

BAR BULLETIN

September 5, 2018 • Volume 57, No. 36



Follow, by Joan McMahon

www.joansart.com

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CLE programming from the Center for Legal Education

29th Annual Appellate Practice Institute



Friday, Sept. 14, 2018

8:30 a.m.-4:45 p.m.

5.5 G 1.0 EP

Live at the State Bar Center

Also available via Live Webcast!

\$265 Appellate Practice Section members, government and legal services attorneys, Young Lawyer and Paralegal Division members

\$295 Standard/Webcast Fee



The program will feature an update on recent developments in appellate practice, reports from the appellate court clerks, a chance to hear from Bonnie Stepleton, the new appellate mediator, and segments on administrative appeals, post-trial issues, and oral argument. Judge Harris L. Hartz from the Tenth Circuit Court of Appeals will be the keynote speaker.

2018 Annual Tax Symposium



Friday, Sept. 21, 2018

8:25 a.m.-4:30 p.m.

6.0 G 1.0 EP

8.0 recommended CPE credits
(7.0 Technical, 1.0 Ethics)

Live at the State Bar Center

Also available via Live Webcast!



All Day

\$278 Tax Section members, government and legal services attorneys, Young Lawyer and Paralegal Division members
\$309 Standard/Webcast Fee

Morning Session: Federal and State Tax Updates (3.0 G)

\$143 Tax Section members, government and legal services attorneys, Young Lawyer and Paralegal Division members
\$159 Standard/Webcast Fee

Afternoon Session: Tax Law Special Topics (3.0 G, 1.0 EP)

\$188 Tax Section members, government and legal services attorneys, Young Lawyer and Paralegal Division members
\$209 Standard/Webcast Fee

Registration and payment for the programs must be received prior to the program date.

A \$20 late fee will be incurred when registering the day of the program. This fee does not apply to live webcast attendance.



Webinars—Earn live CLE credit from your desk!

Quick and convenient one hour CLEs that can be viewed from anywhere! Webinars are available online only through your computer, iPad or mobile device with internet capabilities. Attendees will receive live CLE credit after viewing.



The California New Rules Review

Friday, Sept. 28, 2018

Noon-1 p.m.

1.0 EP

Online only

\$65 Standard Fee

The California Supreme Court adopted new ethics rules that go into effect in November. Stuart Teicher, Esq., (the CLE Performer) will explain critical parts of those new ethics rules. He'll touch on conflicts, self promotion, misrepresentation and more. It's a must-hear for lawyers who want to know what's new in the Golden State!



505-797-6020 • www.nmbar.org/cle

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Executive Director Richard Spinello
Director of Communications
Evann Kleinschmidt
505-797-6087 • notices@nmbar.org
Graphic Designer Julie Schwartz
jschwartz@nmbar.org
Account Executive Marcia C. Ulibarri
505-797-6058 • mulibarri@nmbar.org
Communications Assistant Jaime Hernandez
505-797-6040 • jhernandez@nmbar.org
Digital Print Center
Manager Brian Sanchez
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Meetings

September

5
Employment and Labor Law Section Board
Noon, State Bar Center

11
Appellate Practice Section Board
Noon, teleconference

11
Bankruptcy Law Section Board
Noon, U.S. Bankruptcy Court

12
Animal Law Section Board
Noon, State Bar Center

12
Children's Law Section Board
Noon, Juvenile Justice Center

12
Tax Law Section Board
11 a.m., teleconference

13
Public Law Section Board
Noon, Legislative Finance Committee, Santa Fe

13
Business Law Section Board
4 p.m., teleconference

Workshops and Legal Clinics

September

5
Common Legal Issues for Senior Citizens Workshop Presentation
10–11:15 a.m., Deming Senior Center, Deming, 1-800-876-6657

5
Divorce Options Workshop
6–8 p.m., State Bar Center, Albuquerque, 505-797-6022

5
Civil Legal Clinic
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861

6
Common Legal Issues for Senior Citizens Workshop Presentation
10–11:15 a.m., Munson Senior Center, Las Cruces, 1-800-876-6657

14
Civil Legal Clinic
10 a.m.–1 p.m., First Judicial District Court, Santa Fe, 1-877-266-9861

19
Family Law Clinic
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861

26
Consumer Debt/Bankruptcy Workshop
6–9 p.m., State Bar Center, Albuquerque, 505-797-6094

Editors' Note:

No Opinions from the New Mexico Supreme Court or Court of Appeals were available for publication in this issue.

About Cover Image and Artist: Joan McMahon seeks to capture the joy she experiences in sharing her life with an extended family of animal members. Her watercolors radiate the inner light of her subject animals. McMahon decided that her artwork should "pay it forward" for the animals that inspire it. With the sales of her art, McMahon donates to animal rescue and welfare organizations. More of her work can be viewed at www.joansart.com. See her add on page 20

Notices

COURT NEWS

Twelfth Judicial District Court Announcements

The Twelfth Judicial District Court would like to extend an invitation to anyone who would like to electronically receive Court announcements and newsletters. To be added to the email distribution list, submit a request to aladref@nmcourts.gov.

STATE BAR NEWS

Animal Law Section

Animal Talk: Animal Cruelty

The Animal Law Section is pleased to host Captain Andi Taylor, a commander with the Bernalillo County Sheriff's Department in Albuquerque, for an Animal Talk on animal cruelty, the evidence of the crime and the proper crime to charge when discovering different types of calls and evidence. The event will be at noon, Sept. 21, at the State Bar Center in Albuquerque. R.S.V.P. to Breanna Henley at bhenley@nmbar.org. A teleconference option is available for those unable to attend in person. Contact Breanna for call-in information.

Appellate Practice Section

Court of Appeals Candidate Forum

The Appellate Practice Section will host a Candidate Forum for the eight candidates running for the New Mexico Court of Appeals this Nov. Save the date for 4-6 p.m., Oct. 18, at the State Bar Center in Albuquerque. The event will be live streamed at www.nmbar.org/AppellatePractice for those who cannot attend in person. Thank you to the New Mexico Trial Lawyers Association, New Mexico Defense Lawyers Association and Albuquerque Bar Association for their co-sponsorship of the event.

New Mexico Judges and Lawyers Assistance Program American Bar Association Lawyer Retreat

The New Mexico Judges and Lawyers Assistance Program is proud to sponsor the American Bar Association's 2018 Lawyer Retreat on Oct. 5 at the Four Seasons Resort in Vail, Colo. Each participant will get new tools they can implement right away in order to make their practice and personal life, as a lawyer, even better. The ABA will provide attendees with world

Professionalism Tip

With respect to the courts and other tribunals:

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

class facilitators and attendees will not only learn about having difficult conversations, the importance of emotional intelligence/self-awareness and design thinking, but they will also have the opportunity to learn through collaborative interaction how to put what they are learning into practice back in their own law firms or legal organizations. Learn more and register at www.abalawyerretreat.org.

New Mexico Judges and Lawyers Assistance Program Attorney Support Groups

- Sept. 10, 5:30 p.m.
UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the Law Library (Group meets on the second Monday of the month.) Teleconference participation is available. Dial 1-866-640-4044 and enter code 7976003#.
- Sept 17, 5:30 p.m.
UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the Law Library (Group meets the third Monday of the month.) Teleconference participation is available. Dial 1-866-640-4044 and enter code 7976003#.
- Oct. 1, 5:30 p.m.
First United Methodist Church, 4th and Lead SW, Albuquerque (The group normally meets the first Monday of the month.)

For more information, contact Latisha Frederick at 505-948-5023 or 505-453-9030 or Bill Stratvert at 505-242-6845.

Solo and Small Firm Section Fall Speaker Series Opens with U.S. Attorney John Anderson

U.S. Attorney John Anderson will open the Solo and Small Firm Section fall monthly speaker series with an address on "Life Under the New Federal Justice Administration" on Sept. 17. The Oct. 16 speaker is nationally-respected criminal defense attorney Mike Stout of Las Cruces, who will consider "True Believers and the Road to Hell." Nov. 20 features Robert Huelskamp, who will share his insights

from almost forty years working with nuclear weaponry, non-proliferation, and counter terrorism, in "Russia, Iran, and North Korea: What Could Possibly Go Wrong?" Each presentation is open to all members of the State Bar and will take place from noon-1 p.m. at the State Bar Center in Albuquerque. Lunch will be provided. Please R.S.V.P. to Breanna Henley at bhenley@nmbar.org.

Young Lawyers Division Volunteers Needed for Veterans Civil Legal Clinic

The YLD seeks volunteers to staff the final Veterans Civil Legal Clinic of 2018 from 8:30-10:30 a.m. on Sept. 11, at the N.M. Veteran's Memorial located at 1100 Louisiana Blvd SE in Albuquerque. Volunteers should arrive at 8 a.m. for orientation and complimentary breakfast. The clinics offers veterans a broad range of veteran-specific and non-veteran specific legal services, including family law, consumer rights, worker's comp, bankruptcy, driver's license restoration, landlord/tenant, labor/employment and immigration. To volunteer, visit <https://form.jotform.com/71766385703969>. Mark your calendar with the 2019 clinic dates: Jan. 8, March 12, June 11 and Sept. 10.

UNM SCHOOL OF LAW Law Library

Fall 2018 Hours

Mon. Aug. 20,– Sat., Dec. 15

Building and Circulation

Monday–Thursday	8 a.m.–8 p.m.
Friday	8 a.m.–6 p.m.
Saturday	10 a.m.–6 p.m.
Sunday	noon–6 p.m.

Reference

Monday–Friday	9 a.m.–6 p.m.
Saturday & Sunday	No reference

OTHER BARS

Albuquerque Bar Association September Luncheon

The Albuquerque Bar Association is pleased to announce gubernatorial candidate Representative Steve Pearce as a speaker. Pearce will be speaking at the ABA's monthly luncheon on Sept. 11, from noon-1 p.m. at the Hyatt in downtown Albuquerque. The ABA will also observe a moment of silence at the luncheon out of respect for those who lost their lives on Sept. 11, 2001, and for those who dedicate themselves to protect our country's safety, freedom and democracy. The lunch is \$30 for members of the ABA and \$40 for non-members. There is a \$5 charge for walk-ups and day-of registration. To register contact the ABA's interim executive director Deborah Chavez at dchavez@vancechavez.com or 505-842-6626.

N.M. Association of Legal Administration Effective Client Representation Presentation

The Disciplinary Board and the Judges and Lawyers Assistance Program have seen ethical violations in law firms in two main areas: competence and diligence as a result of lawyers taking cases not in their areas of expertise, experiencing cognitive impairment and/or mental health or substance abuse issues. Learn how to prevent these issues, both as an individual lawyer and as a responsible member of your firm. The presenters will be Bill Slease and Pamela Moore. Join NMALA on Oct. 11 from 8:45-11:15 a.m., at the State Bar Center for 2.0 EP credits. The cost is \$80. For more information contact kkbapp@pbwslaw.com or visit www.nmala.org.

N.M. Defense Lawyers Association

Announces 2018 Award Winners

The New Mexico Defense Lawyers Association is pleased to announce that S. Carolyn Ramos has been selected as the 2018 Outstanding Civil Defense Lawyer of the Year and David Gonzales as the 2018 Young Lawyer of the Year. The awards will be presented at the NMDLA Annual Meeting Awards Luncheon on Friday, Sept. 28, at Hotel Andaluz in Albuquerque. For registration information, visit www.nmdla.org or call 505-797-6021.

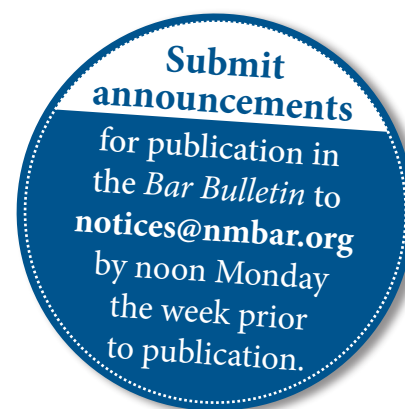
N.M. Women's Bar Association

The New Mexico Women's Bar Association invites all attorneys to its "Mugshots and Margaritas" event on Fri., Sept. 28 from 5-8 p.m., at El Pinto located at 10500 4th Street NW 87114. The Association will provide appetizers and one free margarita to all attendees. Photographer Liz Lopez will be available to take professional headshots at the reduced cost of \$60 for members. Non-members may join that day only for a reduced membership price of only \$30. Enjoy getting to know board members and fellow attorneys, while getting a current headshot at a great price. If you wish to have your photo taken, please email nmwba1990@gmail.com by Sept. 25 to reserve a time slot. To simply attend and have fun, there is no need to R.S.V.P.

