

BAR BULLETIN

November 21, 2018 • Volume 57, No. 47



Steady Asian Elephant, by Don Johnson (see page 3)

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Center for Legal Education*



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Meetings

November

- 23**
Immigration Law Section Board
Noon, teleconference
- 27**
Intellectual Property Law Section Board
Noon, Lewis Roca Rothgerber Christie LLP
- 28**
Natural Resources, Energy and Environmental Section
Noon, teleconference
- 29**
Trial Practice Law Section Board
Noon, varies

December

- 4**
Health Law Section Board
9 a.m., teleconference
- 5**
Employment and Labor Law Section Board
Noon, State Bar Center
- 7**
Committee on Diversity
Noon, State Bar Center

Workshops and Legal Clinics

November

- 21**
Family Law Clinic
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861

December

- 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., First Judicial District Court, Santa Fe, 1-877-266-9861
- 7**
Civil Legal Clinic
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861
- 14**
Civil Legal Clinic
10 a.m.–1 p.m., Bernalillo County Metropolitan Court, Albuquerque, 505-841-9817
- 18**
Family Law Clinic
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861

About Cover Image and Artist: Lieutenant Commander Don Johnson Jr. Esq. (U.S. Navy Retired) is an attorney at Johnson Family Law P.C. in Albuquerque. His artwork focusses on New Mexico cultural events and his law practice. This oil painting on copper panel depicts the mother of the new baby elephant at our Rio Grande Zoo.

Notices

COURT NEWS

Judicial Standards Commission Releases Annual Report

This year marks the State of New Mexico Judicial Standards Commission's 50th anniversary of service to the citizens, bench, bar and other users of our courts, ensuring that integrity, impartiality and independence of our courts are preserved and promoted. The commission recently published its fiscal year 2018 Annual Report and it may be viewed on the commission's website at www.nmjsc.org/resources/annual-report/.

New Mexico Supreme Court Notice of Revised Alimony Guideline Worksheet

The Supreme Court has approved the recommendation of the Domestic Relations Rules Committee and its Statewide Alimony Guidelines Subcommittee to revise the Alimony Guideline Worksheet for use beginning Jan. 1, 2019, in light of upcoming changes to the federal tax law treatment of alimony payments under the Tax Cut and Jobs Act of 2017. The Court's Order, revised Alimony Guideline Worksheet, and report of the Statewide Alimony Guidelines Subcommittee are available on the court's website at <https://nmcourts.gov/>.

Supreme Court Law Library

The Supreme Court Law Library is open to the legal community and public at large. The Library has a comprehensive legal research collection of print and online resources, and law librarians are available to assist. The Law Library is located in the Supreme Court Building at 237 Don Gaspar in Santa Fe.

Building Hours:

Mon.-Fri. 8: a.m.-5 p.m.

Reference & Circulation Hours:

Mon.-Fri. 8 a.m.-4:45 p.m.

For more information:

Call 505-827-4850

Visit <https://lawlibrary.nmcourts.gov>

Email libref@nmcourts.gov

Professionalism Tip

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

I will commit to the goals of the legal profession, and to my responsibilities to public service, improvement of administration of justice, civic influence, and my contribution of voluntary and uncompensated time for those persons who cannot afford adequate legal assistance.

New Mexico Commission on Access to Justice Meeting

The next meeting of the Commission is from noon-4 p.m., on Dec. 14, at the State Bar of New Mexico. Commission goals include expanding resources for civil legal assistance to New Mexicans living in poverty, increasing public awareness, and encouraging and supporting pro bono work by attorneys. Interested parties from the private bar and the public are welcome to attend. We will be engaged in a strategic planning process at this meeting and would like to strongly encourage interested members of the public and bar to attend. More information about the Commission is available at www.accestojustice.nmcourts.gov.

First Judicial District Court Notice

Effective Dec. 17, a mass reassignment of all Division IX family court cases previously assigned to Judge Matthew J. Wilson will occur pursuant to NMSC Rule 23-109, the chief judge rule. The cases will be reassigned to the Hon. Maria Sanchez-Gagne, who has been elected to Division II of the First Judicial District, and who will maintain a family court docket. Parties who have not previously exercised their right to challenge or excuse will have 10 days from Dec. 17, to challenge or excuse Judge Maria Sanchez-Gagne pursuant to Rule 1-088.1. Effective Dec. 17, a mass reassignment of all Division II cases previously assigned to Judge Gregory S. Shaffer will occur pursuant to NMSC Rule 23-109, the chief judge rule. The cases will be reassigned to the Hon. Matthew J. Wilson who will now maintain a Civil Docket in Division IX of the First Judicial District. Parties who have not previously exercised their right to challenge or excuse will have ten days from Dec. 17, to challenge or excuse Judge Matthew J. Wilson pursuant to Rule 1-088.1.

Second Judicial District Court Notice to Attorneys and Public

Effective Nov. 1, the Second Judicial District Court clerk's office will no longer accept cash bills larger than \$20. The Second Judicial District Court will continue to accept cashier checks and money orders. The Second Judicial District Court does not accept personal checks, credit cards or debit cards at this time.

Destruction of Exhibits

Pursuant to 1.21.2.617 FRRDS (Records Retention and Disposition Schedules-Exhibits), the Second Judicial District Court will destroy exhibits filed with the court, the Civil for the years of 1997-2017 including but not limited to cases which have been consolidated. Cases on appeal are excluded. Parties are advised that exhibits may be retrieved through Dec. 7. Should you have cases with exhibits, please verify exhibit information with the Special Services Division, at 841-6717, from 8 a.m.-5 p.m., Mon.-Fri. Plaintiff's exhibits will be released to counsel for the plaintiff(s) or plaintiffs themselves and defendant's exhibits will be released to counsel of record for defendant(s) or defendants themselves by Order of the Court. All exhibits will be released in their entirety. Exhibits not claimed by the allotted time will be considered abandoned and will be destroyed by order of the Court.

Judicial Notice of Retirement

The Second Judicial District Court announces the retirement of the Hon. Judge Nan Nash effective Jan. 1, 2019. A Judicial Nominating Commission will be convened in Albuquerque, at the Second Judicial District Courthouse in January 2019 to interview applicants for these vacancies. Further information on the application process can be found on the Judicial Selection website (<http://lawschool.unm.edu/judsel/index.php>), updates regarding the vacancy and the news release.

Fourth Judicial District Court Mass Reassignment

On Oct. 4, pursuant to the authority of Article VI, Sections 35 and 36 of the Constitution of the State of New Mexico, Chief Justice Nakamura appointed Flora Gallegos to fill the vacant position in Division III of the Fourth Judicial District Court. Effective Oct. 26, all cases previously assigned to Division III were assigned to Judge Flora Gallegos. Pursuant to Rules 1-088.1, 5-106, and 10-162 NMRA, parties who have not yet exercised a peremptory excusal will have 10 business days from Nov. 21 to excuse Judge Flora Gallegos.

Bernalillo County Metropolitan Court Announcement of Vacancy

Due to the Nov. 6, 2018, elections, two vacancies on the Bernalillo County Metropolitan Court will exist as of Jan. 1, 2019, to fill the seats of Judge Kenny Montoya and Judge Edward Benavidez. Inquiries regarding the details or assignment of these judicial vacancies should be directed to the administrator of the court. Sergio Pareja, chair of the Bernalillo County Metropolitan Court Judicial Nominating Commission, invites applications for this position from lawyers who meet the statutory qualifications in Article VI, Section 28 of the New Mexico Constitution. Applications may be obtained from the Judicial Selection website: <http://lawschool.unm.edu/judsel/application.php>, or emailed to you by contacting the Judicial Selection Office at 505-277-4700. The deadline for applications has been set for Dec. 13, by 5 p.m. Applications received after that time will not be considered. Applicants seeking information regarding election or retention if appointed should contact the Bureau of Elections in the Office of the Secretary of State. The Bernalillo County Metropolitan Court Nominating Commission will meet beginning at 9 a.m. on Jan. 18, 2019, to interview applicants for the positions at the Metropolitan Courthouse, located at 401 Lomas NE, Albuquerque, New Mexico. The Commission meeting is open to the public, and anyone who wishes to be heard about any of the candidates will have an opportunity to be heard.

