisted him to commit.

{13} ADA Ripol then began his witchcraft accusations. He told the jury that the first witness would be Rodriguez, the owner of the drug house, who would testify that he watched Defendant's eyes turn "black. With fury. And rage. And it was like a Hollywood movie. He could feel the wind coming out of her." ADA Ripol stated that "in addition to her eyes turning black and the wind," Rodriguez would also testify "that [Montoya] was like a zombie when he was around her. And that [Defendant] suggested to . . . Rodriguez on several occasions that she was a witch and that she would put menstrual blood concoctions into [Montoya's] food to control him." After a dramatic pause, ADA

Ripol continued: "Joseph Morgas—the son of that grieving family back there—had to be eliminated by this wanna-be witch magic woman," whom he also called "this Cersei—right out of Game of Thrones." Defense never objected.

{14} Even though ADA Ripol knew he would not call Montoya, he told the jury that "the State anticipates that you're going to hear from [Montoya] who manned up, pled guilty to murder one and other crimes, and took responsibility for these depraved actions that he did because he loved this woman," exclaiming that "this story is right out of the Bible!" At that point, and without objection from the defense, the district court judge asked both counsel to approach the bench to ensure ADA Ripol's opening statement reflected what he "believe[d] the evidence [will show]." ADA Ripol assured the district court judge that he understood but then, standing in the shoes of Montoya, exposed the jury to Montoya's incriminating allegations and would-be testimony. ADA Ripol said that Montoya

felt so guilty about this homicide and was so anesthetizing himself with cocaine and methamphetamine from the horror of what he did at her instigation, that . . . in his sense of betrayal and horror and fear and anger and more horror about what he did—planned and wanted to kill her after he thought that she'd squealed on him, and kill himself. You're going to learn that he intentionally, he meaning [Montoya] bought an 8 ball of heroin to commit suicide with heroin. You will learn that [Montoya] was stripping his soul clean of the horrors of what he did for this wanna-be bruja, witch!

ADA Ripol continued to expound on Montoya's state of mind and potential motivations for taking a plea, opining that "unlike [Defendant], Montoya, for all his faults, could not live with himself. And had to come clean. But he's conflicted. Because he thinks, or believes, he still loves her." Defense never objected.

{15} The remainder of the opening statement was similarly rife with hyperbole, grotesqueries, name-calling, and outland-

► From the New Mexico Supreme Court

ish misstatements of what the evidence would show. ADA Ripol called Defendant “a worthless mother” and “a drug ho—not my words!” Additionally, without evidence, ADA Ripol said that Defendant “had some boyfriends on the side over [at the Taos County Sheriff’s Office].” ADA Ripol recounted florid details of an alleged confession—“Defendant’s own admissions,” as he called them—that Defendant personally strangled Morgas to death using twine. He told the jury that Defendant admitted to directing Montoya to burn the body and that “her own words” were, “take this shovel and cut off his head. Bash in his teeth so no one can identify the body!” ADA Ripol also told the jury that Defendant threw the shovel and head into the river. None of these allegations would conform to the evidence. {16} ADA Ripol repeatedly told the jury to speculate about the time and manner of death, stating that the jury could not know whether Morgas was “just knocked out” when they “threw him into the grave, poured gasoline on him, and cooked him!” He questioned the jury: “Did . . . Morgas die while he was in the truck? . . . Did he die burning to death in agony? Did he die? When they cut off his head after he was burned and cooked? We don’t know!” Defense remained silent and did not object. {17} Finally, ADA Ripol ended on a note of insinuation: “You will hear out of her own voice that prior to the night where [Montoya] tried to kill [Defendant], in his . . . indescribable pain and agony . . . that [Montoya] always treated her well. . . . But that’s gonna change here at trial, to be sure. You all know what you’re dealing with. So folks, I appreciate your attention to this matter. This is the real deal.”

2. The State’s case in chief

{18} The State’s first witness was Rodriguez, the owner of the drug house, who introduced witchcraft evidence. Rodriguez testified that when Defendant walked into his drug house, Rodriguez was getting high with Morgas and discussing “supernatural incidents,” such as “little dwarfs or men . . . in his house at night peeping out from the vents” and “moving things around.” Morgas said something to Defendant that caused her to become angry. ADA Ripol asked Rodriguez to “describe for the jury

her eyes.” Rodriguez testified that “her eyes turned black. . . . Almost kind of like you see in a movie, you know, where the eyes are black. Wind. It felt almost like the wind was throwing back her hair. And the room became very heavy.” ADA Ripol then elicited the following testimony:

ADA Ripol: Describe how [Montoya] would act around her.

Rodriguez: It was, it seemed to me like he was on autopilot. He was a different person when he was around her than he was by himself. He wasn’t joking, he wasn’t usually how people are with their friends—you joke around a little bit, they’re smiling, a little bit of banter. He was not like that whenever he was with her.

ADA Ripol: Did you have conversations with [Defendant] about magic?

Rodriguez: Something about her practicing some magic and doing some spells about, her family had been into magic. But, I didn’t really pay that much attention to it but I do recall having that conversation.

ADA Ripol: And specifically, was there any conversation about menstrual blood? What she would do with it?

Rodriguez: She did tell me a story once, um, to my recollection she said something about putting some menstrual blood in some food.

ADA Ripol: In *whose* food?

Rodriguez: [Montoya]’s.

ADA Ripol: And did she indicate to you why she would put her menstrual blood in [Montoya]’s food?