OTHER NEWS

Environmental Law Institute 27th Annual Eastern Boot Camp on Environmental Law

Join ELI for a stimulating three-day immersion in environmental law at Eastern Boot Camp. Designed for both new and seasoned professionals, this intensive course explores the substance and practice of environmental law. The faculty members are highly respected practitioners who bring environmental law, practice, and emerging issues to life through concrete examples, cases and practice concerns in this three-day intensive course for ELI members. The Boot Camp is a great deal, offering up to 20 hours of CLE credit for \$1,100 or less, with special discounts provided to government, academic, public interest employees and students. Designed originally for attorneys, the course is highly useful for environmental professionals such as consultants, environmental managers, policy and advocacy experts, paralegals and technicians seeking deeper knowledge of environmental law. The registration deadline is Oct. 19. Visit <https://www.eli.org/boot-camp/eastern-bootcamp-environmental-law> for more details.



BOARD OF BAR COMMISSIONERS

MEETING SUMMARY

The Board of Bar Commissioners met at the Hyatt Regency Tamaya Resort, Santa Ana Pueblo, on Aug. 9, 2018.

Action taken at the meeting was as follows:

- Approved the May 18, meeting minutes as submitted;
- Accepted the June 2018 financials for the State Bar, N.M. State Bar Foundation, Client Protection Fund, Judges and Lawyers Assistance Program and the ATJ Fund;
- Reviewed proposals for a joint survey of the Committee on Diversity and the Committee on Women in the Legal Profession and tabled approval in order for the committees to obtain more information and look at other possible funding sources;
- The budgeting process will begin following the Annual Meeting, and the budget will be presented to the Board for approval at the October meeting;
- The financial policies are in need of updates and will be presented to the Board for approval before the end of the year;
- Received an update from the Court on SOPA (Secure Odyssey Public Access); formed a committee to participate in the Online Access Subcommittee meetings and we will work with the Court to get the message out and password instructions to members;
- Received a report from the Board's Regulatory Committee; the committee discussed the discontinuation of legal specialization by the Court at the end of the year and whether the State Bar should undertake the creation of a program; two percent of members have a specialty designation and we will need to determine whether the program would be financially feasible; the committee recommended polling sections and voluntary bars to ascertain their interest in having a role in the program by providing certifications, and the committee will also look at what certifications there are from other organizations; the committee will meet again and report back to the Board at the October meeting;
- Received an update on the transition of MCLE to the State Bar; there will be a roll out of the new oversight of the program at the Annual Meeting with an exhibit table, brochures and a CLE presentation; staff attended a CLEReg Conference and are working on streamlining some of the processes and are also working toward online credit filing and course approval to be available by the end of the year;
- Received a report from the Executive Committee on the following: 1) approved the Annual Awards Committee's recommendations for the 2018 recipients; the awards will be presented during the Annual Meeting; 2) approved a proposal from Blue Sky eLearn for CLE webcasting services; and 3) approved the meeting agendas;
- Received a report from the Policy and Bylaws Committee on the following: 1) approved amendments to Article IX, Section 9.1, Sections; 2) approved the Cannabis Law Section Bylaws; 3) approved amendments to the Bankruptcy Law Section Bylaws, Section 6.2 and 10.1, and rejected 8.3; tabled amendments to the Trial Practice Section Bylaws as well as amendments to the Executive Director Evaluation and Compensation Policies;
- Received an update from the Immigration Law Section;
- Nominated Commissioner Carla Martinez for the position of Secretary-Treasurer and Commissioner Tina Cruz for the position of President-Elect for 2019; the nominations will be voted on at the October meeting;
- Received a report on the 2017 Client Protection Fund Annual Report;
- Received an update on the Digital Print Center and Bar Bulletin;
- Received a report on the creation of a State Bar and Bar Foundation Committee; and
- Reported that the 2019 Annual Meeting will be held at Hotel Albuquerque at Old Town and Hotel Chaco, Aug. 1-3, 2019.

Note: The minutes in their entirety will be available on the State Bar's Website following approval by the Board at the Oct. 12th meeting.

Legal Education

September

5	Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 1 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org	11	Planning with Single Member, LLCs, Part 1 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org	18	How to Comply with Disciplinary Board Rule 17-204: Basics of Trust Accounting 1.0 EP Webcast/Live Seminar, Albuquerque New Mexico Legal Aid 505-814-6719
6	Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 2 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org	11	Ethics Issues of Moving Your Practice Into the Cloud 1.0 EP Live Webinar Center for Legal Education of NMSBF www.nmbar.org	19	Income and Fiduciary Tax Issues for Estate Planners, Part 1 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org
6	Attorney Orientation and the Ethics of Pro Bono 2.0 EP Live Seminar, Albuquerque New Mexico Legal Aid 505-814-6719	12	Planning with Single Member, LLCs, Part 2 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org	20	Income and Fiduciary Tax Issues for Estate Planners, Part 2 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org
6	Microsoft Word's Styles: A Guide for Lawyers 1.0 G Live Webinar Center for Legal Education of NMSBF www.nmbar.org	12	Boundary Issues and Easement Law 5.0 G, 1.0 EP Live Seminar, Albuquerque NBI, Inc. www.nbi-sems.com	20	Military Retired Pay Primer 2.0 G, 1.0 EP Live Seminar, Albuquerque FAMlaw LLC www.famlawseminars.com
7	2018 Family Law Institute: Hot Topics in Family Law (Friday) 5.0 G, 1.5 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	13	How to Practice Series: Civil Litigation, Pt II – Taking and Defending Depositions 4.5 G, 2.0 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	20	The Lifecycle of a Trial, from a Technology Perspective (2017) 4.3 G, 1.0 EP Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org
7-8	2018 Family Law Institute: Hot Topics in Family Law (Both Days) 11.0 G, 1.5 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	14	29th Annual Appellate Practice Institute (Full Day) 5.5 G, 1.0 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	20	2017 ECL Solo and Small Business Bootcamp Parts I and II (2017) 3.4 G, 2.7 EP Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org
8	2018 Family Law Institute: Hot Topics in Family (Law Saturday) 6.0 G Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	18	Immigration Law: U Visa Update 1.5 G, 0.5 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	20	Bankruptcy Law: The New Chapter 13 Plan (2017) 3.1 G Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org

21	2018 Annual Tax Symposium (Full Day) 6.0 G, 1.0 EP Webcast/Live Seminar Albuquerque Center for Legal Education of NMSBF www.nmbar.org	25	2018 Sexual Harassment Update 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org	28	The California New Rules Review 1.0 EP Live Webinar Center for Legal Education of NMSBF www.nmbar.org
21	2018 Annual Tax Symposium - Morning Session: Federal and State Tax Updates 3.0 G Webcast/Live Seminar Albuquerque Center for Legal Education of NMSBF www.nmbar.org	27	2018 Collaborative Law Symposium: The Basics 6.0 G, 1.0 Live Seminar Albuquerque Center for Legal Education of NMSBF www.nmbar.org	28	Who's Hacking Lawyers and Why 1.0 G Live Webinar Center for Legal Education of NMSBF www.nmbar.org
21	2018 Annual Tax Symposium - Afternoon Session: Tax Law Special Topics 3.0 G, 1.0 EP Webcast/Live Seminar Albuquerque Center for Legal Education of NMSBF www.nmbar.org	28	2018 Advanced Collaborative Law Symposium 7.0 G Live Seminar Albuquerque Center for Legal Education of NMSBF www.nmbar.org		

October

4	The Ins-and-Out of Licensing Technology, Part 1 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org	12	2018 Health Law Symposium 5.5 G, 2.0 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	18	Trust and Estate Update: Recent Statutory Changes that are Overlooked and Underutilized 1.0 G Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org
5	The Ins-and-Out of Licensing Technology, Part 2 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org	15	Basic Practical Regulatory Training for the Natural Gas Local Distribution Industry 25.2 G Live Seminar, Albuquerque Center for Public Utilities, New Mexico State University business.nmsu.edu	18	Reforming the Criminal Justice System (2017) 6.0 G Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org
5	2018 Employment and Labor Law Institute (Full Day) 5.0 G, 1.0 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org	15	Basic Practical Regulatory Training for the Electric Industry 25.2 G Live Seminar, Albuquerque Center for Public Utilities, New Mexico State University business.nmsu.edu	18	Fourth Annual Symposium on Diversity and Inclusion-Diversity Issues Ripped from the Headlines, II (2018) 5.0 G, 1.0 EP Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org
5	Effective Client Representation 2.0 EP Live Seminar, Albuquerque Center for Legal Education www.nmala.org	18	Ethics for Government Attorneys (2017) 2.0 EP Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org		

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|---|---|---|
| <p>19 2018 Administrative Law Institute (Full Day)
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>24 Practice Management Skills for Success (2018)
5.0 G, 1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>25 Children's Code: Delinquency Rules, Procedures and the Child's Best Interest
1.5 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>23 Boilerplate Provisions in Contracts: Overlooked Traps in Every Agreement
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>24 Oil and Gas: From the Basics to In-Depth Topics
6.0 G, 1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>25 Liquidation: Legal Issues When a Client Decides to Close a Business
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |

November

- | | | |
|--|---|---|
| <p>1 A Practical Approach to Indian Law: Legal Writing, 2018 Update and the Ethics of Practicing Indian Law
2.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 Estate Planning for MDs, JDS, CPAs & Other Professionals, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>26 Secured Transactions Practice: Security Agreements to Foreclosures, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>6 Releasing Employees & Drafting Separation Agreements
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 2018 Business Law Institute
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>26 Secured Transactions Practice: Security Agreements to Foreclosures, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>9 Ethics and Changing Law Firm Affiliation
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>20 Ethics of Beginning and Ending Client Relationships
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 Ethics and Dishonest Clients
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>13 Estate Planning for MDs, JDS, CPAs & Other Professionals, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | | |

Listings in the *Bar Bulletin* Legal Education Calendar are derived from course provider submissions and from New Mexico Minimum Continuing Legal Education. All MCLE approved continuing legal education courses can be listed free of charge. Send submissions to notices@nmbar.org. Include course title, credits, location/course type, course provider and registration instructions.



Retired Supreme Court **Justice Edward Chávez** was elected today as chairperson of the Bernalillo County Criminal Justice Coordinating Council, which has helped develop reforms in the criminal justice system under way in Albuquerque.

Second Judicial District Court Chief Judge Nan Nash will serve as vice chair of the 11-member council. Artie Pepin, director of the Administrative Office of the Courts, previously chaired the council and will

continue to serve as a member. Former Justice Chávez retired from the state's highest court in March. The chairperson is a non-voting position. The council is made up of all the partners in the Albuquerque criminal justice system and serves as forum to collaboratively improve the system to enhance public safety and fairness while making the most efficient use of taxpayer dollars.



Rachel R. Felix, an Indian law attorney at Sacks Tierney PA, has been appointed as the Navajo Nation Judicial Branch representative to the Commission on Navajo Government. Felix was appointed by Navajo Supreme Court Chief Justice JoAnn Jayne and unanimously confirmed by the Navajo Nation Council. Felix is admitted to practice in New Mexico and before the Courts of the Navajo Nation, where she regularly represents clients in tribal courts. She earned her

law degree at the University of New Mexico School of Law, where she compiled a distinguished record of achievement as student editor-in-chief of the *Tribal Law Journal* and as a student liaison with the New Mexico Tribal-State Judicial Consortium.



Nelson Franse has become a fellow of the American Bar Foundation. Franse is a director in the Rodey Law Firm and the leader of the professional liability practice group. Franse's practice focuses primarily on professional malpractice defense, medical malpractice defense, product liability, personal injury defense, entertainment and sports law.



Thank you, **Gail Evans!** The New Mexico Center on Law and Poverty commends Evans for 14 years of fighting for justice and opportunities for low-income New Mexicans. As the Center's legal director, Evans led successful litigation and advocacy campaigns to win workers' compensation for farmworkers, expand healthcare access, and strengthen food security and the safety net of public benefits. She will continue to be lead counsel on the landmark Yazzie public

education sufficiency lawsuit.



The Institute for Energy Law has selected **Cristina A. Mulcahy** to be a member of its 2018 Leadership Academy. Mulcahy practices at Stein & Brockmann, PA, where she focuses on environmental, oil and gas, and water law matters, before state and federal agencies and courts. Ms. Mulcahy is licensed in both New Mexico and Texas.