Court Closure Notice

The Bernalillo County Metropolitan Court will be closing its doors briefly from 11 a.m.-1:30 p.m. on Dec. 14, for the court's annual Holiday Lunch. The outdoor Bonding Window will remain open for the posting of bonds and to accept any urgent filings.

Retirement Reception for Hon. Sharon D. Walton

Join the Bernalillo County Metropolitan Court on Dec. 18, at 3 p.m. for a retirement reception honoring Judge Sharon D. Walton. The reception will take place in Bernalillo County Metropolitan Court's second floor Jury Assembly Room.

U.S. District Court for the District of New Mexico Court Closure

The U.S. District Court for the District of New Mexico will be closed Nov. 22-23, for the Thanksgiving holiday. Court will resume on Nov. 26. After-hours access to CM/ECF will remain available as regularly scheduled. Stay current with the U.S. District Court for the District of New Mexico by visiting the court's website at: www.nmd.uscourts.gov.

STATE BAR NEWS 2019 Budget Disclosure Deadline to Challenge Expenditures

The State Bar of New Mexico Board of Bar Commissioners has completed its budgeting process and finalized the 2019 budget disclosure, pursuant to the State Bar Bylaws, Article VII, Section 7.2, Budget Procedures. The budget disclosure is available in its entirety on the State Bar website at www.nmbar.org on the financial information page under the "About Us" tab. The deadline for submitting a budget challenge is on or before noon, Nov. 30, and the form is provided on the last page of the disclosure document. The BBC will consider any challenges received by the deadline at its Dec. 13, 2018, meeting.

Board of Editors Seeking Applications for Open Positions

The Board of Editors of the State Bar of New Mexico will have open positions beginning Jan. 1, 2019. Both lawyer and non-lawyer positions are open. The Board of Editors meets at least four times a year (in person and by teleconference), reviewing articles submitted to the *Bar Bulletin* and the quarterly *New Mexico Lawyer*. This volunteer board reviews submissions for suitability, edits for legal content and works with authors as needed to develop topics or address other concerns. The Board's primary responsibility is for the *New Mexico Lawyer*, which is generally written by members of a State Bar committee, section or division about a specific area of the law. The State Bar president, with the approval of the Board of Bar Commissioners, appoints members of the Board of Editors, often on the recommendation of the current Board. Those interested in being considered for a two-year term should send a letter of interest and résumé to Evann Kleinschmidt at ekleinschmidt@nmbar.org. Apply by Nov. 30.

Board of Bar Commissioners Client Protection Fund Commission

The Board of Bar Commissioners will make two appointments to the Client Protection Fund Commission for three-year terms. Active status attorneys in New Mexico who would like to serve on the Commission should send a letter of interest and brief résumé by Nov. 26 to Kris Becker at kbecker@nmbar.org or fax to 505-828-3765.

New Mexico Access to Justice Commission

The Board of Bar Commissioners will make one appointment to the N.M. Access to Justice Commission for a three-year term. The Commission is dedicated to expanding and improving civil legal assistance by increasing pro bono and other support to indigent people in New Mexico. Active status attorneys in New Mexico who would like to serve on the Commission should send a letter of interest and brief resume by Nov. 26 to Kris Becker at kbecker@nmbar.org or fax to 505-828-3765.

Cannabis Law Section Board of Directors Meeting Open to Membership

On Aug. 9, the Board of Bar Commissioners approved a membership petition to form a State Bar of New Mexico Cannabis Law Section. The Section's Board of Directors will meet from noon-1 p.m., Nov. 30, at the State Bar Center and the general State Bar membership is invited to attend, share ideas and enroll in the Section. R.S.V.P. to Breanna Henley bhenley@nmbar.org. Visit www.nmbar.org/sections to join the Section.

Minimum Continuing Legal Education

Compliance Deadline Approaching

Dec. 31, is the last day to complete 2018 Minimum Continuing Legal Education requirements. Jan. 31, 2019, is the last day to submit 2018 credits without penalty. For a list of upcoming MCLE approved courses, visit www.nmbar.org/MCLE. Contact MCLE with questions at 505-821-1980 or mcle@nmbar.org.

New Mexico Judges and Lawyers Assistance Program Attorney Support Groups

- Dec. 3, 5:30 p.m.
First United Methodist Church, 4th and Lead SW, Albuquerque (The group normally meets the first Monday of the month.)

- Dec. 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#.
- Dec 17, 19, 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#.

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

Natural Resources, Energy and Environmental Law Section

Nominations Open for 2018 Lawyer of the Year Award

The NREEL Section will recognize an NREEL Lawyer of the Year during its annual meeting of membership, which will be held in conjunction with the Section's CLE on Dec. 21. The award will recognize an attorney who, within his or her practice and location, is the model of a New Mexico natural resources, energy or environmental lawyer. More detailed criteria and nomination instructions are available at www.nmbar.org/NREEL. Nominations are due by Nov. 16 to Breanna Henley, bhenley@nmbar.org.

Solo and Small Firm Section Roundtable Breakfast

The Solo and Small Firm Section is hosting its first SSF Roundtable Breakfast. The event will take place on Dec. 4, at the State Bar Center. There will be free food and a discussion on the state of business, technology tips, a chance to ask the group about pressing practice issues and networking. All State Bar Members are invited. For the first meeting, breakfast is free for both section members and prospective section members who register with Deian at deian@mcbrydelaw.com. There are only 30 spots available.

Young Lawyers Division Free Legal Advice for Veterans

The YLD and co-sponsors New Mexico Legal Aid and El Paso Health Care System are asking attorneys to help a veteran and donate time from 9 a.m.-1 p.m. on Nov. 30, at VFW POST 6917, 5845 Bataan Memorial, Las Cruces. This event is asking for attorneys who have familiarity in any of the following areas of law: family (divorce, custody/visitation, child support), consumer rights, bankruptcy, landlord/tenant, foreclosure, employment. We welcome any attorney from anywhere in the state and especially those who are practicing in Dona Ana, Luna and Otero counties. Contact Gina McCue at 915-504-5446, Gina.McCue@va.gov, Mick Gutierrez by texting him at 575-386-2171, mickgutierrez@gmail.com, or Dan Rosales at 575-524-6370, DRosales@da.state.nm.us.

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

UNM Law 3L Welcome to the Law Alumni Association Happy Hour

Join UNM Law to welcome their newest members to the UNM Law Alumni/ae Association and to celebrate the holiday season from 5-7 p.m. on Nov. 30, at the UNM School of Law. Register at goto.unm.edu/happy-hour or call 505-277-1457 for more information.

Justice Mary Walters 2019

Honoree Nomination

Each year, the Women's Law Caucus chooses an outstanding woman in the New Mexico legal community to honor in the name of former Justice Mary Walters, the first woman appointed to the New Mexico Supreme Court. The Women's Law Caucus will be accepting nominations until Dec. 15. The nomination form can be found at <https://drive.google.com/file/d/19kiBUImYt9AGnjJAHgFBw0gPtQaNKVo/view?usp=sharing>. Email the form to the Law Caucus at UNMWomensLawCaucus@gmail.com.