Rodriguez: Um, she didn’t really indicate clearly. I didn’t really ask clearly. It was a little bit out of my sphere of wanting to know, actually. It really grossed me out a little bit.

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{19} Following a brief cross-examination by defense counsel, in which Rodriguez described another of his supernatural encounters with Defendant, ADA Ripol asked if Rodriguez remembered telling a police officer that Defendant’s eyes had turned black. Rodriguez testified that “it kind of was that kind of mood, like in a movie, you know, the eyes went black and then the room got heavy and it was like, the whole mood changed.” ADA Ripol bolstered the witness by saying, “just so that the jury’s clear, your testimony is as honest as it can be, as you can be today, correct?” Rodriguez agreed.

{20} Finally, the State introduced foul-smelling physical evidence taken from the river and Morgas’s remains, the smell of which caused the district court to adjourn early on the second day of trial. During direct examination, one of the police officers unwrapped a shovel that was found in the river, which was assumed to be the shovel that Montoya used to decapitate Morgas, and walked it in front of the jury. The officer also displayed physical evidence that was taken directly off of Morgas’s body, all of which had been burnt and buried for over a year. This physical evidence—including two shoes, multiple items of clothing, and other items taken from the body—was opened one by one, walked in front of the jury, displayed on an ELMO (a courtroom document camera), and left out on a table in open court. During this process, the secondary prosecutor asked the officer, “is there an odor? Are you okay?” To which the officer responded, “Yes.”

{21} Approximately two-and-a-half hours after the shovel was unwrapped and half an hour after the burnt and buried clothing was displayed, the secondary prosecutor asked to approach the bench. Before anyone spoke, the district court asked, “are we talking about the same issue?” And the secondary prosecutor said, “yeah, what, I’m so sorry.” Defense counsel stated, “there’s a significant odor over there,” and the district court replied, “yeah . . . I’m thinking I just need to stop for the day.” The district court sent the jury home half an hour early.

{22} The following day, the secondary prosecutor introduced more foul-smelling evidence recovered from Morgas’s body. Before the jury was called into the court-

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room, the secondary prosecutor alerted the district court that she intended to introduce a partial shirt, pants, and a partial belt even though, as she admitted, “I’m cognizant that they—will smell.” The district court judge allowed them to be opened, displayed on the ELMO, and placed in bags. The judge noted that there were “some odors in the courtroom,” and the solution was to have the officer “perform the duties of Vanna White and . . . walk them around,” and then rebag the evidence.

{23} When the jury returned, the district court judge explained that the officer would walk past them with the partial shirt, pants, and partial belt and admonished the jury that this would “likely be your only opportunity to see” this evidence. The judge “apologize[d] . . . with the mechanism that we’re having to display these items.”

{24} When the officer returned to the stand, the secondary prosecutor asked the officer why he had to rebag the evidence. The officer stated, “because of the smell. Partially, the biohazard nature of some of it.” The officer noted that all of the evidence he had displayed came “from the gravesite, specifically attached to the body.”

3. Closing argument

{25} In closing argument, ADA Ripol again raised the specter of Defendant’s eyes “turn[ing] black with rage” and “like a movie, [t]he wind . . . blowing through her hair in her fury” as supposed evidence of her intent to kill. ADA Ripol argued that the State had proven deliberate intention through evidence “that beating up [Morgas] was not enough. Because beating him up would make it worse for her and her continual legal problems”—evidence that was admitted only through an officer’s description of Montoya’s uncontradicted hearsay statements to the police.

{26} On rebuttal argument, ADA Ripol reminded the jury that Montoya “pled guilty to all his charges and is gonna die in” the penitentiary. The district court judge then asked the parties to approach the bench and questioned ADA Ripol about whether that had been admitted into evidence, to which ADA Ripol acquiesced by stating that he would “move forward.” Starting back, ADA Ripol stated “we’re not here, we don’t need to prosecute [Montoya].” ADA Ripol’s parting

words to the jury immediately before they retired to deliberate was an admonishment to convict based upon the foul-smelling evidence the State displayed. He stated:

You know, folks. Back in the 60s there was a saying: ‘karma is a bitch.’ The choices that we make influence who and what we are. One of the poignant elements in this trial is that each and every one of us literally smelled the stench of death, caused by this woman, and that she took responsibility for.

The stench of death that each and every one of us could smell, so that the court had to adjourn early because of the biohazard and the reek. We just didn’t see and hear about death: we smelled it.

And do you know who admitted? You do know who admitted to being responsible for the stench! Of death! That permeated this courtroom. [Defendant.] She owned up to responsibility. And when she had a chance to deny responsibility, was before you was left speechless.

Ladies and gentlemen of the jury, the State demands, asks, requires that you go back and deliberate and find [Defendant] guilty for the stench of death that permeated this courtroom.

Two hours later, the jury returned guilty verdicts as to all counts.

II. DISCUSSION

A. Fundamental Error

{27} Inexplicably, defense counsel did not object to the vast majority of instances of prosecutorial misconduct that Defendant identifies on appeal. This lack of action is profoundly troubling. Defense counsel’s neglect to confront ADA Ripol’s outrageous behavior allowed the disturbing trend of misconduct to continue, undermining the fundamental protections that ensure justice in a fair trial. Without an objection, the district “court had no opportunity to rule on [any] claim of prosecutorial misconduct,”

and we must now review any such claim for fundamental error. *State v. Allen*, 2000-NMSC-002, ¶ 95, 128 N.M. 482, 994 P.2d 728; Rule 12-321(B)(2)(c), (d) NMRA (permitting appellate review of unpreserved issues that involve fundamental error or affect the fundamental rights of a party).