Judge John J. Romero Jr. of the Second Judicial District Court, Children's Court Division in Albuquerque, was sworn in as 2018-2019 president of the National Council of Juvenile and Family Court Judges (NCJFCJ) at the NCJFCJ 81st Annual Conference. He is the first president representing New Mexico in the organization's 81 years.



Forty Three lawyers with the Rodey Law Firm are listed in *The Best Lawyers in America-2019*. Rodey lawyers **Mark Adams, Leslie McCarthy Apodaca, Sandra Beerle, Rick Beitler, Perry Bendicksen III, Jose Blanton, Brian Brack, Michael Brescia, David Buchholtz, David Bunting, John (Jack) Burton, Denise Chanez, Jeffrey Croasdell, Jocelyn Drennan, Nelson Franse, Kurt Gilbert, Catherine Goldberg, Scott Gordon, Alan Hall, Bruce Hall,**

Justin Horwitz, Michael Kaemper, Paul Koller, Jeffrey Lowry, Dick Minzner, Donald Monnheimer, Michael Morgan, W. Mark Mowery, Sunny Nixon, Lisa Ortega, Theresa Parrish, Charles (Kip) Purcell, Edward Ricco, Brenda Saiz, John P. Salazar, Andrew Schultz, Charles Seibert, Seth Sparks, Tracy Sprouls, Robert St. John, Thomas Stahl, Aaron Viets and Charles Vigil are listed for their expertise and experience in particular areas of law.

Lewis Roca Rothgerber Christie Albuquerque attorneys recognized by *Best Lawyers 2019*:

- **Jeffrey H. Albright** – administrative/regulatory law, communications law, environmental law, litigation – environmental
- **Ross L. Crown** – construction law, government contracts
- **Dennis E. Jontz** – commercial litigation, corporate law, litigation – real estate, real estate law

Holland & Hart is pleased to announce that two of its Santa Fe, New Mexico lawyers have been included in the *2019 Edition of The Best Lawyers in America*.

- **Bradford C. Berge**—litigation - environmental, natural resources law, personal injury litigation - defendants, product liability litigation - defendants
- **Michael H. Feldewert**—natural resources law, oil and gas law



George “Dave” Giddens has been selected by his peers for inclusion in the 25th edition of *The Best Lawyers in America*® for his work in two practice areas – Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law and Commercial Litigation. This is his 6th year of recognition by the organization.

Shareholder **Eric Burris** of Brownstein Hyatt Farber Schreck is recognized on the *Best Lawyers in America* list for his work in product liability litigation-defendants.

Nell Graham Sale of Pregenzer Baysinger Wideman & Sale PC was recently selected by her peers for inclusion in *The Best Lawyers in America* in the fields of elder law and trusts and estates as well as Best Lawyers™ 2019 elder law “Lawyer of the Year” in Albuquerque, New Mexico.

Brownstein Hyatt Farber Schreck is pleased to announce that it has achieved Mansfield Certification for 2018 from the Diversity Lab. The certification recognizes Brownstein’s commitment to leading the charge toward greater diversity and inclusion in the legal industry.

Michael Schwarz of Santa Fe has been selected for inclusion in this year’s Best Lawyers in America in the areas of employment law and civil rights.

Nine Modrall Sperling shareholders have been selected by Best Lawyers in America® as a 2019 “*Lawyer of the Year*” in Albuquerque and Santa Fe. Modrall Sperling Shareholders named Best Lawyers 2019 “Lawyer of the Year” include:

Stuart R. Butzier—environmental law, Santa Fe
John R. Cooney—bet-the-company litigation, Albuquerque
Timothy L. Fields—railroad law, Albuquerque
Arthur D. Melendres—education law, municipal law, Albuquerque
Maria O’Brien—water law, Albuquerque
James M. Parker—corporate law, Albuquerque
Marjorie A. Rogers—employee benefits (ERISA) law, Albuquerque
Lynn H. Slade—oil and gas law, Albuquerque
Walter E. Stern—environmental law, Albuquerque

Additionally, 30 of the firm’s lawyers have been named to the 2019 edition of *Best Lawyers*:

- **Daniel M. Alsop**—public finance law
- **Jennifer G. Anderson**—commercial litigation, litigation-healthcare
- **Martha G. Brown**—commercial litigation, product liability litigation-defendants
- **Stuart R. Butzier**—environmental law, litigation-environmental, mining law, natural resources law
- **John R. Cooney**—antitrust law, bet-the-company litigation, commercial litigation, energy law, mining law, natural resources law, oil and gas law
- **Earl E. DeBrine, Jr.**—oil and gas law, railroad law
- **Donald A. DeCandia**—commercial litigation
- **Joan E. Drake**—energy regulatory law
- **Timothy L. Fields**—insurance law, personal injury litigation – defendants, product liability litigation-defendants, railroad law
- **Paul M. Fish**—bankruptcy and creditor debtor rights/insolvency and reorganization law, bet-the-company litigation, litigation-bankruptcy, mortgage banking foreclosure law
- **Peter Franklin**—public finance law
- **Stan N. Harris**—litigation-land use and zoning
- **Timothy C. Holm**—commercial litigation, mass tort litigation/class actions-defendants, personal injury litigation – defendants, product liability litigation-defendants, railroad law)
- **James P. Houghton**—construction law, litigation-construction, real estate law
- **Karen L. Kahn**—employee benefits erisa law
- **Margaret Lewis Meister**—commercial transactions/ucc law, corporate law, real estate law
- **Arthur D. Melendres**—administrative/regulatory law, education law, municipal law
- **Christopher P. Muirhead**—municipal law, public finance law
- **Megan T. Muirhead**—mass tort litigation/class actions-defendants
- **Brian K. Nichols**—native american law
- **Jennifer A. Noya**—employment law-individuals, insurance law, litigation-labor and employment
- **Maria O’Brien**—water law
- **James M. Parker**—business organizations including llcs and partnerships, closely held companies and family businesses law, corporate law, employee benefits erisa law, health care law, litigation and controversy-tax, mergers and acquisitions law, tax law, trusts and estates)
- **Roberta Cooper Ramo**—arbitration, mediation
- **Marjorie Rogers**—business organizations including llcs and partnerships, closely held companies and family businesses law, employee benefits erisa law, non-profit/charities law, tax law, trusts and estates
- **Lynn Slade**—energy law, environmental law, native american law, natural resources law, oil and gas law
- **Walter E. Stern**—energy law, environmental law, mining law, native american law, natural resources law, oil and gas law
- **R.E. Thompson**—commercial litigation, government relations practice, litigation-construction

- **Douglas R. Vadnais**-bankruptcy and creditor debtor rights/insolvency and reorganization law, bet-the-company litigation, litigation-bankruptcy, mortgage banking foreclosure law
- **Alex C. Walker**-personal injury litigation – defendants, product liability litigation-defendants

Sutin, Thayer & Browne is proud to announce that eight of its attorneys, across 12 practice areas, were selected by their peers for inclusion in the 2019 edition of The Best Lawyers In America®. They honored lawyers are:

- **Robert G. Heyman**-banking and finance law, financial services regulation law, corporate law, public finance law, securities capital markets law
- **Benjamin E. Thomas**-banking and finance law
- **Anne P. Browne**-real estate law
- **Suzanne Wood Bruckner**-tax law
- **Maria Montoya Chavez**-family law, family law arbitration, family law mediation
- **Eduardo A. Duffy**-corporate law, securities / capital markets law
- **Jay D. Rosenblum**-corporate law, mergers and acquisitions law
- **Susan M. Hapka**-employment law - management

In Memoriam

John Lee Hollis, born Dec. 29, 1943, to Gerald J. Hollis and Ruth A. Moss Hollis in Seattle, WA, passed away on May 18. During Hollis's younger years the family would move often following his father who worked construction at the time. In the 1950's, he and his family settled in Carlsbad, N.M. Hollis graduated from Carlsbad Senior High with honors. He then attended University of New Mexico where he earned his J.D. He would practice law and reside in the Albuquerque area the remainder of his life. A life-long learner, Hollis's interests included horses, archery, guns, hunting, welding, music, playing guitar, reading and more. He came from a loving family and followed his roots of humility even in his law practice, representing the working man and woman along with others with a need for an advocate. Hollis was authentic and true to himself and his beliefs. He was a unique man, living by his own code, independent, honest, loyal, intelligent and was a man of great integrity. Hollis was a quiet man, and a loner by choice. The Sandia Mountains east of Albuquerque where Hollis finally made his home gave him great solace and joy. He retired in 2012, remaining a home-body till the end. In these last few years, Hollis delved deeper into his musical talents, honing his skills and continuing his lifelong love affair with music. The loss of Hollis leaves holes in the hearts of friends and family alike. Hollis was truly one of a kind. Left to mourn his loss are many friends, his companion of 30 years Danita Coulter, daughter Amanda Ervin (Hollis), grandchildren Logan and Sophia, sisters Patricia Hollis Zmuda (Joe), Linda Lunsford (Danny), Gay West (Rocky), Sherry Lynch (Bill); brother Frank Hollis (Nancy), many nieces and nephews.

Patrick Hall Kennedy, 74, of Silver City, N.M., crossed the great divide and passed away on Monday, July 30, in Tuba City, Ariz. He had been visiting the Grand Canyon, which was one of his favorite locations. He is survived by his brother, Tom (Sally), his nieces Mazie, Betsy and Hanna, his nephew Mason, and his godson, Patrick Allen Cornish. A proud resident of Tyrone, N.M., he was born in Wisconsin during WWII. He grew up in Lincoln, Neb., and got an excellent education in the Lincoln Public Schools. He graduated from the University of Nebraska and was a lifelong Cornhusker football fan. He entered the military and served more than four years in the U.S. Air Force, achieving the rank of captain. He graduated from the University of New Mexico School of Law, a member of the class of 1974, and practiced law in New Mexico for close to 30 years. He was a utility outfielder for the Shysters softball team. He retired from the Children, Youth and Families Department, State of New Mexico. He enjoyed backpacking and photography, especially in the Gila Wilderness and at the Grand Canyon. He climbed many peaks in the Silver City area, notably 74 Mountain, Lookout Mountain, and Shelley Peak. Kennedy forgot to get married. He did not have any children. His sister, Janice, predeceased him. Kennedy cultivated his friendships and had many close friends throughout New Mexico, especially in Albuquerque, Las Cruces and Silver City. He will be profoundly missed.

In Memoriam

www.nmbar.org

Don Klein, Jr. was born in Dallas, Texas and grew up in the North Valley of Albuquerque. Klein graduated third in his class from Valley High School. He attended the University of Chicago, graduating in 1967. He graduated from the University of New Mexico Law School, and ultimately established his solo law practice in Socorro, in 1985. Among other places, Klein practiced law in the Office of the State Engineer legal division in the late 1970's when the staff was small and the legal issues were enormous. He worked on the lawsuit between New Mexico and the U.S. over the issue of Forest Service reserved rights. Back in the days when the New Mexico Supreme Court library was open 24/7 Klein could be found lurking in the open stacks at 4 o'clock in the morning researching water rights Congress had reserved for the National Forest, when the U.S. established them in the late 19th and early 20th centuries. Em Hall a colleague of Klein's in the legal division recalls Steve Reynolds the state engineer had to hire a lawyer to help him understand Klein's memos. Ultimately, Klein discovered deep in the federal depository of the Supreme Court library an obscure 1902 congressional report detailing exactly the position that New Mexico is now taking on Forest Service issues. This was Klein's "eureka" moment when he realized that, as he put it "Chief Justice Rehnquist will love this." Indeed, when the case finally got to the U.S. Supreme Court, it was Chief Justice Rehnquist who wrote the opinion for the court in favor of New Mexico. Rehnquist had loved Klein's find in the congressional report. *U.S. v. New Mexico* was a Supreme Court case that Klein quite literally had won and the footnotes, in true University of Chicago fashion showed it. Over the course of Klein's practice in Socorro, from 1985 until his death, as noted by Valerie Kimble of the *El Defensor Chieftain*, he was involved in many high-profile cases. He was a passionate attorney, known in certain circles as a legal genius, prone to eccentricities and lengthy musings on whatever subject had caught his fancy on any particular day. He was a master of the pun, particularly of the double entendre, quick with a wink and a nod; but he was also a deeply compassionate and caring man. Klein dealt with his alcoholism one day at a time, and devoted the last 30 years of his life to assisting other individuals with their addictions through the help of Alcoholics Anonymous. He offered his experience, strength and hope to hundreds of alcoholics, with whom he shared a commonality of spirit. He understood the struggles of the suffering alcoholic, and he never turned anyone away. Klein lived simply, once commenting that he must be the poorest lawyer in the state of New Mexico. He loved books and appeared to have an enormous library, to the extent that his bathtub was filled with books. Klein is survived by his daughter, Jana Klein of Arkansas; an adopted daughter, Tanya Klein of Albuquerque and his godson.