OTHER BARS

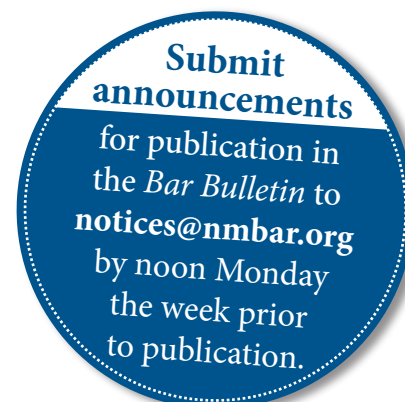
New Mexico Criminal Defense Lawyers Association Upcoming CLE

What does it take to persuade a judge? How can you tweak your writing to nudge them over to your side? The Hon. Linda Vanzi has answers, and during the New Mexico Criminal Defense Lawyers As-

sociation's CLE on Dec. 7, she will share the expertise she's gained from ten years on the New Mexico Court of Appeals. There will be plenty for our colleagues in civil practice to absorb when they join for this informative seminar. PLUS: Special statewide CLE Webinar on Dec. 18, "The Basics of Trust Accounting," on how to comply with Rule 17-204 NMRA. Visit www.nmcdla.org to register.

New Mexico Defense Lawyers Association Presents its Annual Civil Rights Seminar

Join the New Mexico Defense Lawyers Association for its annual Civil Rights Seminar on Dec. 7, at the Jewish Community Center of Greater Albuquerque. This seminar is designed for the intermediate and advanced civil rights/government liability practitioner, including claims adjusters and state, county and municipal attorneys. Visit www.nmdla.org to register and for more information.



2018 Annual Civil Rights Seminar

This seminar is designed for the intermediate as well as advanced civil rights practitioner and adjuster. The event will take place on Dec. 7, at Jewish Community Center of Greater Albuquerque, 5520 Wyoming Blvd NE. MCLE credits 5.25 G. To register email nmdefense@nmdla.org or call 800-426-3265.



Board of Bar Commissioners Election 2018

Voting in the 2018 election for the State Bar of New Mexico Board of Bar Commissioners will begin Nov. 9 and close at noon on Nov. 30. Four candidates submitted nomination petitions for the three open positions in the **First Bar Commissioner District (Bernalillo County)**, so there will be an election in that district. To view the biographies of the candidates running, view the Nov. 7, 2018 *Bar Bulletin*.

With regard to the remaining positions, one nomination petition was submitted for the open position in the **Second Bar Commissioner District (Cibola, McKinley, San Juan and Valencia counties)** from Joseph F. Sawyer, so he will be elected by acclamation; one nomination petition was submitted for the open position in the **Third Bar Commissioner District (Los Alamos, Rio Arriba, Sandoval and Santa Fe counties)** from Constance G. Tatham, so she will be elected by acclamation; and no nomination petitions were submitted for the open position in the **Sixth Bar Commissioner District**, so the Board will appoint someone from that district to fill the vacancy at their February meeting.

A link to the electronic ballot and instructions will be emailed on Nov. 9 to all active members in the First Bar Commissioner District using email addresses on file with the State Bar. Active status members who reside outside the State of New Mexico shall vote in the district where the State Bar office is located. To provide an email address if one is not currently on file or to request a mailed ballot, contact Pam Zimmer at pzimmer@nmbar.org. **The election will close at noon on Nov. 30, at which time the election results will be certified.**



The Miller Stratvert Law Firm held its 40th anniversary celebration on Sept. 5. 40 years to the day of the firm's inception. A reception was held at the Albuquerque Country Club with many current and former attorneys and staff in attendance. Attorney alumni of the firm include U.S. Senator Tom Udall, New Mexico Supreme Court Chief Justice Judith Nakamura, U.S. 10th Circuit Court of Appeals Judge Harris Hartz and Judges Daniel Ramczyk, Seth Bingham,

Denise Barela Shepard, Stephan M. Vidmar, Alan Torgerson and Manuel Arrieta.

Matthew M. Beck, Noell E. Sauer and **Peter M. Kelton** have joined the Rodey Law Firm.

Beck is Of Counsel in Rodey's Albuquerque office. His practice focuses on criminal defense, including white collar crimes, professional liability defense and complex and commercial litigation.

Sauer is an associate in Rodey's Albuquerque office. She practices in the areas of products and general liability and health law and medical malpractice defense.

Kelton is an associate in Rodey's Albuquerque office. He practices in the business department in the areas of real estate, public finance and other transactional matters.



Rodey lawyer **Matthew M. Beck**, was recently honored with the U.S. Attorney's Award for Extraordinary Professional Achievement. Beck is Of Counsel in Rodey's Albuquerque office. His practice focuses on criminal defense, including white collar crimes, professional liability defense and complex and commercial litigation. Beck received the prestigious U.S. Attorney's Award for extraordinary professional achievement in prosecuting the largest criminal case in

New Mexico's history.

Cavin & Ingram, P.A. is pleased to announce that **Scott S. Morgan** has been named a shareholder in the firm. Morgan practices in the areas of oil and gas title, oil and gas transactions, probate and civil litigation. He has extensive experience in determining mineral ownership and curing title issues. Cavin & Ingram, P.A. is also pleased to announce that **Brandon D. Hajny** has joined the firm as an associate attorney. Hajny's practice areas are in oil and gas title, oil and gas transactions and civil litigation.

Michael Eshleman of Alamogordo published "A History of the Digests" in *Law Library Journal*, the law review published by the American Association of Law Librarians. The article began as a paper written for the Master of Library Science program at Indiana University, which he graduated from in 2015. Eshleman has published five other law review articles. He is the Otero County attorney.



Modrall Sperling is pleased to announce that **Lance Hough** and **Moses Winston** have joined the firm's Albuquerque office.

Lance Hough practices in the areas of tort, product liability, and class actions at both the trial and appellate levels.



Moses Winston practices in the areas of healthcare, tort, and employment law.

Rothstein Donatelli LLP announces the following attorneys were included in *Best Lawyers in America*

Mark Donatelli has been selected by his peers for inclusion in the 25th edition of *The Best Lawyers in America*® for his work in - criminal defense: general practice and criminal defense: white collar. This is his 30th year of recognition.

Richard Hughes has been selected by his peers for inclusion in the 25th edition of *The Best Lawyers in America*® for his work in - gaming law and Native American law. This is his 12th year of recognition.

Eric Dahlstrom has been selected by his peers for inclusion in the 25th edition of *The Best Lawyers in America*® for his work in - gaming law and Native American Law. This is his 14th year of recognition.

Peter Schoenburg has been selected by his peers for inclusion in the 25th edition of *The Best Lawyers in America*® for his work in - bet-the company litigation: criminal defense: general practice and criminal defense: white-collar. This is his 24th year of recognition.

U.S. News and World Report and The Best Lawyers in America have named Rodey one of the best law firms in New Mexico. Rodey received first tier rankings in Albuquerque in these areas:

- administrative / regulatory law
- appellate practice
- arbitration
- banking and finance law
- commercial litigation
- copyright law
- corporate law
- eminent domain and condemnation law
- employment law - management
- government relations practice
- health care law
- insurance law
- labor law - management
- land use and zoning law
- legal malpractice law - defendants
- leveraged buyouts and private equity law
- litigation - banking and finance
- litigation - first amendment
- litigation - labor and employment
- litigation - land use and zoning
- litigation - patent
- litigation - real estate
- litigation - tax
- mass tort litigation / class actions - defendants
- mediation
- medical malpractice law - defendants
- mergers and acquisitions law
- personal injury litigation - defendants
- product liability litigation - defendants
- professional malpractice law - defendants
- public finance law
- real estate law
- securities / capital markets law
- tax law
- transportation law
- trusts and estates law

Rodey received first tier rankings in Santa Fe in these areas:

- administrative / regulatory law
- arbitration
- banking and finance law
- corporate law
- energy law
- financial services regulation law
- mediation
- mining law
- Native American Law
- natural resources law
- personal injury litigation - defendants
- real estate law

U.S. News Best Lawyers® named Modrall Sperling a top firm in 43 areas of law in Albuquerque and Santa Fe, and recognized the firm as a top firm in the area of Native American Law on a nationwide basis.