{28} “Prosecutorial misconduct rises to the level of fundamental error when it is so egregious and had such a persuasive and prejudicial effect on the jury’s verdict that the defendant was deprived of a fair trial.” *Allen*, 2000-NMSC, ¶ 95 (internal quotation marks and citation omitted). To arrive at this conclusion and hold that fundamental error occurred, “we must be convinced that the prosecutor’s conduct created a reasonable probability that the error was a significant factor in the jury’s deliberations in relation to the rest of the evidence before them.” *State v. Sosa*, 2009-NMSC-056, ¶ 35, 147 N.M. 351, 223 P.3d 348 (internal quotation marks and citation omitted). In our analysis, we consider “(1) whether the statement invades some distinct constitutional protection; (2) whether the statement is isolated and brief, or repeated and pervasive; and (3) whether the statement is invited by defense.” *Id.* ¶ 26. In doing so, we evaluate the statements “objectively in the context of the prosecutor’s broader argument and the trial as a whole.” *Id.* Under these standards, the prosecutorial misconduct rises to the level of reversible, fundamental error.

{29} At every stage of trial—from opening statement through rebuttal argument—the prosecution grounded its case in inadmissible evidence. ADA Ripol used opening statements to expose the jury to incriminating allegations from a non-testifying codefendant, repeatedly accused Defendant of witchcraft, unnecessarily displayed foul-smelling physical evidence that had been attached to the remains of a burnt and buried body, and told the jury that the State “demands” and “requires” the jury to convict Defendant “for the stench of death that permeated this courtroom.” The entire trial was filled with theatrics, hyperbole, and disparaging inflammatory statements, such that the extent of the misconduct cannot be fully conveyed in this opinion. In this analysis, we examine only the most egregious and dispositive misconduct.

► From the New Mexico Supreme Court

{30} “[I]t is improper for counsel, in an opening statement, to make statements that will not or cannot be supported by proof, to claim that it will produce evidence that is never submitted to the jury, [or] . . . to comment about evidence that counsel does not intend to prove.” 75 Am. Jur. 2d *Trial* § 431 (2018) (footnotes omitted). In this case, ADA Ripol used the opening statement to stand in the shoes of Montoya—a codefendant whom the State had released from subpoena and told the district court it would not call—exposing the jury to Montoya’s incriminating allegations without calling him as a witness. This was a blatant violation of Defendant’s Sixth Amendment right to confront the witnesses against her. See generally *Crawford v. Washington*, 541 U.S. 36 (2004) (describing the origins and requirements of the Confrontation Clause and contrasting the adversarial common law right to confrontation with the inquisitorial civil law system of admitting ex parte statements of accusers without providing the right to confrontation).

{31} That fact alone, without more, is egregious misconduct. “*Bruton* [v. *United States*, 391 U.S. 123 (1968)] determined that a curative or limiting jury instruction is ineffective to remove the prejudice that a defendant suffers when the state introduces at a joint trial with one jury a statement by a non-testifying codefendant [that] incriminates the other defendant.” *State v. Padilla*, 1998-NMCA-088, ¶ 6, 125 N.M. 665, 964 P.2d 829. Although Montoya was not tried as a codefendant at the same trial, we agree with the *Bruton* Court that “the powerfully incriminating extrajudicial statements of a codefendant” are not only “devastating to the defendant but their credibility is inevitably suspect,” 391 U.S. at 135-36, and “the effect of such a nonadmissible declaration cannot be wiped from the brains of the jurors.” *Id.* at 129. As that Court explained, “[t]he unreliability of such evidence is intolerably compounded when the alleged accomplice . . . does not testify and cannot be tested by cross-examination. It was against such threats to a fair trial that the Confrontation Clause was directed.” *Id.* at 136.

{32} The State argues that ADA Ripol acted reasonably to introduce Montoya’s unopposed hearsay statements in the

opening statement because the defense included Montoya on its witness list and, by all indications, the defense intended to call Montoya. However, that argument ignores the inescapable fact that the State bears the entire burden of production and proof in a criminal trial, and the defense has no duty to put on any case. See UJI 14-101 NMRA (“The defendant is presumed to be innocent. The state has the burden to prove beyond a reasonable doubt that the defendant is guilty.”); UJI 14-102 NMRA (“After the state has presented its evidence, the defendant may present evidence but is not required to do so because the burden is always on the state to prove the defendant’s guilt beyond a reasonable doubt.”). Therefore, “[t]he prosecutor’s opening statement in a criminal trial should contain a capsulized version of the evidence that the prosecutor expects to present and the claim that the prosecutor will make with reference to the evidence.” 75 Am. Jur. 2d *Trial* § 426 (2018).

{33} The prosecution has no right to use an opening statement to expound upon presumptive details of a defense case over which the prosecution has no control, which has yet to be presented, and which need not be presented at all. See *State v. Clark*, 452 S.W.3d 268, 290-91 (Tenn. 2014) (“A defendant is not required to present any proof at all. . . . Accordingly, a defendant who gives notice of a potential . . . witness may, at the close of the [s]tate’s case, change course and decide to refrain from presenting that evidence. It follows that trial courts ought not permit the [s]tate to offer evidence during the [s]tate’s case-in-chief when that evidence is only potentially admissible for the purpose of rebutting the defendant’s anticipated evidence.” (citation omitted)). Moreover, it is highly improper for the State to describe the anticipated testimony of a defense witness when the State has rejected that very witness as unnecessary to its own case in chief.