Lea Zukowski was a staff attorney with Disability Rights New Mexico. Zukowski was a former manager at a residential treatment center for young men coping with mental illness. She was a whistleblower that lost a job she loved because she was the sole voice willing to speak out clearly and unapologetically to protect the rights and safety of the children she served. She was a recent law school graduate who was devoted to improving the lives of people with disabilities, particularly children and people with mental illness. She was a research assistant and student team leader on an extensive and authoritative law review article about legal issues surrounding mental disability and on a Supreme Court amicus brief advocating

for the rights of death row inmates with developmental disabilities. She was a student attorney who demonstrated through her work in the housing clinic that she had the patience, dedication, tenacity, intelligence and wisdom to advocate zealously for her clients. She was an exceptional law student, earning the Clinical Honors Award for her excellent work in the housing clinic, and an editor on the *New Mexico Law Review*. She was the first person we interviewed for that staff attorney position and the standard we set for every other applicant we interviewed after her. At DRNM, Zukowski advocated effectively and successfully on behalf of people with disabilities in virtually every area of law DRNM handles, including representing clients in many individual cases such as Medicaid and guardianship proceedings, monitoring the living conditions of people with developmental disabilities in the largest disability rights class action lawsuit in the State of New Mexico, developing systemic litigation to provide mental health services for children with disabilities, and drafting an amicus brief on competency to stand trial—to name only a few of her accomplishments. Zukowski worked doggedly to acquire life-saving services for her clients and to give people with disabilities a voice in their day-to-day lives and in the greater community. Most notably, Zukowski single-handedly researched, wrote, and published a law review article, entitled "To Shield and Protect: The Competence to Stand Trial Doctrine in New Mexico," that is now widely used as a definitive source on this issue. As tremendously valuable as Zukowski's legal work was to DRNM, who we remember most vividly and fondly is not Zukowski, the lawyer, but Zukowski, our friend. Not only did Zukowski fight tirelessly for her clients and DRNM's constituents, she fought in each of our corners personally and professionally. Each DRNM staff member who worked closely with Zukowski not only gained a capable and talented co-worker, we gained a true friend. Zukowski knew who our closest friends and family were, what struggles we faced, what triumphs we achieved, what values each of us cherished and what we desired for our futures. When it was time for DRNM to hire a new executive director, the first person to succeed DRNM's founding director in our agency's history, we elected Zukowski to represent the staff on the Board's hiring committee. We chose her because we trusted her to represent us fairly and earnestly. We chose her because we trusted her ability to make a discerning and wise choice on our next leader. Zukowski was, however, first and foremost a devoted mother to her daughter Kaitlin Jane, who we all know as Katie. Ann Delpha, Zukowski's law school professor and friend, described Zukowski and Katie best: "Of the many things we discussed, the topic I (and of course Zukowski) enjoyed most—the true light of Zukowski's life—was Katie. Katie was never far from Zukowski's thoughts, and it was wonderfully obvious that she loved her daughter fiercely and with great pride. Katie is an exceptional and amazing child, and Zukowski was determined to nurture Katie and give her all the room she could to grow into her own 'true self.' In a world where parents often do not honor and treasure their children for who and what they are, hearing Zukowski talk about Katie gave me hope, and made me happy." At DRNM, the echoes of Zukowski's and Katie's voices bringing joy and laughter into our often difficult work lives will ring in our halls for many years to come. Zukowski was the living embodiment of courage, compassion, honor, justice, and persistence. She has set the standard for how we should strive to live our lives. Each of us at DRNM can say that we have never met anyone who has accomplished so much, and deeply touched the lives of so many, in so short a time. We will continue to celebrate her life and her legacy through our work and our mission. And we will each, in our own personal ways, miss her more than words can describe.

Opinions

As Updated by the Clerk of the New Mexico Court of Appeals

Mark Reynolds, Chief Clerk New Mexico Court of Appeals
PO Box 2008 • Santa Fe, NM 87504-2008 • 505-827-4925

Effective August 24, 2018

PUBLISHED OPINIONS

A-1-CA-35927	Provisional Gov v. Dona Ana	Reverse/Remand	08/22/2018
A-1-CA-35999	A&W Restaurants v. Tax & Rev	Affirm	08/22/2018

UNPUBLISHED OPINIONS

A-1-CA-35967	State v. M Waldrop	Affirm/Reverse/Remand	08/20/2018
A-1-CA-34411	State v. C Stokes	Dismiss	08/21/2018
A-1-CA-36975	CYFD v. Lorinda T	Affirm	08/21/2018
A-1-CA-35026	Saiz Trucking v. Tax & Rev	Affirm	08/23/2018
A-1-CA-35817	S Skinner v. J Lopez	Affirm	08/23/2018
A-1-CA-36068	P Merillat v. C Elkins	Affirm	08/23/2018
A-1-CA-36873	State v. A Griego	Affirm	08/23/2018

Slip Opinions for Published Opinions may be read on the Court's website:

<http://coa.nmcourts.gov/documents/index.htm>

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

Joey D. Moya, Chief Clerk New Mexico Supreme Court
PO Box 848 • Santa Fe, NM 87504-0848 • (505) 827-4860

CLERK'S CERTIFICATE OF ADMISSION

On August 14, 2018:

Brian J. Fisher
Kane Russell Coleman Logan
PC
1601 Elm Street,
Suite 3700
Dallas, TX 75201
214-777-4200
214-777-4299 (fax)
bfisher@krcl.com

On August 14, 2018:

Christopher J. Forrest
Miller & Steiert, PC
1901 W. Littleton Blvd.
Littleton, CO 80120
303-798-2525
303-798-2526 (fax)
cjforrest@m-s-lawyers.com

On August 21, 2018:

David Echols Harris
Sico Hoelscher Harris LLC
802 N. Carancahua,
Suite 900
Corpus Christi, TX 78401
877-653-3334
361-653-3333 (fax)
dharris@shhlaw.com

On August 21, 2018:

Susanne Elizabeth Holloway
1318 Sandstone Court
Boulder, CO 80305
303-522-7568
susanne.holloway@colorado.
edu

On July 27, 2018:

John Hunter Parrish
Dawson Parrish, PC
309 W. Seventh Street,
Suite 915
Fort Worth, TX 76102
817-870-1212
888-482-2724 (fax)
hparrish@dawsonparrish.com

On August 14, 2018:

Ghislain G. Torres Bruner
Polsinelli
1401 Lawrence Street,
Suite 2300
Denver, CO 80202
303-572-9300
gbruner@polsinelli.com

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

Effective August 9, 2018:

F. D. Moeller
424 West Broadway
Farmington, NM 87401
505-327-7456
505-326-0818 (fax)
fdmoeller@advantas.net

CLERK'S CERTIFICATE OF ADDRESS AND/OR TELEPHONE CHANGES

Charles William Aldrete
12222 Merit Drive,
Suite 1450
Dallas, TX 75251
214-369-3008
waldrete@tfandw.com

William R. Babington Jr.
105 Paako Drive
Sandia Park, NM 87047
406-546-3772
wrbabingtonjr@gmail.com

Richard Andre Bachand
9726 W. Purdue Avenue
Peoria, AZ 85345
623-239-2108
richard@bachandlaw.com

Alissa N. Berger
Guebert Bruckner Gentile PC
PO Box 93880
6801 Jefferson Street, NE,
Suite 400 (87109)
Albuquerque, NM 87199
505-823-2300
505-823-9600 (fax)
aberger@guebertlaw.com

Florence Athene Berger
701 E. Victoria Street
Santa Barbara, CA 93103
805-452-9835
sbccflo@aol.com

Grant R. Birtcher
Office of the Eleventh Judicial
District Attorney
201 W. Hill Avenue,
Suite 100
Gallup, NM 87301
505-722-2281
gbirtcher@da.state.nm.us

Laurie Pollard Blevins
4539 S. Rock Street
Gilbert, AZ 85297
505-208-6184
lbp2739@gmail.com

Alexandra J. Bobbit
Alexandra J. Bobbit, PC
1096 Mechem Drive,
Suite 103
Ruidoso, NM 88345
575-208-7096
575-208-7314 (fax)
abobbit@ajbobbitpc.com

Clayton Cale Bradley
1532 Santanova Arc
Las Cruces, NM 88005
575-302-8282
law.bradleycc@gmail.com

Justin Bert Breen
U.S. Eagle Federal Credit
Union
3939 Osuna Road, NE
Albuquerque, NM 87109
505-342-8540
505-342-8978 (fax)
jbreen@useagle.org

John S. Campbell
Resnick & Louis, PC
5600 Eubank Blvd., NE,
Suite 220
Albuquerque, NM 87111
505-652-1339
jcampbell@rlattorneys.com

Colin T. Cameron
Katz Herdman MacGillivray
& Fullerton PC
PO Box 250
123 E. Marcy Street,
Suite 200 (87501)
Santa Fe, NM 87504
505-946-2802
505-988-1286 (fax)
ctc@santafelawgroup.com

Alesia N. Cappon
Office of the Second Judicial
District Attorney
5100 Second Street, NW
Albuquerque, NM 87107
505-222-1168
505-241-1168 (fax)
alesia.cappon@da2nd.state.
nm.us

Deshawnda Chaparro
New Mexico Immigrant Law
Center
PO Box 7040
Albuquerque, NM 87194
505-331-5093
dchaparro@nmilc.org

Jonathon Conrad Clark
Glasheen, Valles & Inderman,
LLP
1703 West Avenue
Austin, TX 78701
737-202-3433
512-298-1009 (fax)
efile.jon.clark@gvilaw.com

Lee L. Coleman
610 Seventh Street, NW
Albuquerque, NM 87102
505-242-7979
866-782-8820 (fax)
lcoleman
@hughesandcoleman.com

Shari L. Cordova
Cordova Contracting &
Development, LLC
316 Osuna Road, NE,
Unit 202
Albuquerque, NM 87107
505-243-9675
505-243-9878 (fax)
shari@cordovalc.com

Jazmin Coronel
New Mexico Immigrant Law
Center
PO Box 7040
625 Silver Avenue, SW,
Suite 410 (87102)
Albuquerque, NM 87194
505-247-1023
jcoronel@nmilc.org

Ruth Davey
219 N. El Rancho Road
Santa Fe, NM 87501
505-314-9698
ruthdaveylaw@gmail.com

Ben Davis
Davis Kelin Law Firm, LLC
127 Bryn Mawr Drive, SE
Albuquerque, NM 87106
505-242-7200
505-213-3399 (fax)
bdavis@daviskelin.com

Benjamin E. Decker
Decker Law Office, LLC
PO Box 92740
2107 Wyoming Blvd., NE
(87112)
Albuquerque, NM 87199
505-369-6272
505-395-9296 (fax)
ben@deckerlawoffice.com

Jessica Ann Dennis
Jessica Dennis Law, LLC
12231 Academy Road, NE,
Suite 301, PMB #203
Albuquerque, NM 87111
505-270-7437
jessica@jessicadennislaw.com

Asra Imtiaz Elliott
Second Judicial District Court
400 Lomas Blvd., NW
Albuquerque, NM 87102
505-841-5465
albdaie@nmcourts.gov

Raymond C. Etcitty Jr.
Navajo Nation Gaming
Enterprise
408 Linda Vista
Gallup, NM 87301
505-862-3132
505-905-7240 (fax)
retcitty@msn.com

Alexander F. Flores
U.S. Marine Corps
802 Sting Ray Court
Oceanside, CA 92058
505-710-4110
alexander.f.flores@usmc.mil

Timothy E. Flynn
112 Tenorio Street
Kyle, TX 78640
512-648-9130
tflynn68@gmail.com

Jocelyn Amelia Garrison
Office of the City Attorney
PO Box 20000
700 N. Main Street,
Suite 3200 (88001)
Las Cruces, NM 88004
575-541-2128
575-541-2017 (fax)
jgarrison@las-cruces.org

Katharine F. Griffing
Egolf, Ferlic & Harwood, LLC
123 W. San Francisco Street,
2nd Floor
Santa Fe, NM 87501
505-986-9641
505-214-2005 (fax)
katharine@egolfaw.com