National Recognition

Native American Law

Metropolitan Recognition

- administrative / regulatory law
- antitrust law
- arbitration
- bankruptcy and creditor debtor rights / insolvency and reorganization law
- business organizations (including llcs and partnerships)
- commercial litigation
- construction law
- corporate law
- education law
- employee benefits (erisa) law
- employment law - individuals
- energy law
- environmental law
- government relations practice
- health care law
- insurance law
- litigation - bankruptcy
- litigation - construction
- litigation - environmental
- litigation - labor & employment
- litigation - land use & zoning
- litigation - tax
- mass tort litigation / class actions - defendants
- mediation
- mergers & acquisitions law
- mining law
- mortgage banking foreclosure law
- municipal law
- Native American Law
- natural resources law
- non-profit / charities law
- oil & gas law
- product liability litigation - defendants
- public finance law
- railroad law
- real estate law
- tax law
- trusts & estates law
- water law

In Memoriam

www.nmbar.org

John Gregory Camp passed away on Sep. 17. He was born in Enid, Okla., on Dec. 14, 1964. He was preceded in death by Ruby Carter. He is survived by his wife, Yoon Jung Lee, of 14 years; Parents John Camp III and Patricia Camp; Children Samuel Lee, Zoe Jeon, John Camp V, Madison Camp, and Olivia Parrish-Camp; Brothers Darrin Camp and Matt Camp. Camp graduated from the University of Oklahoma Law, after which he practiced law in Enid and Santa Fe. He soaked up life and was never going to miss a moment of it sitting around. Camp was loved by all. He was always the funny guy, the man with the joke, but most of all he loved riding his BMW bike. Camp was part of the BMW Motorcycle Owners of America Club. Some of his accomplishments include riding in all 48 lower states in just 9 days, coast to coast in 33 hours, and throughout Germany, Hungary, and Eastern Europe just to name a few. Throughout his journeys, Camp loved to capture the moment using his photography skills. His passion for photography did not just stop at sceneries; Camp made everyone jealous by taking photos of everything he cooked. Everyone would agree that Camp was the best chef in the world. He was famous for his perfectly seasoned, melt-in your mouth steaks which he always made sure to give a bite to his baby, Mr. Tico. This wonderful, intelligent, funny, witty, family-loving man will be immensely missed.

Joe Cruz Castellano Jr., was born on March 10, 1944, and passed away on Oct. 12. Castellano served stormy tenures as a state district judge and as district attorney in Santa Fe, died over the weekend in Houston. He was 74. In a written statement, daughters Nicole Castellano and Evelyn Castellano Escamilla did not include the cause of his death but said the family is making arrangements to "bring him home to Santa Fe". Castellano's ex-wife, Santa Fe lawyer Bea Castellano Lockhart, said in a Facebook post, "Castellano was a special blessing to all who met him. He was a great law partner and friend — Always supportive of me as I pursued my law career — God bless you, Papa Castellano." After growing up on Santa Fe's west side, Castellano received a bachelor's degree from the University of New Mexico in 1966 and later a law degree from the University of Oklahoma. In retirement, he said in a Facebook posting, "I enjoy life, like to have a good time, travel always & going to UNM Football Tailgate Parties with friends. I love comedy, movies & my 4 grandkids." His daughters said in their statement this week, "Our hearts are broken, but we know he is in his full glory now and is enveloped with love in heaven from his father God, his father Castellano Cruz Castellano Sr., his sister Dolores and his brother Jerry."

Albert O. LeBeck Jr. died Sept. 27 at the age of 93, was so well respected that the *Gallup Independent* did something in 1972 that rarely did then and almost never does these days. The newspaper printed an editorial praising the work he was doing on behalf of the Gallup people. He continued to live in Gallup up until the last few years of his life, moving to Phoenix but keeping in touch with the people he knew and worked with in Gallup.

William Vann Kastler, Sr. passed away on April 6, after complications from a fall. Bill, as he was known, was born in Raton, N.M. on Feb. 12, 1919. He was the son of Joseph R. Kastler and Agnes D. (VanDeventer) Kastler. Kastler led an exciting and accomplished life, from his service as a Navy fighter pilot to working for the Bureau of Indian Affairs, and finally retiring after 26 years as an oil and gas attorney for Chevron/Gulf Oil Corporation. Aside from being a true gentleman, Kastler was widely known for his exceptional vocabulary and his paronomastic sense of humor - he was a real pun guy. He will be remembered as a wonderful, caring father, grandfather and great-grandfather. His children learned respect, honesty and responsibility by his example. Kastler spent most of his high school years at St. Patrick Academy in Raton and graduated from Albuquerque High School in 1936. He went on to graduate with a BA from the University of New Mexico where he was a member of the Pi Kappa Alpha social fraternity, president of the intra-fraternity council, and played violin in the N.M. Symphony Orchestra. During the summers, he fondly recalled working as a motor boat driver at Eagle Nest Lake, N.M. He then attended the University of Colorado Law School. When the U.S. actively entered World War II, Kastler took a leave of absence from law school to become a Navy Pilot. He started as a flight instructor and went on to become a fighter pilot, flying a Corsair F4U off the USS Shangri-La aircraft carrier in the South Pacific. Once WWII ended, he returned to Colorado University Law School in Boulder and completed his law degree. He continued service in the Naval Reserves, retiring as commander. While working as an attorney in Santa Fe, Kastler met Marjorie Cooper, and they married Dec. 26, 1948. Under President Eisenhower, Kastler was appointed to serve as an attorney for the Bureau of Indian Affairs in Washington, D.C. In 1956, Kastler took employment with Chevron/Gulf Oil Corporation and moved his young family to Roswell. Working in the oil and gas division of the legal department, Gulf Oil eventually transferred him to Midland, Texas, then to Los Angeles. During his tenure in California he successfully argued a case before the Supreme Court of the U.S. Subsequently, he was transferred to Houston, where he retired at the end of 1987. Upon his wife's death that year, he returned to Albuquerque. Kastler is survived by his older sister, Maxine Jackson, and his four children: Janning Kastler Kennedy, Karen Kastler Swim, William V. Kastler, Jr., and Shelley Kastler Davis. He has 11 grandchildren and seven great grandchildren. The family wishes to express their gratitude to the staff of La Vida Llena for their kind, compassionate and professional care and attention over the past nine years.