{34} Simply put, it was egregious misconduct for ADA Ripol to expose the jury to Montoya’s incriminating allegations without calling him as a witness in any manner. “The Government should not have the windfall of having the jury be influenced by evidence against a defendant which, as a matter of law, they should not consider but which they

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cannot put out of their minds.” *Bruton*, 391 U.S. at 129 (internal quotation marks and citation omitted). ADA Ripol’s misconduct in exposing the jury to Montoya’s incriminating statements in his opening statement while knowing that the State would not call him as a witness was so unfairly prejudicial and irreversible that it alone resulted in fundamental error. When the other instances of misconduct are added, the conclusion that fundamental error occurred is inescapable. {35} Having concluded that fundamental, reversible error resulted from prosecutorial misconduct, we now address whether retrial is barred under Article II, Section 15 of the New Mexico Constitution.

B. Legal Standard for Double Jeopardy Bar

{36} In *State v. Breit*, 1996-NMSC-067, ¶ 32, 122 N.M. 655, 930 P.2d 792, we established the test for whether official misconduct presents a double jeopardy bar to a retrial under Article II, Section 15 of the New Mexico Constitution. In *Breit*, we held that official misconduct at trial will result in a double jeopardy bar to retrial when the misconduct (1) “is so unfairly prejudicial to the defendant that it cannot be cured by means short of a mistrial or a motion for new trial,” (2) “the official knows that the conduct is improper and prejudicial,” and (3) “the official either intends to provoke a mistrial or acts in willful disregard of the resulting mistrial, retrial, or reversal.” 1996-NMSC-067, ¶ 32. In this case, we focus on official misconduct on ADA Ripol’s part.

{37} We examine these factors “in light of the totality of the circumstances of the trial.” *Id.* ¶ 40 (citation omitted). If, under the totality of the circumstances, “the prosecutor’s conduct demonstrates willful disregard of the defendant’s right to a fair trial, then a second trial is barred.” *Id.*

C. The Extreme Prosecutorial Misconduct in This Case Satisfies the Breit Test

{38} We begin with the first prong of *Breit*: whether the prosecutor’s misconduct was “so unfairly prejudicial to [Defendant] that it cannot be cured by means short of a mistrial or a motion for a new trial.” 1996-NMSC-067, ¶ 32. For the reasons set forth in our discussion of fundamental error, the record leaves no doubt that ADA Ripol’s

► From the New Mexico Supreme Court

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misconduct satisfies the first prong of *Breit*. See *State v. McClaugherty*, 2008-NMSC-044, ¶¶ 41-42, 144 N.M. 483, 188 P.3d 1234 (holding that the prosecutor's introduction of two uncontroverted hearsay statements on cross-examination was "equivalent of testimony by the prosecutor" and the misconduct "was so unfairly prejudicial to [the d]efendant that it could not be cured short of a new trial," thus satisfying the first prong of *Breit* (internal quotation marks and citation omitted)).

{39} Having concluded that the first prong of *Breit* is satisfied, we need not belabor the other instances of misconduct. However, we pause to note the outrageous impropriety of the prosecutor's reliance on allegations of witchcraft. This Court has long recognized that witchcraft accusations are entirely outside the bounds of legality: as early as 1891, we recognized that the belief in witchcraft was archaic and unacceptable. See *Lynch v. Grayson*, 1891-NMSC-001, ¶ 5, 5 N.M. 487, 25 P. 992 ("[T]hroughout the middle ages it is doubted if one person could be found who doubted the reality of witchcraft. Though the delusion continued in strong force down to the beginning of the present century, yet to-day a belief in it would be admitted on the question of a person's sanity."). There is absolutely no scenario in which it is acceptable for a prosecutor to accuse a defendant of witchcraft in a twenty-first-century court, as ADA Ripol did in this case. The fact that these remarks were made in the opening statement is particularly damaging. "The opening statement holds a uniquely important place in the trial because it is the lens through which the jury views and evaluates the entire trial. Therefore, the prosecutor must take special care to refrain from improper comments." *State v. Gutierrez*, 2007-NMSC-033, ¶ 20, 142 N.M. 1, 162 P.3d 156.

{40} The second prong of *Breit* is also satisfied: the prosecutor knew that his conduct was improper and prejudicial. ADA Ripol clearly understood that he was presenting the jury with Montoya's incriminating allegations without calling him as a witness.