Isaiah X Herrera
1423 E. Missouri Avenue
El Paso, TX 79902
520-585-5525
520-585-5524 (fax)
isaiahxlaw@gmail.com

Samuel William Hodder
Office of the First Judicial
District Attorney
PO Box 2041
327 Sandoval Street (87501)
Santa Fe, NM 87504
505-428-6951
505-827-5076 (fax)
shodder@da.state.nm.us

Wesley David Jensen Jr.
Office of the Seventh Judicial
District Attorney
PO Box 706
903 N. Fifth Street
Estancia, NM 87016
505-384-2800
505-384-2390 (fax)
wjensen@da.state.nm.us

Jared Bruce Jeppson
NM Workers' Compensation
Administration
2410 Centre Avenue, SE
Albuquerque, NM 87106
505-841-6000
jared.jeppson@state.nm.us

Salim A. Khayoumi
Khayoumi Law Firm
320 Gold Avenue, SW,
Suite 801
Albuquerque, NM 87102
505-333-8613
866-516-2642 (fax)
salim@khayoumilawfirm.com

Michael Keeley
Clark Hill Strasburger
901 Main Street,
Suite 6000
Dallas, TX 75202
214-651-4718
michael.keeley@clarkhillstrasburger.com

Kara J. Kupper
Office of the First Judicial
District Attorney
PO Box 2041
327 Sandoval Street (87501)
Santa Fe, NM 87504
505-428-6923
505-827-5076 (fax)
kkupper@da.state.nm.us

Michael Alan Lane
17 Mirkwood Road
Tijeras, NM 87059
505-412-3095
ma_lane@msn.com

Sarae T. Leuckel
1705 Los Pinos Drive
Bosque Farms, NM 87068
505-699-0004
leuckel@cybermesa.com

Lisa M. Liegeot
11701 Woodmar Lane, NE
Albuquerque, NM 87111
860-331-6696
lm liegeot@gmail.com

Kristina Martinez
Egolf, Ferlic & Harwood, LLC
123 W. San Francisco Street,
2nd Floor
Santa Fe, NM 87501
505-986-9641
505-214-2005 (fax)
kmartinez@egolfaw.com

Vincent A. Martinez
Office of the Thirteenth
Judicial District Attorney
101 S. Main Street,
Suite 201
Belen, NM 87002
505-861-0311
vmartinez@state.nm.us

Kathleen McGarry
First Judicial District Court
PO Box 2268
Santa Fe, NM 87504
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505-955-6748 (fax)
ekmcsherry@santafenm.gov

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Las Cruces, NM 88005
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Andrea L. Romero
2512 N. 26th Street
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505-980-3725
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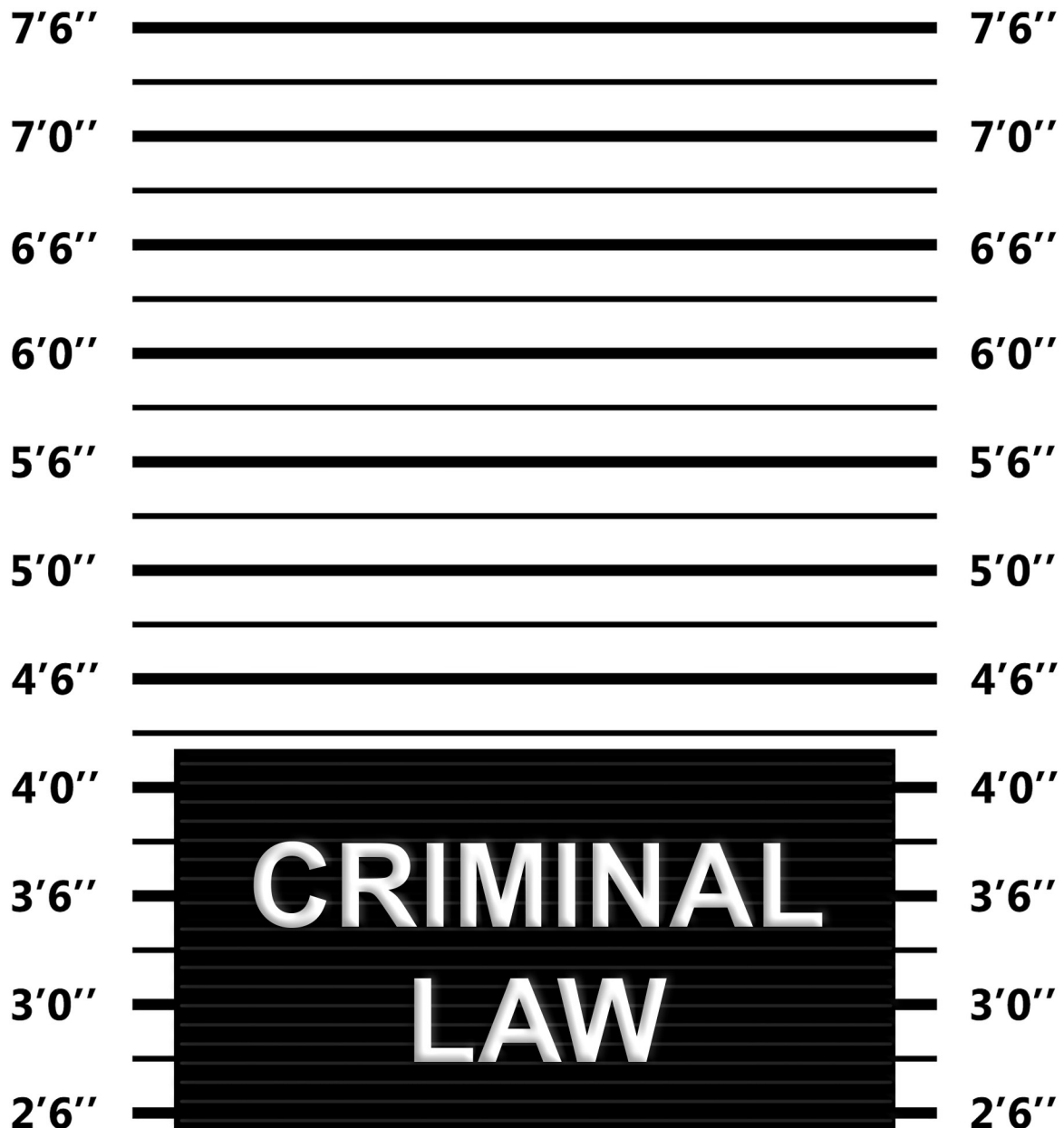
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devonne.sanchez@state.nm.us

Tim Scheiderer
Office of the City Attorney
30 S. Nevada Avenue,
Suite 501
Colorado Springs, CO 80901
719-385-5658
719-385-5535 (fax)
tscheiderer@springsgov.com

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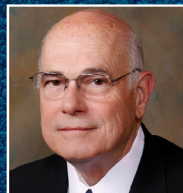
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Is your due process honest?

The protection of Pueblo tradition.

By Frank Demolli

Tradition...cannot be inherited, and if you want it you must obtain it by great labor. – T.S. Eliot

The traditions of the pueblos that I have served as a judge are lessons learned from thousands of years of experience. Properly practiced, pueblo justice reflects A'gin (a Tewa word conceptually interpreted as mutual respect), balance and a healthy, functioning community. Due process is not alien to pueblo justice. See Frank Demolli, *A Pueblo's Response to Strate v. A-1 Contractors*, 14:3 T.M. Cooley L. Rev. 547 (1997). However, the Pueblos have recognized that due process is good, but not good enough for true justice. Due process only begins the judicial process. As practiced by the dominant society, unfortunately, due process has sometimes led to manipulation, persuasion, misdirection and perversion of the truth. In contrast, honesty is the tradition that is most honored in the pueblo justice system. Honesty must accompany due process guarantees.

Fifty years ago, the pueblos of New Mexico and other tribes strenuously objected to the imposition of the Indian Civil Rights Act of 1968 (25 U.S.C. §§ 1301-03). Tribes are not bound to the Bill of Rights, as they were not signatories to the U.S. Constitution. While the Indian Civil Rights Act (ICRA) was not identical to the Bill of Rights, the Tribes were "cautious . . . about taking large steps beyond their psychological preparedness or financial capability." (Burnett, *An Historical Analysis of the 1968 "Indian Civil Rights Act*, 9 Harv. J. on Legis. 557, 601 (1972). During the Congressional hearings, the Mescalero Apache Tribe president echoed the pueblos' concerns that "the Indian Civil Rights Act was an infringement on tribal right to self-government, that implementation of the ICRA's requirements would diminish or eliminate



tribal customs and traditions." *Rights of Members of Indian Tribes: Hearing Before the Subcomm. on Indian Affairs of the House Comm. on Interior and Insular Affairs*, 90th Cong., 2d Sess. (1968) note 23, at 77 (testimony of Wendell Chino).

The pueblos' judicial traditions were shared by other tribes. As asserted by an attorney representing the Ute Indian Tribe:

The defendants' standard of integrity in many Indian courts is much higher than in the State and Federal Courts of the U.S.. When requested to enter a plea to a charge the Indian defendant, standing before respected

tribal judicial leaders, with complete candor usually discloses the facts. With mutual honesty and through the dictates of experience, the Indian judge often takes a statement of innocence at face value, discharging the defendant who has indeed, according to tribal custom, been placed in jeopardy. The same Indian defendants in off-reservation courts soon learn to play the game of "white man's justice," guilty persons entering pleas of not guilty merely to throw the burden of proof upon the prosecution. From their viewpoint it is not an elevating experience. We are indeed fearful that the decisions of the Federal and State

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Courts, in the light of non-Indian experience, interpreting “testifying against oneself” would stultify an honorable Indian practice

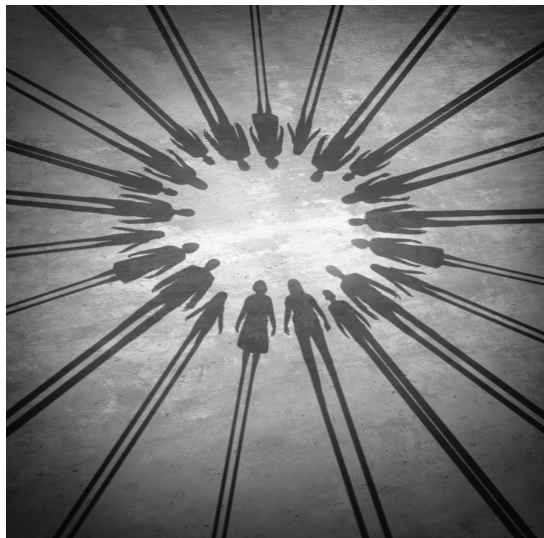
Rights of Members of Indian Tribes, supra note 23, at 127 (statement of John S. Boyden).

If we are to believe the testimony and accounts of 50 years ago, this “honorable Indian practice” of telling the truth was the norm. After hearing more than a thousand criminal cases in eight of the nine northern pueblos over the past 23 years, I can attest that telling the truth happens more often than not in a northern pueblo courtroom.

The pueblos and their supporters also explained one of the reasons that truth-telling obviated the need for juries. “The right of trial by jury, upon request, is a recognized but seldom used privilege with many tribes. Many accused Indian people feel they do not need a jury of peers to determine the facts already within the knowledge of the accused. The defendant enlightens a credulous court.” *Rights of Members of Indian Tribes*, supra note 23, at 128 (statement of John S. Boyden).

The chairman of the All Indian Pueblo Council added another reason that jury trials were opposed: “it [was] no more logical to use a jury system for the settlement of internal matters within the extended ‘family’ that makes up a Pueblo than it would be to use a similar system within the framework of an Anglo-American family as a means for enforcing internal rules or resolving internal disputes.” *Rights of Members of Indian Tribes*, supra note 23, at 14 (testimony of Domingo Montoya).

What exactly is the tradition of pueblo justice? Traditionally, the role of carrying out justice was placed squarely on the shoulders of pueblo leaders. Historically, the offender would appear before a pueblo leader. The leader would judge the offender according to acknowledged norms of the community, and an appropriate corrective action was passed. Often overlooked by pueblo legal historians was the subsequent community act of forgiveness for the offender who was truthful about his behavior and who successfully carried out the assigned corrective actions. The former offender was highly admired by the community and eligible to resume responsible positions within the pueblo.



Today, this role of carrying out justice is shared by the judges in both the traditional and “modern” pueblo courts. Each of the 19 pueblos has a traditional court, a modern court, or both.