Fred William Schwendimann III, 78, beloved husband and father passed away on Oct. 18. Schwendimann was known for his love of music, his compassion, his wit and his beautiful tenor voice. Schwendimann was a founding member of the board of directors of the New Mexico Community Foundation. He has served as a director and officer of the Orchestra of Santa Fe, and as a trustee of the New Mexico Symphony Orchestra. On occasion, he has provided pro bono legal services to such tax-exempt organizations as the Roswell Museum and Art Center Foundation and the New Mexico Foundation for Human Rights Projects. He sang and was a soloist in the tenor section of the New Mexico Symphony Orchestra Chorus and the New Mexico Symphonic Chorus when it was founded in 2011. His career as an attorney began in Dallas and Washington D.C. where he worked for the U.S. Department of Justice Tax Division. He continued to work as an attorney in the private firms of Baldwin and Haspel in New Orleans, Schwartz, Davenport and Schwendimann in Santa Fe, Hinkel, Cox, Eaton, Coffield, and Hensley in Albuquerque and Roswell, and the Law Office of Schwendimann W. Schwendimann. He obtained the following degrees: Bachelor of Arts in English, *magna cum laude* from Centenary College of Louisiana; Master of Theology from Southern Methodist University; Master of Arts in Liberal Education from St. John's College; and Juris Doctor from Southern Methodist University School of Law. He is survived by his wife, Philippa Schwendimann, his daughter, Amy Roe and her husband Josh, his granddaughter, Maya Roe, his brother Bob Schwendimann and wife Alice Ann, their children, Carrie (children, Harte, Gabriel and Mason), Wood (child, Stella Rae) and his former wife Carol Schwendimann. He was preceded in death by his son, Pab (Paul) Schwendimann. Also touching Schwendimann's life were Philippa's family Laura and Bruce Eidelson and their children Daniel and Elizabeth; Allison and Jim Darnell and their daughters Brooke, Jaimie, and Katelyn; step-son, Paul Mahr and his daughter, Stella Joan.

Donald Diego Zamora born March 20, 1958 died on October 15, 2018. There are few people that come into this world with the ability to touch the hearts and lives of others in a special and unique way. Some are blessed with the joy of love, others have the gift of humor, some have the passion and drive of leadership, but very few are lucky enough to be blessed with all of these qualities and more. Zamora was one of the few. Zamora was born in Santa Fe to Matias and Emeline Zamora. From an early age, his mischievous and curious personality developed into the strong and determined character that would later define his extraordinary personal life and accomplished professional career. After graduating from St. Michael's High School in 1976, Zamora attended Fort Lewis College and obtained his bachelor's degree. With the love and encouragement of his mother, he followed in his father's footsteps and pursued his Doctor of Jurisprudence from Georgetown University, School of Law. Zamora was a passionately driven trial attorney. One of his many successful verdicts began when he handled a wrongful death case against the Chrysler Corporation. Throughout the trial, he continually engaged the jury and pursued justice on behalf of the two victims and their families. His passion for the law and his fierce presence in the courtroom dominated the hearts of all. As a result, the jury ruled in favor of the victims and awarded one of the largest multi-million dollar settlements in the State of N.M. Not only did Zamora fight for justice in this case, but he also earned the respect of his peers and

was embraced as the brilliant lawyer we will always remember. Zamora's personal challenges inspired him to make a difference in his community by mentoring young lawyers and speaking to the local youth about his trials and tribulations. Zamora loved the outdoors; his personal passions included skiing, fishing, cheering for the Dallas Cowboys and rooting on the Georgetown Hoyas. He also enjoyed his travels to Russia, Eastern Europe, Germany and France. Zamora lived his life in the same manner in which he practiced law - with passion and dignity. His spirit, determination and strong will always pushed him to fight for what was right. True to his character, Zamora fought his battle with cancer until the end. His strength and determination dominated his suffering. His painful battle is now over. Zamora can finally rest in peace. Zamora is survived by his loving wife and soul mate Bernadette, parents Matias and Emeline, son Matias and his mother Beverley, son Ryan, daughter Kelly and grandchildren Thomas, Isabella and Stevan, sisters Roseanna (Gerard, Enrico, Andrea) and Monica (Rick, Stefan, Alexander), brothers Lonnie and Geno (Sheila), cousins Walter (Romie) and many nieces, nephews, endless friends and cherished colleagues.

Legal Education

November

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| <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>27 Zen Under Fire: Mindfulness for the Busy Trial Lawyer (2018 Annual Meeting)
1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 2018 Family Law Institute: Hot Topics in Family Law Day 2
6.0 G
Webcast/Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>27 Secured Transactions Practice: Security Agreements to Foreclosures, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>27 Add a Little Fiction to Your Legal Writing (2017)
2.0 G
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 Litigation and Argument Writing in the Smartphone Age (2017)
5.0 G, 1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>27 2018 Family Law Institute: Hot Topics in Family Law Day 1
5.0 G, 1.5 EP
Webcast/Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>27 Exit Row Ethics: What Rude Airline Travel Stories Teach About Attorney Ethics (2017)
3.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>29 2018 Animal Law Institute: Updates, Causes of Action, and Litigation
6.0 G
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>27 29th Annual Appellate Practice Institute (2018)
5.5 G, 1.0 EP
Live Replay, Albuquerque
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>30 Law Practice Potpourri for Lawyers and Paralegals
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |

December

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| <p>5 Business Divorce, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>6 Attorney Orientation and the Ethics of Pro Bono
2.0 EP
Live Seminar, Albuquerque
New Mexico Legal Aid
505-814-6719</p> | <p>7 End of Year Ethics—Winning the War of Words: Effectively Communicating About Your Case
4.0 G, 2.0 EP
Live Seminar, Albuquerque
New Mexico Criminal Defense Lawyers Association
www.nmcdla.org</p> |
| <p>5 2018 Real Property Institute
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>6 Intellectual Property in Tech Transfer, Estate and Business Opportunities
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>7 2018 Ethics and Social Media Update
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>5 Deal or No Deal: Ethics on Trial
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>7 Immigration Law and General Civil Practice: Representing Clients in an Age of Increased Enforcement
5.5 G, 1.5 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>7 Clear and Effective Communications with Clients, Colleagues and Staff
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>6 Business Divorce, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | | |

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| <p>10 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>13 How to Practice Series: Demystifying Civil Litigation, Pt. III – Dispositive Motion Practice and Mediations
4.5 G, 2.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 Rights of First Offer, First Refusal in Real Estate
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>10 Cutting Edge Ethics Threat: The Dangers with Frictionless Computing
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 Ethics and Virtual Law Offices
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 2018 Mock Meeting of the Ethics Advisory Committee
2.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>11 Guarantees in Real Estate Transactions
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 Trial Know-How! Presentation and Expertise
5.2 G, 1.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 Pretrial Practice in Federal Court
2.5 G, 0.5 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>11 2018 Ethicspalooza (Full Day)
6.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 Common Ethics Issues in Multi-Defendant Cases and Sentencing
1.2 G, 2.2 EP
Live Seminar, Las Cruces New Mexico Criminal Defense Lawyers Association
www.nmcdla.org</p> | <p>19 Ethical Puzzles: The Wrongful Death Act, Negligent Settlement Claims, and the Search for the Silver Bullets
3.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>12 Employee v. Independent Contractor: Tax and Employment Law Considerations
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 The 6th Annual Wage Theft in New Mexico: Common injustice, practice opportunity
3.0 G, 1.0 EP
Live Seminar, Albuquerque The United Workers' Center of New Mexico, N.M. Hispanic Bar Association, and the N.M. Center on Law & Poverty
gguzman.uwc@gmail.com</p> | <p>20 Gain the Edge! Negotiation Strategies for Lawyers
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>12 Advanced Mediation Skills Workshop
3.0 G
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17 Trust and Estate Planning for Pets
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Ethics, Satisfied Clients & Successful Representations
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>12 Criminal Rules Hot Topics
2.5 G, 0.5 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17 Practice Management Skills for Success
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Recent Developments in New Mexico Natural Resource Law
5.2 G, 1.0 EP
Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>13 Drafting Client Letters in Trust and Estate Planning
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | | <p>21 Bad Review? Bad Response? Bad Idea! –Ethically Managing Your Online Reputation
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> |

Opinions

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

Mark Reynolds, Chief Clerk New Mexico Court of Appeals
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Effective November 9, 2018