However, a prosecutor's knowledge "is an objective standard, not a subjective one. A prosecutor's belief regarding their own conduct is irrelevant because rare are the instances of misconduct that are not violations of rules that every legal professional, no matter how inexperienced, is charged with knowing. The law simply cannot reward ignorance." *McClaugherty*, 2008-NMSC-044, ¶ 49 (brackets, internal quotation marks, and citations omitted). Thus, we do not decide this prong on subjective grounds. "The law clearly presumes that" a prosecutor knows that introducing "facts not in evidence, where [the prosecutor] had no intention of trying to gain the proper admission of that material, [is] improper." *Id.* ¶ 57; see also, e.g., *State v. Cummings*, 1953-NMSC-008, ¶ 8, 57 N.M. 36, 253 P.2d 321 ("[A] statement of facts entirely outside of the evidence, and highly prejudicial to the accused, cannot be justified as argument."). {41} Finally, the third prong of *Breit* is satisfied. The prosecutor "either intend[ed] to provoke a mistrial or act[ed] in willful disregard of the resulting mistrial, retrial, or reversal." *Breit*, 1996-NMSC-067, ¶ 32. ADA Ripol exposed the jury to Montoya's incriminating allegations without calling him as a witness. He built his case around a theory that Defendant was a witch who controlled her non-testifying codefendant through the use of her menstrual blood and caused him to kill on her behalf. He repeatedly used inflammatory language, disparaged Defendant, and improperly vouched for the credibility of witnesses. And the prosecution introduced foul-smelling physical evidence that had been attached to a burnt and buried corpse for more than a year, displayed it for the jury, and then ADA Ripol used the offensive smell to argue that the State "demands" and "requires" the jury to convict on all counts because of the offensive odor. The misconduct persisted from the opening statement all the way through rebuttal argument.

{42} Like in *Breit*, "the misconduct was unrelenting and pervasive," and "[t]he cumulative effect was to deny the defendant

a fair trial." 1996-NMSC-067, ¶ 45. Like in *Breit*, the State's case was weak on the crucial issue of intent to kill, and "the prosecution may have been concerned that there would be difficulties in securing a conviction." *Id.* ¶ 46. Particularly here, where the State knew that Montoya had repudiated his initial accusations against Defendant, it appears likely that the State's choice not to call Montoya was a feckless attempt to avoid having the State's star eyewitness torpedo its theory of the case. Instead, the prosecution saw fit to expose the jury to Montoya's incriminating allegations that suited the State's case without the risks of live testimony from the man himself. This process was antithetical to our adversarial system and deprived Defendant of a fair trial. *Crawford*, 541 U.S. at 50 ("[T]he principal evil at which the Confrontation Clause was directed was the civil-law mode of criminal procedure, and particularly its use of *ex parte* examinations as evidence against the accused."). Again, as in *Breit*, we determine from these facts that "[i]n avoiding an acquittal at any cost, it appears that among the costs the prosecution was willing to incur were a mistrial, a new trial, or reversal on appeal. . . . Under minimal legal, ethical, and professional standards, we can only conclude that [the prosecutor] acted knowingly and intentionally." 1996-NMSC-067, ¶ 48.

{43} The rule of law applies equally to prosecutors as well as everyone else. All three prongs of *Breit* are satisfied in this case.

III. CONCLUSION

{44} Defendant did not receive the fair trial to which she was entitled, and we, therefore, vacate her convictions. Because of the outrageous prosecutorial misconduct that pervaded this trial, double jeopardy bars reprosecution.

{45} IT IS SO ORDERED.

MICHAEL E. VIGIL, Justice
WE CONCUR:

DAVID K. THOMSON, Chief Justice

C. SHANNON BACON, Justice

JULIE J. VARGAS, Justice

BRIANA H. ZAMORA, Justice

FORMAL OPINION

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Filing Date: 10/30/2025

No. A-1-CA-41121

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

GONZALO CALDERON,

Defendant-Appellant.

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

George Eichwald, District Court Judge

Raúl Torrez, Attorney General
Teresa Ryan, Assistant Solicitor General
Santa Fe, NM

for Appellee

Rothstein Donatelli LLP
Wouter Zwart
Marc M. Lowry
Albuquerque, NM

for Appellant

► Introduction of Opinion

A jury found Defendant Gonzalo Calderon guilty of two counts of criminal sexual penetration (CSP) in the second degree (child age 13-18) (force or coercion), in violation of NMSA 1978, Section 30-9-11(E)(1) (2009). Defendant asks this Court to reverse his convictions, arguing that (1) there is insufficient evidence of Defendant's use of "physical force" to cause or perpetrate the nonconsensual penetration of Victim; (2) Section 30-9-11(E)(1) is unconstitutionally vague because it does not provide fair warning that a person can be convicted of nonconsensual sexual penetration of a child age thirteen to eighteen by "physical force," when the "physical force" used to perpetrate the penetration was no greater than that used in consensual intercourse; and (3) the district court erred in admitting internet searches extracted from Defendant's cellphone using Cellebrite software because the State failed to establish with expert testimony the scientific basis and reliability of the Cellebrite software, or in the alternative, the searches were either irrelevant, under Rule 11-401 NMRA, or unduly prejudicial, under Rule 11-403 NMRA. Because we find all of these arguments to be without merit, we affirm Defendant's convictions.