The choice to appear before a traditional or a modern court may be left to the offender. If a pueblo judge in a modern court is fortunate, he or she has been schooled in the pueblo ways by the elders and leaders of the pueblo. He or she explains the consequences of the defendant’s actions, ensures that the victim has a say and passes a corrective action crafted to change the offender’s behavior and to heal the community. As telling the truth is as the preferred pueblo way of life, it is essential in showing that the offender understands what is right and expected. The pueblo judge then echoes the admonition of the wisest of pueblo leaders and pueblo people: “We are all human.” The pueblo judge can then point out the behavior that creates conflict in the community and in the offenders’ daily life.

Over the objections of the pueblos, ICRA was imposed on all tribes in 1968. Since that time, the “white man’s game” has been in play in the pueblo courts.

The specter of the “white man’s game” loomed larger in 2002. The state of New Mexico attempted to assert criminal jurisdiction over pueblo members accused of crimes against non-Indians occurring within the pueblos. For the pueblos, the larger issue was whether the pueblos’ traditions of being judged within their own belief systems would survive. The pueblos had witnessed that receiving justice as interpreted by one’s own community is not always favored outside the pueblo.

In 2003, I was appointed by the All Pueblo Indian Council to shepherd the Pueblo Land Act Amendments (“PLA”) through Congress. The PLA clarified criminal jurisdiction within the pueblos. Under the PLA of 2005, only a tribal court and/or a federal court would have jurisdiction over the allegation of a criminal offense committed by an Indian against a non-Indian within the boundaries of a pueblo. On a parallel track with congressional deliberations over the PLA, New Mexico courts considered whether New Mexico had jurisdiction over criminal cases occurring within the pueblos when the alleged offender was an Indian and the alleged victim was a non-Indian. In 2005, I participated in the oral argument on criminal jurisdiction before the New Mexico Supreme Court.

The Pueblos prevailed in Congress (Public Law 109-133, Indian Pueblo Land Act Amendments of 2005, 119 Stat. 2573; December 20, 2005) and in the courts. *State v. Romero*, 140 N.M. 299 (2006), cert denied, 127 S. Ct. 1494 (2007). During the congressional and court proceedings, I was inspired by the words of the tribes who, in their quiet ways, articulated the reasons they struggled mightily to preserve their truthful tradition.

Void of guile, the Indian inquires, do we not have inalienable rights to be protected as our customs and traditions require? Or must we relinquish our right to self-government and submit to an alien code of the reasoning that someone else knows better than we the safeguards of our sacred rights?

Rights of Members of Indian Tribes, supra note 23, at 127 (testimony of John S. Boyden).

The pueblos’ practice of telling the judge the truth is still honored. Whether a criminal justice system that promotes due process while ignoring the need for telling the truth can earn the respect of its community is for others to judge. ■

Frank Demolli has been involved in criminal justice systems since 1971. From 1995 to 2012, he served, alternatively, as chief counsel, chief judge or judge pro tem at seven of the eight northern pueblos of New Mexico. Since 2012, he has served as the Santa Clara Pueblo chief judge. The opinions included in this article are solely his own.

“Where are all the Women?”

A Gender Analysis of the New Mexico Criminal Legal Profession.

By: Michelle S. Garcia and E. Nicole Manning

I. Introduction

This paper examines the numbers of law graduates, registered members of the bar, and self-identified criminal and litigation attorneys, to evaluate the gender gap within the criminal law field in New Mexico. A cursory analysis of the raw numbers of women, compared to men, who practice law in New Mexico appeared to show that with regard to the number of criminal attorneys, there exists an imbalance of female to male practitioners—with men outnumbering the women in almost all fields. Encouragingly, the largest group of criminal attorneys appeared to be graduates of the University of New Mexico School of Law. The law school has matriculated women at a rate more than 50% for several years. In January 2016, the University of New Mexico School of Law celebrated the distinct achievement of being publicly ranked first in the nation for public defenders and prosecutors, noting that the most recent year of graduates showed 46.8% of former students were employed in the public sector, an increase of over 20% from the national average. The relatively high percentage of law graduates who entered the criminal field suggested that New Mexico's sole law school provides an important pipeline into the practice of criminal law for the New Mexico bench and bar. The difference in the graduate to practitioner numbers prompted the authors to conduct a more thorough review of the available data in an attempt to more closely analyze the discrepancies and determine the true gender ratio of women attorneys in the criminal law field.

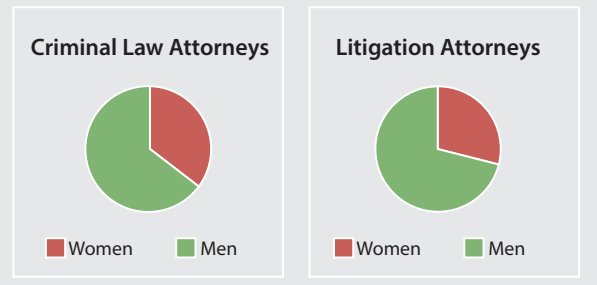
II. Reported Demographic Surveys and Methodologies

The key source of demographic information used in the creation of the datasets for this analysis came directly from the State Bar of New Mexico. This verified information included numbers on barred and registered attorneys currently practicing in the State of New Mexico. The most recently available data from the State Bar of New Mexico indicated that as of June 2018, the State Bar had a total of 7,428 active members. Of those members, 2,933, or 39.49%, were women. The state numbers tracked nationally reported statistics which showed that women made up 36% of the legal profession when reported in *A Current Glance at Women in the Law January 2017* as published by the American Bar Association (ABA).

Notably, the State Bar of New Mexico allows attorneys to self-report information on their employment in the criminal law field by identifying practice areas, specialties, and voluntary membership in practice sections. Although all attorneys who practice within the state must maintain public address information in the State Bar of New Mexico's *Bench & Bar Directory*, not all attorneys identify sub-specialties or areas of practice. Conversely, some attorneys identify multiple areas that identify a career involving criminal law and/or litigation. Within the numbers of those individuals who self-identified as practitioners of criminal law, women represented only 35.38% of the criminal lawyers. Even fewer women self-identified as litigation attorneys, a mere 28.86% of practitioners. *See Chart 1.*

The University of New Mexico School of Law tracks recent graduate employment information and the same data is re-reported in several national law school published rankings such as *US News and World Report*, *Forbes*, *The Princeton Review* as well as

Chart 1



the accreditation information through the ABA. The most recent graduate employment information from the ABA *Employment Summary Report for 2017 Graduates* for the University of New Mexico School of Law tracked job data for 106 graduates of which 79 were employed within the State of New Mexico (an additional four and two graduates were employed in Arizona and California respectively). Thus, strong data exists to support the correlation between the pipeline of University of New Mexico graduates into the criminal law field generally.

Nationally, the ABA also tracks numbers across states for the totals and percentages of women in law. Since 2000, the ABA has published the statistical snapshots by year of women in law from annual surveys through the ABA Commission on Women which show a general increase in women attorneys and the number of women attorneys as a percentage of the total attorney population. For example, in 2000, women made up 47% of law school students but only 28.9% of U.S. lawyers. In 2017 the same ABA surveys showed that women were 49.3% of first year law students and 36% of the total legal profession. The increase in women is also reflected in New Mexico. *See Chart 3.*

III. Contextualizing Population Trends

Without additional context, it can be difficult to compare the gender datasets meaningfully across time, since larger numbers of women attorneys is still a relatively recent development and sample sizes vary across the reported numbers. The rapid increase of women law students and practicing attorney from the 1960's to the present appears to have caused the upward trend wherein younger women represent a greater percentage of the bar than preceding age groups. For instance, women aged 25-29 represent 52.34% licensed New Mexico attorneys within their age bracket. By contrast, women aged 30-34 years old represent only 47.00% of their age bracket. *See Chart 2.*

A second useful comparison can be made between the reported state data and the national data on women attorneys. Before women began joining the New Mexican legal profession in large numbers in the 1960's, women attorneys were rare and the demographic changes that now have women as the majority of students in many law schools reflect that recent demographic change. Nationally, there has been a clear upward trajectory to both the total numbers of women practicing law and the subsection of women who practice criminal law as more women have entered

the legal field generally. New Mexico follows the national trends with some important departures. Namely, the number of women who enter the criminal law field in New Mexico has been, and remains, a higher percentage of the State Bar of New Mexico than in many states due to the high numbers of recent local graduates who become prosecutors and public defenders. Another important difference between New Mexico and the national statistics is represented in the number of women employed as State court judges. Nationally, the ABA has reported from its 2017 dataset that the 5,596 women judges make up only 31.1% of all State judges in the U.S. but in New Mexico has outperformed some judicial standards by having historically high percentages of women appellate judges.

A third comparison, with surprising results, was the wide variation of women attorneys who are active members of the State Bar of New Mexico per years in practice. For comparison, those women attorneys in New Mexico who had been practicing for 6-10 years account for 42.74%, but those women that had been practicing for 11-15 years represent 48.74% of that bracket. *See Chart 3.*

IV. Conclusions

Although the University of New Mexico School of Law has provided a clear influx of women into the criminal law field as prosecutors and public defenders, the population data sets for the makeup of the State Bar of New Mexico strongly suggest that a drop-off of women who practice as criminal attorneys takes place sometime after those recent graduates enter the workforce and gradually becomes a much smaller percentage of the total criminal bar. Although it would be beyond the scope of the population data sets and statistics currently reported for the State of New Mexico to attempt to draw conclusions as to at the specific causes for this drop-off of women criminal attorneys, issues of gender diversity within the criminal field and more generally within the legal field remain a topic of intense debate and study by many national institutes and researchers. It is the hope of the authors that the collection and publication of the statewide statistics on gender diversity within New Mexico encourage additional analysis by members of the criminal bar to uncover what factors are causing women to leave the criminal legal field. ■

Michelle Garcia is a senior trial attorney for the State of New Mexico. She is a graduate of Loyola College of Law where she served as the managing editor of the Loyola Law and Technology Annual.

E. Nicole Manning is an assistant district attorney in the First Judicial District. She received a J.D. from the University of Richmond School of Law.

Endnotes

¹ The incoming Fall 2017 percentage of women students was 58.33%, in the 2016 school year the percentage of female students was 56%, between Winter 2016 and Fall 2017 the female gender enrollment was 55% of the law school student body.

² For the complete articles on this topic please see, <http://lawschool.unm.edu/news/2016/01/prelaw.html> and http://www.nxtbook.com/nxtbooks/cypress/prelaw_2016winter/.

³ The authors are grateful for the data sets released by the State Bar of New Mexico, The University of New Mexico School of Law, the ABA sections on diversity and are indebted to the previously published research of Maureen Sanders in the 2009 Winter Issue of the New Mexico Law Review.

⁴ For example, an attorney may list as areas of practice: "DWT", "criminal" and "litigation"- although either criminal or DWI would count this attorney as practicing criminal law for the purposes of this article, the litigation identifier would only do so if their other self-reported data indicated practice within the criminal law field.

⁵ The authors are indebted to the previously reported data from A Woman for Her Time and Our Future, 39 N.M. L.Rev. 29(2009) by Maureen Sanders who noted in her article that "[u]ntil the early 1960's no more than 3 percent of the lawyers in the United States were women...in 2007, 2,275 women were active members of the State Bar of New Mexico. they comprised 36.8 percent of the State Bar membership."