PUBLISHED OPINIONS

None posted

UNPUBLISHED OPINIONS

A-1-CA-35051	J Sanders v. M Pruett	Affirm	11/05/2018
A-1-CA-35642	A Dunn v. CYFD	Affirm	11/05/2018
A-1-CA-36115	Saylor Family v. Bern Co Valuation	Affirm	11/05/2018
A-1-CA-37124	State v. T West	Affirm	11/05/2018
A-1-CA-37073	D Knight v. Dirty Bourbon Dance Hall	Affirm	11/06/2018
A-1-CA-37450	Bank of NY Mellon v. K Little	Affirm	11/06/2018
A-1-CA-35837	A Serrano v. Los Alamos	Affirm	11/07/2018
A-1-CA-37216	State v. M Libby	Affirm	11/07/2018
A-1-CA-34701	N Sale v. R Harris	Affirm	11/08/2018
A-1-CA-35963	State v. L Jacquez	Affirm	11/08/2018
A-1-CA-37267	State v. A Johnson	Reverse	11/08/2018
A-1-CA-37306	State v. E Owens	Remand	11/08/2018

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

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

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From the Clerk of the New Mexico Supreme Court

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- Teleseminars—Earn live CLE credit from your phone.
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Cutting Edge Ethics Threat: The Dangers with Frictionless Computing

Monday, Dec. 10, 2018

Noon–1 p.m.

1.0 EP

Online only

\$65 Standard Fee

The growth in mobile devices won't be in new hardware, rather, it'll be in the software. Every day there are new ways for us to use our phones and tablets—everything from controlling thermostats to heart devices—and the pace of advancement is growing exponentially. The problem is that there are significant ethical dangers when lawyers utilize this type of “frictionless computing.” Whether it's the increased ability of hackers to get at our data, or virtual assistant that “accidentally” record our conversations, there are unique ethics issues for lawyer. Join the “CLE Performer” Stuart Teicher, Esq., as he explains the ethical danger zones, including Rules 1.1 Competence and 1.6 Communication.

Live Programs and Webcasts

2018 Real Property Institute

Wednesday, Dec. 5, 2018

9 a.m.–4:30 p.m.

5.0 G **1.0 EP**

Live at the State Bar Center
Also available via Live Webcast!

\$99 Non-member not seeking CLE credit

\$251 Real Property, Trust and Estate Section members, government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$279 Standard/Webcast Fee

The Real Property Division's annual CLE covers a wide range of topics in 2018. Court appointed attorneys from several judicial districts will explain foreclosure settlement programs. Changes to qualified business deductions in real estate income taxes, federal and state considerations in conservation easements and the Aamodt Settlement will also be discussed.



Intellectual Property in Tech Transfer, Estate and Business Opportunities



Thursday, Dec. 6, 2018

9 a.m.–4:45 p.m.

5.0 G **1.0 EP**

Live at the State Bar Center
Also available via Live Webcast!

\$99 Non-member not seeking CLE credit

\$251 Intellectual Property Law Section members, government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$279 Standard/Webcast Fee

In New Mexico, it is common for clients to spin companies off of IP developed by our regional national labs and universities, to plan estates with IP and to deal with complex IP community property issues. This year's annual IP CLE addresses such issues and other issues we face often here in New Mexico.



Immigration Law and General Civil Practice: Representing Clients in an Age of Increased Enforcement



Friday, Dec. 7, 2018

8:30 a.m.–4:45 p.m.

5.5 G

1.5 EP

Live at the State Bar Center

Also available via Live Webcast!

\$99 Non-member not seeking CLE credit

\$278 Co-sponsoring section members, government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$309 Standard/Webcast Fee

Join the Immigration Law Section as they host their annual CLE. Their program will integrate different areas of law and how immigration law is practiced within them. Don't miss this inclusive and timely CLE!

A Practical Approach to Indian Law: Legal Writing, 2018 Update, and the Ethics of Practicing Indian Law



Monday, Dec. 10, 2018

9 a.m.–12:15 p.m.

2.0 G

1.0 EP

Live at the State Bar Center

Also available via Live Webcast!

\$39 Non-member not seeking CLE credit

\$143 Indian Law section members, government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$159 Standard Fee/Webcast Fee

The Indian Law Section's annual program will focus on topics that will help the Indian law practitioner on a daily basis. This program will include updates on legal developments in 2018, covering case law, statutes, regulations and executive actions. The program will also include a presentation on effective legal writing strategies and tips and cover legal ethics involved in practicing Indian law.

2018 Ethicspalooza



Tuesday, Dec. 11, 2018

Potential of 6.0 EP

Live at the State Bar Center

Also available via Live Webcast!

\$99 Full-day Non-members not seeking CLE credit

\$279 Full-day Standard/Webcast Fee



This series of ethics courses taught by members of the Disciplinary Board of the New Mexico Supreme Court, Office of Disciplinary Counsel will provide concise, informative, practical and useful information for the ethical practice of law. Take one, two, three, four or all five courses.

Criminal Rules Hot Topics



Wednesday, Dec. 12, 2018

1–4:15 p.m.

2.5 G

0.5 EP

Live at the State Bar Center

Also available via Live Webcast!

\$39 Non-member not seeking CLE credit

\$143 Government and legal services attorneys, and Young Lawyers Division and Paralegal Division members

\$159 Standard/Webcast Fee

Using recent cases as examples, lawyers representing the District Attorney's Office, Office of the Attorney General and Law Offices of the Public Defender will provide instruction on videotaped depositions of children, victim restitution in criminal cases and pretrial detention hearings.



Advanced Mediation Skills Workshop



Wednesday, Dec. 12, 2018

9 a.m.–12:30 p.m.

3.0 G

Live at the State Bar Center

Also available via Live Webcast!

\$39 Non-member not seeking CLE credit

\$143 Government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$159 Standard Fee/Webcast Fee

Advanced mediation practice is more than basic skills, stages, tools and techniques. The true art of mediation is built upon being familiar with the underlying dynamics, relationships and roles, which are present in the mediation room. This program will explore many of these dimensions, including: mediator power, presence, and behavior; inspiring a state of mind for participants that is conducive for mediation; and advanced techniques for working with the heat of conflict and difficult situations. The take aways will include both theory and practice tips.

How to Practice Series:

Demystifying Civil Litigation, Pt. III–Dispositive Motion Practice and Mediations



Thursday, Dec. 13, 2018

9 a.m.–4:30 p.m.

4.5 G 2.0 EP

Live at the State Bar Center

Also available via Live Webcast!

\$99 Non-member not seeking CLE credit

\$265 Young Lawyers Division members; government and legal services attorneys and Paralegal Division members

\$295 Standard Fee/Webcast Fee

Trial Know-How! Presentation and Expertise



Friday, Dec. 14, 2018

9 a.m.–5 p.m.

5.2 G 1.0 EP

Live at the State Bar Center

Also available via Live Webcast!

\$99 Non-member not seeking CLE credit

\$251 Trial Practice section members, government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$279 Standard/Webcast Fee



The Spence Law Firm team will spend the first hour demonstrating and working with the group on personal authenticity and presence, handling fear, and identifying how ego affects us all in the courtroom. The second half of the workshop will focus on listening and communication skills to better understand and connect with jurors, witnesses, and themselves.

The afternoon sessions will consist of a judges and lawyers panel on experts and an expert witness panel.

Get Your **10** *and* **2** —

Just want to get those CLE credits and call it a year? Here are a variety combinations that can help get your 10.0 G and 2.0 EP all in one week!