Jane B. Yohalem, Judge

WE CONCUR:

Jacqueline R. Medina, Chief Judge

J. Miles Hanisee, Judge

To read the entire opinion, please visit
the following link: <https://bit.ly/A-1-CA-41121>



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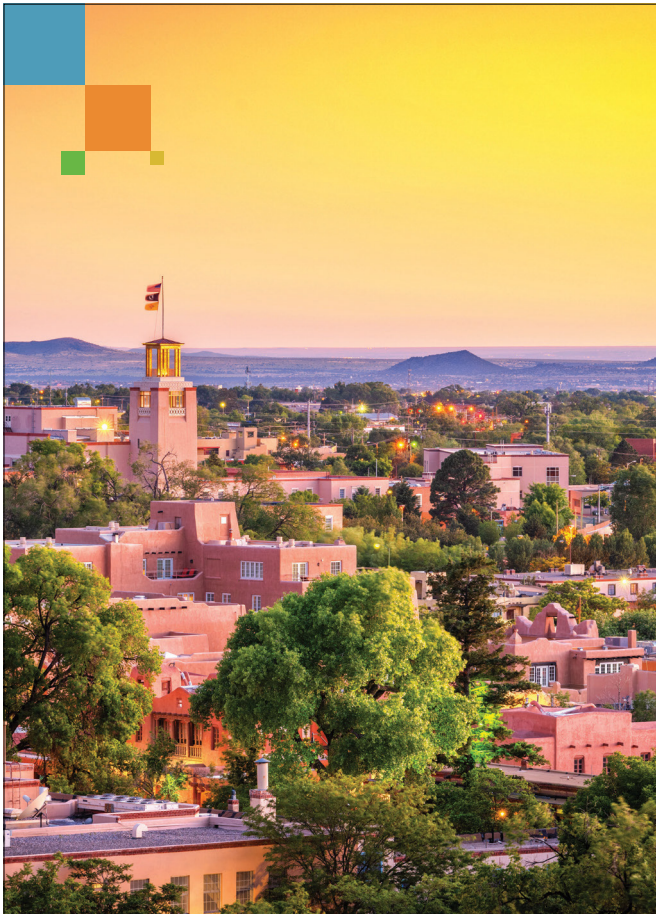
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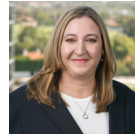


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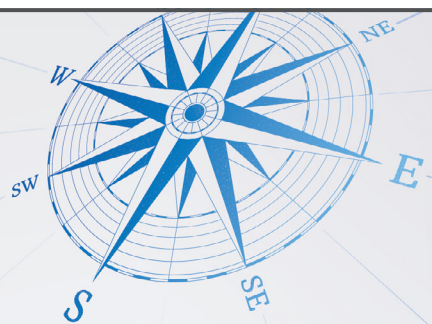
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Request for Proposals (RFP): Legal Services – Liability and Workers Compensation

RFP Number: 26-350-4905-0001

The Risk Management Division (RMD) of the General Services Department invites the submission of Proposals for Legal Services, specifically related to liability and workers compensation. RFP Details: The full Request for Proposals (RFP) may be obtained from the RMD website at: www.generalservices.state.nm.us/risk-management/solicitations/ Navigate to the "RMD Solicitations" tab and locate RFP Number: 26-350-4905-0001. Proposal Submission Deadline: Proposals must be prepared in accordance with the RFP's submittal requirements. All proposals must be received by RMD no later than 3:00 p.m. MST on Friday, January 16, 2025. Questions: Please direct all inquiries regarding this RFP to: Gerardo Ruelas, Finance Bureau Chief; Phone: (505) 819-7815; Email: Gerardo.Ruelas@gsd.nm.gov

Attorney or Law School Graduate Positions

Legislative office in Santa Fe is seeking attorneys or recent law school graduates for full-time employment from January to February, 2026 during the upcoming legislative session. Strong legal research and writing skills required. Salary DOE. For application and more details: <https://www.nmlegis.gov/Entity/Senate/Employment>

Chief Hearing Examiner

The Chief Hearing Examiner, or division director of the Office of Hearing Examiners, oversees the work of the Hearing Examiners who act as delegates of the Commissioners to preside over cases and issuing recommended decisions for Commission's review and final decisions. This position will report to the Chief of Staff. The Chief Hearing Examiner will: Supervise all employees of the Office of Hearing Examiner; Coordinate with the Office of General Counsel on case assignments to ensure proper workload distribution and timely resolution of cases; Monitor the progress of cases and provide guidance and resources where appropriate; Serve as a resource to Office of General Counsel, Office of Technical Advisors and Policy, and Commissioners ; Work directly Chief of Staff regarding the direction of the Office of Hearing Examiners; Advise Commissioners on consistently complex and often novel legal and policy issues; Develop and justify budgets with the director of the administrative services division; Stay informed regarding issues likely to come before the Commission and a broad panoply of legal, regulatory, scientific, technological, and other policy matters related to the mission of the agency through research and constant monitoring of news media and legal and trade publications; Ascertain and secure training opportunities for the hearing examiners. Key Knowledge and Skills: Experience practicing law in areas directly related to administrative law or public utility regulation; Experience as an administrative law judge or hearing officer; Demonstrated interest and familiarity with recent NMPRC litigation and decisions; Familiarity with NMPRC hearing procedures; Educational experience in economics, accounting or engineering; Supervisory or managerial experience; Excellent writing skills. Education and Experience Standards: Juris Doctorate degree from an accredited school of law and eight (8) years of experience in the practice of law. Licensed as an attorney New Mexico. Salary: \$136,227 to \$155,000 plus benefits Job Type: Full-time, Governor Exempt "at will" position. To apply: Submit letter of interest, resume and three references to: Human Resources, sarahe.valencia@prc.nm.gov NMPRC P.O. Box 1269, Santa Fe, NM 87504-1269. This posting will close on November 17, 2025.