⁶ For a more thorough discussion of gender and diversity within New Mexico compared to other states, please see the 2010 Brennan Center for Justice Report on Improving Judicial Diversity which reported that women judges were 40% and 30% of the New Mexico State Supreme Court and Court of Appeals respectively using statistics from the 2010 ABA National Database on Judicial Diversity in State Courts which was the last year of collected data. Stable url available at, https://www.brennancenter.org/sites/default/files/legacy/Improving_Judicial_Diversity_2010.pdf

Chart 2

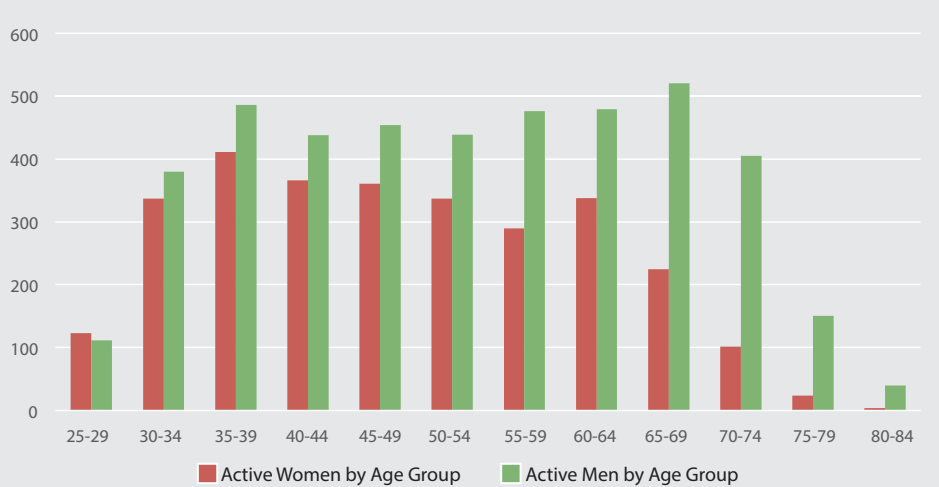
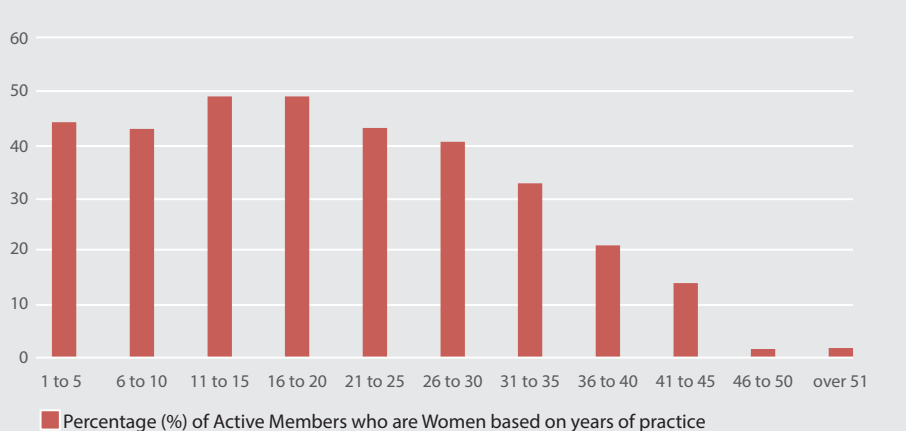


Chart 3



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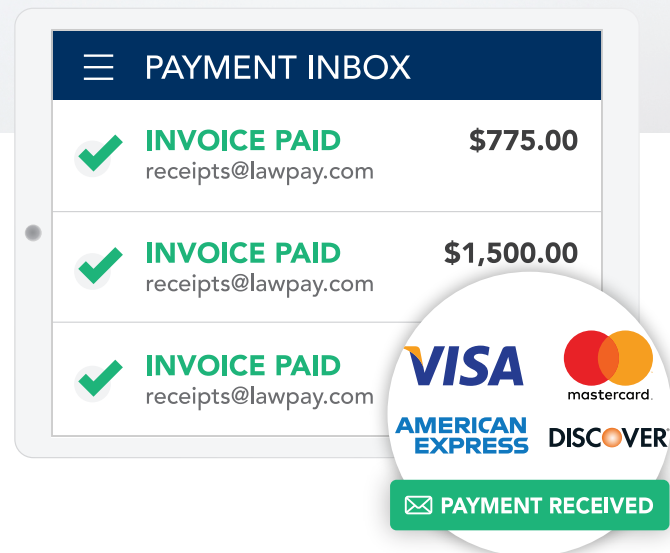
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gmseguralaw@gmail.com

Elena P. Serna
Valdez Trevino Attorneys at
Law, PC
8023 Vantage Drive,
Suite 700
San Antonio, TX 78230
210-598-8686
210-598-8797 (fax)
eserna@valdeztrevino.com

Kevin P. Sexton
Resnick & Louis, PC
5600 Eubank Blvd., NE,
Suite 220
Albuquerque, NM 87111
505-652-1339
ks Sexton@rlattorneys.com

Jenna Michele Stewart
Consumer Bankers
Association
1225 I Street, NW,
Suite 550
Washington, DC 20005
202-552-6366
jstewart
@consumerbankers.com

Lara C. Sundermann
Genus Law Group
500 Marquette Avenue, NW,
Suite 1200
Albuquerque, NM 87102
505-835-6950
505-212-1256 (fax)
lsundermann
@genuslawgrp.com

Jessica L. Sutin
12800 Foothills Highway
Longmont, CO 80503
505-660-7201
jessicasutin@hotmail.com

Mandeep S. Talwar
8728 Arkansas Road, NW
Albuquerque, NM 87120
832-455-7371
talwar.manny@gmail.com

John Patton VanVeckhoven Jr.
VanVeckhoven Law Firm, PC
1515 S. Capital of TX Hwy.,
Suite 304
Austin, TX 78746
512-535-0077
patton
@vanveckhovenlaw.com

Robert C. Vartabedian
Thompson & Knight LLP
777 Main Street,
Suite 3300
Fort Worth, TX 76102
817-347-1714
rob.vartabedian@tklaw.com

Gregory Glenn Velasquez
5130 San Francisco Road, NE,
Suite A
Albuquerque, NM 87109
505-883-0918
vgatty@qwestoffice.net

Nathan Edward Winger
Winger Law Firm, PC
509 Roma Avenue, NW
Albuquerque, NM 87102
505-242-2824
nathan@wingerlawfirm.com

Phyllis Huang Bowman
416 Ridge Place, NE
Albuquerque, NM 87106
505-246-0574
phylbowman1@gmail.com

Peter Ezekiel Cleek
2200 Army Pentagon 3D548
Washington, DC 20310
703-693-0544
peter.e.cleek.mil@mail.mil

Albert Costales
Albert J. Costales Law Office
PO Box 3670
474 Clancy
Truth or Consequences, NM
87901
575-894-2289
575-894-0570 (fax)
albabe2@windstream.net

JoHanna C. Cox
5901-J Wyoming Blvd., NE,
PMB #251
Albuquerque, NM 87109
505-596-1930
505-214-5674 (fax)
johanna@johannacoxlaw.com

Lewis C. Cox III
Heidel, Samberson, Newell,
Cox & McMahon
PO Box 1599
311 N. First Street
Lovington, NM 88260
575-396-5303
575-396-5305 (fax)
hsnclcc@leaco.net

Robert Greenbaum
New Mexico Legal Aid
600 Montana Avenue,
Suite D
Las Cruces, NM 88001
575-541-4800
505-227-8712 (fax)
robertg@nmlegalaid.org

Stacey D. Haase
White Sands Law, LLC
964 Arroyo Seco
Alamogordo, NM 88310
575-551-4808
575-815-7072 (fax)
stacey@whitesandslaw.com

Jason T. Hoggard
6501 Eagle Rock Avenue, NE,
Suite A-3
Albuquerque, NM 87113
505-322-0789
jhoggard
@mccarthyholthus.com

Eric N. Ortiz
High Desert Lawyers, LLC
500 Marquette Avenue, NW,
Suite 1200
Albuquerque, NM 87102
505-720-0070
866-897-9491 (fax)
eric@highdesertlawyers.com

Christina Rosado
USCIS, Los Angeles Asylum
Office
1585 S. Manchester Avenue
Anaheim, CA 92802
505-280-2170
crosadonm@gmail.com

CLERK'S CERTIFICATE OF ADDRESS AND/OR TELEPHONE CHANGES

Marlo Aragon
PO Box 25525
500 Marquette Avenue, NW,
Suite 1200 (87102)
Albuquerque, NM 87125
505-463-7058
505-750-9836 (fax)
marloaragonlaw@gmail.com

Miguel P. Archuleta
YLA, PC
4908 Alameda Blvd., NE
Albuquerque, NM 87113
505-266-3995
505-268-6694 (fax)
marchuleta@ylawfirm.com

Mary Lynn Bogle
Hinkle Shanor LLP
PO Box 10
400 N. Pennsylvania,
Suite 640 (88201)
Roswell, NM 88202
575-622-6510
575-623-9332 (fax)
mbogle@hinklelawfirm.com

Alexander Nicholas Cherup
Law Offices of the Public
Defender
419 W. Cain Street
Hobbs, NM 88240
575-263-2272
alex.cherup@lopdm.us

Stephen Joseph Clampett
2222 Uptown Loop, NE
Albuquerque, NM 87110
214-226-1240
stephen.clampett@gmail.com

Justine C. Fox-Young
Justine Fox-Young, PC
201 12th Street, NW
Albuquerque, NM 87102
505-796-8268
justine@foxyounglaw.com

Carol E. Garner
New Mexico Legal Aid, Inc.
PO Box 25486
301 Gold Avenue, SW (87102)
Albuquerque, NM 87125
505-243-7871
505-227-8712 (fax)
carolg@nmlegalaid.org

Joseph Cooper Gonzales
High Desert Lawyers, LLC
500 Marquette Avenue, NW,
Suite 1200
Albuquerque, NM 87102
505-720-0070
866-897-9491 (fax)
joseph
@highdesertlawyers.com

Joseph Scott Hall
LOGOS Resources II, LLC
PO Box 1946
317 Paseo de Peralta (87501)
Santa Fe, NM 87504
505-670-7362
shall@logosresourcesllc.com

Thomas E. Hare
Office of the Third Judicial
District Attorney
845 N. Motel Blvd.,
2nd Floor, Suite D
Las Cruces, NM 88007
575-524-6370
575-524-6379 (fax)
thare@da.state.nm.us

Karin L. Henson
Simple Legal LLC
3500 Comanche Road, NE,
Suite B
Albuquerque, NM 87107
505-234-7007
505-881-7003 (fax)
karin@bfdlawyers.com

Regina Holyan
PO Box 162
Rehoboth, NM 87322
505-879-9018
reginaholyan@gmail.com

Karen S. Kool-Grending
Intel Corporation
3100 NE Shute Road, RS5-118
Hillsboro, OR 97124
971-214-2159
karen.s.grending@intel.com

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McCarthy & Holthus, LLP
6501 Eagle Rock Avenue, NE,
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757-739-6157
mkowal
@mccarthyholthus.com

Angelia B. Lee
Mullin, Hoard & Brown, LLP
1500 Broadway,
Suite 700
Lubbock, TX 79401
806-371-6210
806-765-0553 (fax)
alee@mhba.com

Stephanie Yvette Lopez
PO Box 4044
Manassas, VA 20108
505-681-2426
505-212-3038 (fax)
slopezlaw72@gmail.com

Marcus A. Lucero
Law Offices of the Public
Defender
301 N. Guadalupe Street,
Suite 101
Santa Fe, NM 87501
505-395-2850
marcus.lucero@lopdmn.us

Hugh N. Lyle
Mullin, Hoard & Brown, LLP
1500 Broadway,
Suite 700
Lubbock, TX 79401
806-765-7491
806-765-0553 (fax)
hlyle@mhba.com

Angela Macdonald
Office of the Eighth Judicial
District Attorney
105 Albright Street
Taos, NM 87571
575-758-8683
amacdonald1@umassd.edu

John A. McCall
Law Works, LLC
500 Oak Street, NE,
Suite 108
Albuquerque, NM 87106
505-256-1998
505-255-7266 (fax)
mccall.jo@gmail.com

James Frederick McDowell III
PO Box 5341
412 Diamondhead (88101)
Clovis, NM 88102
575-742-8338
jmcowell
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James I. Patterson
502 Linda Vista
Gallup, NM 87301
505-863-4033
proshooter@aol.com

Ashlee M. Placencio
Law Offices of the Public
Defender
506 S. Main Street,
Suite 700
Las Cruces, NM 88001
575-541-3193
ashlee.placencio@lopdmn.us

Dustin Slade
Ibex Aegis
5901 Indian School Road, NE
Albuquerque, NM 87110
801-735-2392
dustin.slade@ibexaegis.com

William H. Snowden
935 Alamo Road
Los Alamos, NM 87544
505-695-6183
snowdenlaw@gmail.com

Jasmine Jade Solomon
Law Offices of the Public
Defender
301 N. Guadalupe Street,
Suite 101
Santa Fe, NM 87501
505-395-2858
505-204-7063 (fax)
jasmine.solomon@lopdmn.us

Sarah Van Cott
Advanced Legal Resolutions,
LLC
500 N. Church Street
Las Cruces, NM 88001
575-647-8802
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nmfamilylawyer@gmail.com

Alexander MerkC Vang
Office of the Third Judicial
District Attorney
845 N. Motel Blvd.,
Suite D
Las Cruces, NM 88007
575-524-6370
avang@da.state.nm.us

Pilar Wennrich
7383 N. Litchfield Road,
Suite 2040
Luke AFB, AZ 85309
623-856-9540
pilar.wennrich@us.af.mil

Shona L. Zimmerman
Zimmerman & Simon, LLC
8503 La Sala Grande, NE
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505-449-8141
505-639-4277 (fax)
shona
@zimmermansimon.com

Stephen D. Aarons
Aarons Law PC
2019 Galisteo Street,
Suite H1
Santa Fe, NM 87505
505-984-1100
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Esteban A. Aguilar
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Recent Rule-Making Activity

As Updated by the Clerk of the New Mexico Supreme Court

Joey D. Moya, Chief Clerk New Mexico Supreme Court
PO Box 848 • Santa Fe, NM 87504-0848 • (505) 827-4860

Effective September 1, 2018

LOCAL RULES GOVERNING DOMESTIC RELATIONS MEDIATION AND

SAFE EXCHANGE AND SUPERVISED VISITATION RULES

The Supreme Court has approved the adoption of new local rules, the amendment of existing local rules, and the withdrawal of a local rule to govern court-administered domestic relations mediation and court-administered safe exchange and supervised visitation services under the Domestic Relations Mediation Act, NMSA 1978, §§ 40-12-1 to 40-12-6, and Rule 1-125 NMRA.