10.0 G **2.0 EP**

Combo C

Live Credit In-Person CLEs—

For those who prefer to attend at the State Bar Center

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|---------|--|---------------|
| Nov. 27 | 29th Annual Appellate Practice Institute (2018 Replay) | 5.5 G, 1.0 EP |
| Nov. 28 | Litigation and Argument Writing in the Smartphone Age (2017 Replay) | 5.0 G, 1.0 EP |

Family Combo

Remote Access CLEs—

Get your credits at the office, home and via telephone

- | | | |
|---------|---|---------------|
| Nov. 20 | Ethics of Beginning and Ending Client Relationships Teleseminar | 1.0 EP |
| Nov. 27 | 2018 Family Law Institute: Hot Topics in Family Law Day 1 (Replay Webcast) | 5.0 G, 1.5 EP |
| Nov. 28 | 2018 Family Law Institute: Hot Topics in Family Law Day 2 (Replay Webcast) | 6.0 G |

Writing and Ethics Combo

Live Credit In-Person CLEs—

For those who prefer to attend at the State Bar Center

- | | | |
|---------|--|---------------|
| Nov. 27 | Zen Under Fire: Mindfulness for the Busy Trial Lawyer (2018 Replay) | 1.0 EP |
| Nov. 27 | Add a Little Fiction to Your Legal Writing (2017 Replay) | 2.0 G |
| Nov. 27 | Exit Row Ethics: What Rude Airline Travel Stories Teach About Attorney Ethics (2017 Replay) | 1.0 EP |
| Nov. 28 | Litigation and Argument Writing in the Smartphone Age (2017 Replay) | 5.0 G, 1.0 EP |

Teleseminars

Earn live CLE credit from your work or personal phone!



Earn CLE credit by attending a teleseminar from your work or mobile phone.
Great for learning your relevant practice information that fits with your schedule.

Business Divorce, Part 1

Wednesday, Dec. 5, 2018

1.0 G

Business Divorce, Part 2

Thursday, Dec. 6, 2018

1.0 G

2018 Ethics and Social Media Update

Friday, Dec. 7, 2018

1.0 EP

Guarantees in Real Estate Transactions

Tuesday, Dec. 11, 2018

1.0 G

Employee v. Independent Contractor: Tax and Employment Law Considerations

Wednesday, Dec. 12, 2018

1.0 G

Drafting Client Letters in Trust and Estate Planning

Thursday, Dec. 13, 2018

1.0 G

Ethics and Virtual Law Offices

Friday, Dec. 14, 2018

1.0 EP

All teleseminars
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Remaining Opportunities to Attend the **Disciplinary Board's Required Trust Accounting CLE**

The Basics of Trust Accounting:
How to Comply with Disciplinary Board Rule 17-204



1.0 EP

\$55 Standard Fee

\$65 Webcast Fee

Effective Dec. 31, 2016, the New Mexico Supreme Court adopted modifications to Rule 17-204 NMRA which requires that an attorney must take a trust accounting class at least once every three years, or within the first year of being licensed in New Mexico. This program fulfills the requirement of Rule 17-204 NMRA, and is one of the New Mexico Disciplinary Board's ongoing programs designed to educate attorneys on proper practices and procedures. Currently, the State Bar of New Mexico Center for Legal Education is the only approved course provider. Please see upcoming opportunities to attend the required ethics course. For more information, lawyers should carefully read Rule 17-204 NMRA.

Register online at www.nmbar.org/CLE or call 505-797-6020

Remaining dates and times:

Tuesday, Dec. 11, 9 a.m.

Friday, Dec. 28, 9 a.m.

*More dates to come
for 2019!*

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Missed a class earlier this year, or last fall? Get caught up at the State Bar Center with Live Replays!

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Nov. 27

2018 Family Law Institute: Hot Topics in Family Law Day 1

5.0 G 1.5 EP

8:30 a.m.–4:15 p.m.

\$295 Standard/Webcast Fee

Also available via Webcast

Zen Under Fire: Mindfulness for the Busy Trial Lawyer (2018 Annual Meeting)

1.0 EP

9–10 a.m.

\$55 Standard Fee

Exit Row Ethics: What Rude Airline Travel Stories Teach About Attorney Ethics (2017)

3.0 EP

1–4 p.m.

\$159 Standard Fee

29th Annual Appellate Practice Institute (2018)

5.5 G 1.0 EP

8:30 a.m.–4:15 p.m.

\$295 Standard Fee

Add a Little Fiction to Your Legal Writing (2017)

2.0 G

10:30 a.m.–12:30 p.m.

\$109 Standard Fee

Nov. 28

2018 Family Law Institute: Hot Topics in Family Law Day 2

6.0 G

8:30 a.m.–3:45 p.m.

\$279 Standard/Webcast Fee

Also available via Webcast

Litigation and Argument Writing in the Smartphone Age (2017)

5.0 G 1.0 EP

9 a.m.–3:45 p.m.

\$279 Standard Fee

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\$450 includes the following benefits:

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For more information, and to purchase the Professional Development Package, contact cleonline@nmbar.org or 505-797-6020.



CLE Registration Form

Four Ways to Register:

Online: www.nmbar.org/cle **Fax:** 866-767-7281, 24-hour access **Phone:** 505-797-6020
Mail: Center for Legal Education, PO Box 92860, Albuquerque, NM 87199

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Phone _____ Email _____

Program Title _____ Date of Program _____

Program Format ☐ Live ☐ Telecast/Teleseminar ☐ Webcast ☐ Video Replay ☐ Online/ On Demand

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REGISTER EARLY! Advance registration is recommended to guarantee admittance and course materials. If space and materials are available, paid registration will be accepted at the door. **CLE Cancellations & Refunds:** We understand that plans change. If you find you can no longer attend a program, please contact the CLE Department. We are happy to assist you by transferring your registration to a colleague or applying your payment toward a future CLE event. A full refund will be given to registrants who cancel two or more business days before the program date. A 3 percent processing fee will be withheld from a refund for credit and debit card payments. Cancellation requests received within one business day of the program will not be eligible for a refund, but the fees may be applied to a future CLE program offered in the same compliance year. **MCLE Credit Information:** NMSBF is an accredited CLE provider. **Recording of programs is NOT permitted.**

Note: Programs subject to change without notice.

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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 November 21, 2018

PENDING PROPOSED RULE CHANGES OPEN FOR COMMENT:

Comment Deadline

Please see the special summary of proposed rule amendments published in the October 24, 2018 issue of the Bar Bulletin. The actual text of the proposed rule amendments can be viewed on the Supreme Court's website at the address noted below. The comment deadline for those proposed rule amendments is Nov. 29, 2018.

RECENTLY APPROVED RULE CHANGES SINCE RELEASE OF 2018 NMRA:

Effective Date

Rules of Civil Procedure for the District Courts

1-003.2	Commencement of action; guardianship and conservatorship information sheet	07/01/2018
1-079	Public inspection and sealing of court records	07/01/2018
1-079.1	Public inspection and sealing of court records; guardianship and conservatorship proceedings	07/01/2018
1-088.1	Peremptory excusal of a district judge; recusal; procedure for exercising	03/01/2018
1-104	Courtroom closure	07/01/2018
1-140	Guardianship and conservatorship proceedings; mandatory use forms	07/01/2018
1-141	Guardianship and conservatorship proceedings; determination of persons entitled to notice of proceedings or access to court records	07/01/2018
Civil Forms		
4-992	Guardianship and conservatorship information sheet; petition	07/01/2018
4-993	Order identifying persons entitled to notice and access to court records	07/01/2018

4-994	Order to secure or waive bond	07/01/2018
4-995	Conservator's notice of bonding	07/01/2018
4-995.1	Corporate surety statement	07/01/2018
4-996	Guardian's report	07/01/2018
4-997	Conservator's inventory	07/01/2018
4-998	Conservator's report	07/01/2018
4-999	Notice of hearing and rights	10/15/2018

Rules of Criminal Procedure for the District Courts

5-302A	Grand jury proceedings	04/23/2018
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Local Rules for the First Judicial District Court