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

Litigation Associate (0–3 yrs) — Santa Fe, NM

The Simons Firm, LLP seeks a full-time associate attorney for civil litigation, trust & estate disputes, and real estate matters. You'll draft/argue motions, appear in court, take depositions with partner support, and work directly with clients. Mentorship & early responsibility; real courtroom experience. Comp: \$90–115k DOE + bonus; health; 401(k); PTO; CLEs/dues. Target: 140 billable hrs/mo. reqs. NM bar (or pending), strong research/writing; civil-lit exposure, clinics or clerkships preferred. Apply: cover letter, resume, writing sample to aburdwell@simonsfirm.com. All inquiries confidential. EOE. www.simonsfirm.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 & 10117336 under job opening ID 158462 by 11-23-2025.

Assistant Trial Attorney– Magistrate Court Division

The 12th Judicial District Attorney's Office is seeking an in-house, dedicated and motivated Assistant District Attorney to join our team and manage the Otero County Magistrate Division II docket. This position is ideal for an attorney who thrives in a fast-paced courtroom environment and is eager to gain substantial prosecutorial and trial experience. You will handle all aspects of criminal prosecution within the Magistrate Court, including case review, charging decisions, plea negotiations, motion practice, and regular court appearances. This position provides the opportunity to participate in jury trials frequently, allowing for the development of strong trial and courtroom advocacy skills. Must be admitted to the New Mexico State Bar. Salary: \$90,000. Full benefits package with retirement. Email resume to: sgann@da.state.nm.us or visit our website <https://12th.nmdas.com/>

Cannabis Control Division Counsel

The NM Regulation & Licensing Department is hiring for the Cannabis Control Division Counsel located in Santa Fe. This incumbent will serve as the Cannabis Controls legal counsel across a variety of civil and regulatory matters. The position integrates policies and legal positions within a broad range of issues and cases; represents the Cannabis Control Division; negotiates settlements and contracts; litigates matters before the courts as well as conducting administrative hearings addressing constitutional, statutory and regulatory requirements; drafts recommendations or final decisions for final determinations made by the Cannabis Control Division Director concerning relevant facts and applying relevant laws and regulations; determines strategy on specific matters; drafts, evaluates, and reviews pleadings and appellate briefs, opinions, correspondence, proposed legislation and regulations; coordinates and conducts discovery and interviews witnesses and assists in developing broad legal strategies; interacts with legislators and legislative committees to advocate and advance the Cannabis Control Division; and interacts extensively with private entities and all levels of government including legislators and assists in developing and implementing strategic plans in accordance with the Regulation & Licensing Departments mission. Interested candidates must apply through <https://careers.share.nm.gov> and submit your application for position # 10115297 under job opening ID: 158568 by 11-23-2025.

Licensed New Mexico Attorney

Jay Goodman and Associates, Law Firm PC is dedicated to assisting clients in the areas of family law, divorce, legal separations, paternity, parental rights, adoptions, guardianships, custody issues, domestic violence, child support, spousal support, qualified domestic relations orders, estate planning and probate.

Our mission is to timely and effectively respond to our clients' goals and concerns with creative consideration and seek results designed to minimize or resolve future legal problems. This includes timely court filings, attention to details, and comprehensive representation. In serving our clients we also provide special attention to the relationships within the family dynamic, and to the best interest of our clients within the larger context of the life they are leading and the life they wish to pursue. We are in the process of hiring Full Time Attorneys licensed and in good standing in New Mexico with 2 years' experience in Family Law, and/or Probate Law. Successful applicants should have court room experience and have provided client relations with empathy and compassion. We offer excellent compensation and a comfortable team working environment with flexible hours. Please feel welcome to visit our website at www.jaygoodman.com to find out more about us. All inquiries are maintained as confidential. Please send your resume and cover letter to: es@jaygoodman.com. Thank you for your interest.

Full-Time Paralegal

Egolf + Ferlic + Martinez, LLC seeks a full-time paralegal in our Santa Fe office. The Firm is based in downtown Santa Fe and represents clients throughout the state. The ideal candidate will show initiative, demonstrate attention to detail, excel at organization, and work well under pressure. They must be able to communicate well with others, while also being able to work independently. Litigation experience is a plus! For the right candidate, the Firm is willing to train individuals with related experience or education. The Firm offers a competitive salary and benefits package that includes healthcare, life insurance, and retirement plan. Interested candidates should submit a resume to Annette@EgolfLaw.com

Litigation Paralegal

Hiring! As a Litigation Paralegal at McGinn, Montoya, Love, Curry & Sievers, you will play a critical role in supporting attorneys with all aspects of case management. Responsibilities include managing deadlines, organizing case files, finalizing and filing pleadings, assisting with discovery and trial. You will interact regularly with clients, offering guidance and support as they navigate their legal journey. Solid abilities in MS365 and Adobe Acrobat is necessary. Salary commensurate with experience. Excellent benefit and profit-sharing package. Email your resume and interest letter to mmcladmin@mcginnlaw.com

Paralegal

Exciting opportunity to join Rothstein Donatelli as a Paralegal (Albuquerque Location): Rothstein Donatelli's Albuquerque office focuses on civil rights and criminal defense litigation. We strive to provide our clients with the highest level of legal representation advocacy. We are seeking a highly motivated and detail-oriented paralegal to join our team. This position requires someone who is excited to work in the legal field, can build trust and rapport with our clients, can multi-task, and is a self-starter. Key responsibilities: Drafting pleadings, discovery requests, and discovery responses; Assisting attorneys with analyzing and organizing discovery materials; Conducting legal research; Working proficiently in Adobe, Excel and Microsoft programs; Organizing and managing case complex files; Managing litigation calendars and deadlines; Communicating with clients, witnesses, and opposing counsel. Compensation and benefits: Salary/hourly rate is dependent on candidate's experience; Full-time position (40 hr.) work week; Competitive benefits package including health, dental, and retirement. Please submit your application and cover letter to vacosta@rothsteinlaw.com or info@rothsteinlaw.com. This position will take applications until the position is filled.