The Court approved new and amended Rules LR1-404, LR1-405, LR2-401, LR2-403, LR2-Form 709, LR3-401, LR4-401, LR5-401, LR6-401, LR7-401, LR8-401, LR9-405, LR11-402, LR12-401, LR13-124, LR13-401, and LR13-402 NMRA, and approved the withdrawal of LR6-404 NMRA, effective for all cases pending or filed on or after September 1, 2018. Due to the volume of the new, amended, and withdrawn local rules, the actual text will not be published in the Bar Bulletin. The full text of the rule amendments can be viewed on the New Mexico Compilation Commission's website at <http://www.nmcompcomm.us/nmrules/NMRuleSets.aspx>.

To view all pending proposed rule changes (comment period open or closed), visit the New Mexico Supreme Court's website at <http://nmsupremecourt.nmcourts.gov>. To view recently approved rule changes, visit the New Mexico Compilation Commission's website at <http://www.nmcompcomm.us>.

Joan McMahon



Joan McMahon is a lawyer and artist who practices and paints in Southeast New Mexico. More of Joan's art can be seen at the Lea County Museum, Lovington, NM and at her website.





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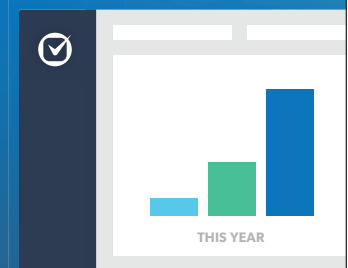
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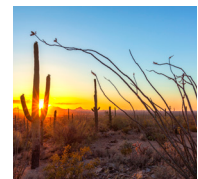


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Trenchard & Hoskins in Roswell, NM is seeking a New Mexico licensed associate attorney with experience in plaintiff litigation in our Roswell, NM office. Please send your cover letter, resume, writing sample and transcripts to royce.hoskins@gmail.com. All inquiries will be kept confidential.

Attorney

The State of New Mexico is currently seeking a full-time, experienced attorney who will be located at the State Personnel Office ("SPO") in Santa Fe. Incumbent will represent the State of New Mexico and its Executive Branch Agencies, primarily the New Mexico Corrections Department ("NMCD"), regarding matters of discipline, employment law, personnel law, and labor relations law. The position will review and revise proposed disciplinary actions regarding NMCD employees and make recommendations regarding revisions to Office of Personal Standards investigative reports pertaining to NMCD employees. Incumbent will represent NMCD management in SPO disciplinary appeals involving disciplined NMCD Employees, in arbitration involving NMCD bargaining units who have been disciplined, and in prohibited practices complaint hearings in front of the Public Employee Labor Relations Board ("PELRB") and provide regular legal advice to NMCD managers regarding American with Disabilities Act ("ADA"), Family Medical Leave Act ("FMLA") and other areas of employment and personnel law in conjunction with SPO Human Resources (HR) staff. Further description, qualifications, and requirements for this position can be found at <https://careers.share.state.nm.us>; search for "SPO #15797".

Associate Attorney

Scott & Kienzle, P.A. is hiring an Associate Attorney (0 to 10 years experience). Associate Attorney will practice in the areas of insurance defense, subrogation, collections, creditor bankruptcy, and Indian law. Associate Attorney needed to undertake significant responsibility: opening a file, pretrial, trial, and appeal. Lateral hires welcome. Please email a letter of interest, salary range, and résumé if interested to paul@kienzlelaw.com.

Associate Litigation Attorney Santa Fe and Albuquerque

Regional litigation firm with offices in Denver and Santa Fe seeks attorney with 4 - 6+ years of litigation experience, preferably in one or more of the following practice areas: consumer finance, creditors' rights, mortgage lending and servicing, real estate, title, and/or bankruptcy. Candidates should possess strong research and writing skills, have significant courtroom experience, and be well-versed in all local civil rules and practices in New Mexico. We offer competitive benefits and salary, including performance-based bonuses. Please submit your résumé and writing sample and/or any inquiries to rweiman@msa.legal.

Attorney

Disability Rights New Mexico (DRNM), a statewide non-profit agency promoting and protecting the rights of persons with disabilities, seeks full time Attorney to represent agency clients in informal, administrative and legal proceedings; comment on proposed regulations and legislation; provide technical assistance; and participate in policy advocacy. Please have excellent research and writing skills, demonstrated competence in a range of legal practice skills including litigation, and any combination of advanced education, professional experience or volunteer activities relevant to disability issues. Must be licensed in NM, or eligible for legal services or reciprocity license. Persons with disabilities & minorities strongly encouraged to apply. Bilingual a plus. Competitive salary and benefits. Send letter of interest addressing above qualifications, resume, and three references to DRNM, 3916 Juan Tabo Blvd. NE, Albuquerque, NM 87111, or by email to mwolfe@DRNM.org by September 21. AA/EEO

Liberty Mutual Insurance, Field Counsel

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Multiple Trial Attorney Positions Available in the Albuquerque Area

The Thirteenth Judicial District Attorney's Office is seeking entry level as well as experienced trial attorneys. Positions available in Sandoval, Valencia, and Cibola Counties, where you will enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, which provides the opportunity to advance more quickly than is afforded in larger offices. Salary commensurate with experience. Contact Krissy Saavedra ksaavedra@da.state.nm.us or 505-771-7400 for an application. Apply as soon as possible. These positions will fill up fast!

Assistant City Attorney

The City of Albuquerque Legal Department is hiring an Assistant City Attorney to provide legal services to the City's Department of Municipal Development ("DMD"). The area of focus includes, but is not limited to: contract drafting, analysis, and negotiations; regulatory law; procurement; general commercial transaction issues; intergovernmental agreements; dispute resolution; and civil litigation. Attention to detail and strong writing skills are essential. Five (5)+ years' experience is preferred and must be an active member of the State Bar of New Mexico, in good standing. Please submit resume and writing sample to attention of "Legal Department DMD Assistant City Attorney Application" c/o Angela M. Aragon, Executive Assistant/HR Coordinator; P.O. Box 2248, Albuquerque, NM 87103, or amaragon@cabq.gov.

Attorney

Butt Thornton & Baehr PC seeks an attorney with at least 3 years' legal experience. Our growing firm is in its 59th year of practice. We seek an attorney who will continue our tradition of excellence, hard work, and commitment to the enjoyment of the profession. Please send letter of interest, resume, and writing samples to Ryan T. Sanders at rt-sanders@btblaw.com.

Paralegal

Little, Gilman-Teppe & Batley, a leading family law firm in Albuquerque, seeks an experienced, full time paralegal to join our professional team. As a team paralegal you will be working primarily for one attorney and dedicated clients with active support from the team. The team participates in weekly case huddles and action planning to best allocate work for deadlines to be met and the client served well. Duties include client relations, support of attorneys, shepherding cases, preparing pleadings, motions, responses, discovery and financial worksheets, processing emails, maintaining files and calendars and case management. Experience with Word, Outlook, Excel, a document management system and multi-tasking required. Great benefits. If you are interested in contributing your talents to our exceptional team please email your resume and letter of interest to andree@lgtfamilylaw.com or fax to 505 246-9953.

Paralegal

Paralegal. Team, Talent, Truth, Tenacity, Triumph. These are our values. (Please read below concerning how to apply.) We are a growing plaintiffs personal injury law firm. Candidate must be enthusiastic, confident, a great team player, a self-starter, and able to multi-task in a fast-paced environment. Mission: To work together with the attorneys as a team to provide clients with intelligent, compassionate and determined advocacy, with the goal of maximizing compensation for the harms caused by wrongful actions of others. To give clients and files the attention and organization needed to help bring resolution as effectively and quickly as possible. To make sure that, at the end of the case, the client is satisfied and knows Parnall Law has stood up for, fought for, and given voice and value to his or her harm. Success: Litigation experience (on plaintiff's side) preferred. Organized. Detail-oriented. Meticulous but not to the point of distraction. Independent / self-directed. Able to work on multiple projects. Proactive. Take initiative and ownership. Courage to be imperfect, and have humility. Willing / unafraid to collaborate. Willing to tackle the most unpleasant tasks first. Willing to help where needed. Willing to ask for help. Acknowledging what you don't know. Eager to learn. Integrate 5 values of our team: Teamwork; Tenacity; Truth; Talent; Triumph. Compelled to do outstanding work. Know your cases. Work ethic; producing Monday – Friday, 8 to 5. Barriers to success: Lack of fulfillment in role. Treating this as “just a job.” Not enjoying people. Lack of empathy. Thin skinned to constructive criticism. Not admitting what you don't know. Guessing instead of asking. Inability to prioritize and multitask. Falling and staying behind. Not being time-effective. Unwillingness to adapt and train. Waiting to be told what to do. Overly reliant on instruction. If you want to be a part of a growing company with an inspired vision, a unique workplace environment and opportunities for professional growth and competitive compensation, you MUST apply online at www.HurtCallBert.com/jobs. Emailed applications will not be considered.

Paralegal

The City of Albuquerque Legal Department is seeking a Paralegal to assist an assigned attorney or attorneys in performing substantive civil administrative legal work from time of inception through resolution and perform a variety of paralegal duties, such as summarizing expert testimony, preparing discovery, researching federal and state regulatory law, and drafting pleadings in complex administrative law cases. Experience and knowledge of handling discovery in accounting and engineering issues is preferred. Please apply at <https://www.governmentjobs.com/careers/cabq>. Position posting closes September 5, 2018.

Paralegal - Incredible Opportunity w/ New Mexico Legal Group

New Mexico Legal Group, a cutting edge divorce and family law practice is looking for one more paralegal to join our team. Why is this an incredible opportunity? You will be involved in building the very culture and policies that you want to work under. We are offer great pay, health insurance, automatic 3% to your 401(k), vacation and generous PTO. And we deliver the highest quality representation to our clients. But most importantly, we have FUN! Obviously (we hope it's obvious), we are looking for candidates with significant substantive experience in divorce and family law. People who like drama free environments, who communicate well with clients, and who actually enjoy this type of work will move directly to the front of the line. Interested candidates should send a resume and cover letter explaining why you are perfect for this position to DCrum@New-MexicoLegalGroup.com. The cover letter is the most important thing you will send, so be creative and let us know who you really are. We look forward to hearing from you!

Full-Time Paralegal or Legal Assistant

Egolf + Ferlic + Harwood is looking to hire a full-time paralegal or legal assistant. Applicants must be tech-savvy, have strong follow-through and communication skills, and be willing to work in a fast-paced and dynamic environment. Preference will be given to a candidate with knowledge of family law, federal and state civil rules of procedure, and e-filing systems. You may send your letter of interest and resume to our firm administrator, Manya Snyder at Manya@EgolfLaw.com.

Paralegal

Litigation Paralegal with minimum of 3- 5 years' experience, including current working knowledge of State and Federal District Court rules, online research, trial preparation, document control management, and familiar with use of electronic databases and related legal-use software technology. Seeking skilled, organized, and detail-oriented professional for established commercial civil litigation firm. Email resumes to e_info@abrfirm.com or Fax to 505-764-8374.

Legal Assistant

Small defense firm in search of a self-motivated legal assistant. The right individual must be skilled in using Microsoft applications including Word, Excel and Exchange. Experience in general civil litigation is a must. Competitive pay and benefits. Please fax resumes to (505) 842-5713, attention Hiring Partner.

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