Part-Time Legal Assistant

Egolf + Ferlic + Martinez, LLC, seeks a reliable and organized Legal Assistant to join our team. The ideal candidate will have front desk experience and be able to juggle various tasks at once. Responsibilities include greeting and assisting clients and visitors in a professional and courteous manner; answering, screening, and routing incoming calls; taking clear and accurate messages; monitoring and responding to potential clients' emails and inquiries; managing the reception area to ensure a welcoming and organized environment; and scheduling client appointments, meetings, and conference room use. The Firm offers a competitive salary and benefits package. Interested candidates should submit a resume to Annette@EgolfLaw.com

Experienced Litigation Paralegal

Paralegal for civil litigation department. Five plus years of experience in litigation (commercial, defense litigation preferred). Paralegal certificate a plus. Extensive knowledge of litigation procedures in New Mexico, proficient in office applications and software, attention to detail and deadlines, proficient in word processing and grammar skills, motivated and able to assist and support busy litigation team in large and complex litigation cases, multi-attorney docket and calendar system, and trial. Competitive benefits package. Salary is commensurate with experience. Additional info: Full time, indefinite. Competitive salaries based on experience. Contact: Paula.palvarez@raylaw.com

Paralegal – Family Law

Atkinson & Kelsey, P.A., New Mexico's first family law firm, is seeking a Paralegal to join our team. We are looking for a detail-oriented, organized, and motivated individual with strong writing, research, and communication skills. Responsibilities include preparing pleadings and discovery, legal research, trial preparation, and client communication. Candidates should be proficient in Microsoft Office and familiar with legal procedures. Prior family law or litigation experience is preferred. We offer a competitive salary and benefits package. To apply, please send your résumé and cover letter to Careers@atkinsonkelsey.com

New Mexico Center on Law and Poverty - Temporary Full-time Paralegal

NMCLP seeks a Temporary Full-time Paralegal to provide high quality administrative and legal support for client representation and litigation cases. The majority of the Paralegal's time will be focused on telephone calls to class action members and the documentation of those calls. Required: undergraduate degree with paralegal certification or equivalent experience, experience with client relations through telephone communication, and fluency in Spanish. Typical salary range is \$55,295-\$77,000, dependent on experience. See the full description at: www.nmpovertylaw.org/careers-and-internships. Apply in confidence by emailing your resume and a cover letter describing what interests you about NMCLP's mission to contact@nmpovertylaw.org

Legal Secretary/Assistant

Two-lawyer Estate Planning and Administration firm in Santa Fe seeks hybrid legal secretary/assistant. Prefer full time, part time negotiable. Onsite in Eldorado, no remote inquiries. Salary DOE. Benefits include health, dental, vision, paid leave. Email jbrannen@brannenlawllc.com

Paralegal

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

Experienced Legal Assistant

Stiff, Garcia & Associates, LLC, a successful downtown insurance defense firm, seeks experienced Legal Assistant. Must be detail-oriented, organized, and have excellent communication skills. Bilingual in Spanish a plus. Competitive salary. Please e-mail your resume to karrants@stiffllaw.com

Litigation Paralegal – Angel Fire Resort

Angel Fire Resort is seeking an in-house litigation paralegal for high-volume practice in Angel Fire, NM. Must have 3+ years' civil litigation experience, proficiency with Odyssey TylerTech, and strong docketing skills. Real estate experience a plus. Salary \$65K-\$85K DOE. Health, 401(k) benefits, ski pass; housing may be available. Please email résumé to tblair@angelfireresort.com.

Receptionist/Legal Assistant

Lighthouse Wills and Trusts is seeking a full-time (or near full-time) receptionist/legal assistant. Primarily onsite, with occasional remote work accommodations. Responsibilities include answering phone calls, greeting clients, physical and electronic file management, calendar management, and invoicing, among other items. Lighthouse utilizes cloud-based filing and drafting systems, so excellent computer skills and high proficiency in Microsoft office applications are necessary. Excellent communication skills and organizational skills desired. Salary commensurate with experience and schedule, but above-market salary is available. All inquiries are confidential. Apply by emailing a cover letter, resume, and references to curtis@LHtrustlaw.com. Office is located in Albuquerque. Chosen candidate will be the sole assistant, supporting two attorneys.

Services

Does Your Office Need a Hand?

If you're a sole practitioner in need of occasional help, I can assist with your discovery, motions, trial prep, appeals and everything reasonably needed by your law office. I have over 35 years in law (independent contract paralegal 18 years, 19 as attorney), and offer hourly fees. Christa M. Okon 505-690-6047; cmokon@aol.com

Office Space

Office For Rent:

Two Santa Fe Offices Available January 1, 2026. Two adjacent offices in a six-office professional suite. Centrally located in The Saint Francis Professional Center, the suite has a large reception area, kitchenette, and ample parking for clients. Rent includes alarm, utilities, and janitorial services. \$975 mo/both 505-795-0077

Office space in Santa Fe

Large office suite with private offices, conference room, internet and copy machine. Call Katherine Moss (505) 920-5112.



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