LR1-404	Family court services and other services for child-related disputes	09/01/2018
LR1-405	Safe exchange and supervised visitation program	09/01/2018

Local Rules for the Second Judicial District Court

LR2-401	Court clinic mediation program and other services for child-related disputes	09/01/2018
LR2-403	Safe exchange and supervised visitation	09/01/2018
LR2-Form 709	Court clinic referral order	09/01/2018

Local Rules for the Third Judicial District Court

LR3-401	Domestic relations mediation and safe exchange and supervised visitation programs	09/01/2018
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Local Rules for the Fourth Judicial District Court

LR4-401	Safe exchange and supervised visitation, and domestic relations mediation	09/01/2018
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Local Rules for the Fifth Judicial District Court

LR5-401	Safe exchange and supervised visitation; domestic relations mediation	09/01/2018
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Local Rules for the Sixth Judicial District Court

LR6-401	Safe exchange and supervised visitation, and domestic relations mediation	09/01/2018
LR6-404	Withdrawn	09/01/2018

Local Rules for the Seventh Judicial District Court

LR7-401	Domestic relations; mediation	09/01/2018
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Rule-Making Activity_____ <http://nmsupremecourt.nmcourts.gov>.

Local Rules for the Eighth Judicial District Court

LR8-401 Safe exchange and supervised visitation; domestic relations mediation 09/01/2018

Local Rules for the Ninth Judicial District Court

LR9-405 Domestic relations mediation 09/01/2018

Local Rules for the Eleventh Judicial District Court

LR11-402 Domestic relations mediation; safe exchange and supervised visitation 09/01/2018

Local Rules for the Twelfth Judicial District Court

LR12-401 Domestic relations mediation 09/01/2018

Local Rules for the Thirteenth Judicial District Court

LR13-124 Fees non-refundable 09/01/2018

LR13-401 Domestic relations alternative dispute resolution (ADR); advisory consultation 09/01/2018

LR13-402 Domestic Relations Mediation Act; safe exchange and supervised visitation 09/01/2018

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>.

Certiorari Denied, October 15, 2018, No. S-1-SC-37267

From the New Mexico Court of Appeals

Opinion Number: 2018-NMCA-066

No. A-1-CA-34873 (filed September 12, 2018)

STATE OF NEW MEXICO,
Plaintiff-Appellee,

v.

SHAROSKI BERNARD JACKSON,
Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

Briana H. Zamora, District Judge

HECTOR H. BALDERAS,
Attorney General
Santa Fe, New Mexico
WALTER HART,
Assistant Attorney General
Albuquerque, New Mexico
for Appellee

Bennett J. Baur,
Chief Public Defender
B. Douglas Wood III,
Assistant Appellate Defender
Santa Fe, New Mexico
for Appellant

Opinion

Julie J. Vargas, Judge

{1} Defendant Sharoski Jackson appeals his convictions for human trafficking, promoting prostitution, accepting earnings from a prostitute, contributing to a delinquency of a minor, and conspiracy. The charges arose from Defendant's interactions with a minor, B.G., in early 2013. At trial, the State presented its theory that B.G. was engaged in commercial sexual activity at the urging and with the assistance of Defendant. The jury found Defendant guilty of all counts.

{2} Defendant appeals, raising four points of error. First, Defendant claims that the district court erred by failing to properly instruct the jury that to convict him of human trafficking, it must find that he knew his victim was under the age of eighteen. Second, Defendant contends that the district court abused its discretion by admitting text messages without requiring the State to first lay a proper foundation for their admission. Third, Defendant argues that there was insufficient evidence to convict him of the charged crimes. Finally, Defendant insists that the district court abused its discretion when it denied

his motion for a new trial, based on new evidence that B.G. purportedly lied during her testimony at trial. We discuss each of Defendant's claims of error in turn. Finding no error, we affirm.

DISCUSSION

A. Human Trafficking and Knowledge

{3} Defendant argues that the instructions submitted to the jury were inadequate because the jury should have been instructed that to convict Defendant, it must find Defendant knew B.G. was under the age of eighteen when the acts giving rise to the human trafficking conviction occurred. This is a novel issue that New Mexico courts have not yet considered—whether knowledge of the victim's age is an essential element of human trafficking under NMSA 1978, Section 30-52-1(A)(2) (2008). We begin our analysis by setting forth our standard of review, which requires a plain language reading of the statute. We then consider interpretations of similar statutory language from other jurisdictions to arrive at the conclusion that knowledge of the victim's age is not an element of human trafficking under Section 30-52-1(A)(2).

{4} Statutory interpretation presents “a question of law that we review de novo.” *State v. Parvilus*, 2014-NMSC-028, ¶ 15, 332 P.3d 281. When interpreting statutes,

we seek “to give effect to the intent of the Legislature.” *Id.* ¶ 15; *State ex rel. Helman v. Gallegos*, 1994-NMSC-023, ¶ 23, 117 N.M. 346, 871 P.2d 1352 (“[I]t is part of the essence of judicial responsibility to search for and effectuate the legislative intent—the purpose or object—underlying the statute.”). The first indicator of the Legislature's intent is the plain language of the statute. *State v. Almanzar*, 2014-NMSC-001, ¶ 14, 316 P.3d 183 (acknowledging that courts give “words their ordinary meaning, unless the Legislature indicates a different one was intended”). “When a statute contains language which is clear and unambiguous, we must give effect to that language and refrain from further statutory interpretation.” *State v. Jonathan M.*, 1990-NMSC-046, ¶ 4, 109 N.M. 789, 791 P.2d 64, *superseded by statute as stated in State v. DeAngelo*, 2015-NMSC-033, 360 P.3d 1151.

{5} Our human trafficking statute provides:

A. Human trafficking consists of a person knowingly:

(1) recruiting, soliciting, enticing, transporting or obtaining by any means another person with the intent or knowledge that force, fraud or coercion will be used to subject the person to labor, services or commercial sexual activity;

(2) recruiting, soliciting, enticing, transporting or obtaining by any means a person under the age of eighteen years with the intent or knowledge that the person will be caused to engage in commercial sexual activity; or

(3) benefiting, financially or by receiving anything of value, from the labor, services or commercial sexual activity of another person with the knowledge that force, fraud or coercion was used to obtain the labor, services or commercial sexual activity.

Section 30-52-1(A).

{6} Initially, we note that the Legislature offset “knowingly” from the remainder of the definition of human trafficking, making it applicable to all three subparts of Section 30-52-1(A). Defendant argues that, with regard to Section 30-52-1(A)(2), the “knowingly” requirement refers to the entire phrase, “recruiting, soliciting, enticing, transporting, or obtaining by any means *a person under the age of eighteen years*.” Applying the plain language rule and uti-

lizing rules of grammar, we conclude that the more persuasive interpretation of the statute is that the Legislature intended that the “knowingly” requirement modify “recruiting, soliciting, enticing, transporting or obtaining” as they are used in Section 30-52-1(A)(1) and (2) and “benefiting” as it is used in Section 30-52-1(A)(3). See *Wilson v. Denver*, 1998-NMSC-016, ¶ 16, 125 N.M. 308, 961 P.2d 153 (acknowledging that application of the plain language rule allows us to consider and “rely on rules of grammar to aid our construction . . . of a statute”); see also *State v. Johnson*, 2001-NMSC-001, ¶ 13, 130 N.M. 6, 15 P.3d 1233 (applying “rules of grammar” when construing statute). Indeed, “knowingly” cannot properly modify “a person under the age of [eighteen] years.” See William A. Sabin, *The Gregg Reference Manual* 667 (11th ed. 2011) (explaining that an adverbial clause functions as an adverb to the main, independent clause and may modify a verb, adverb, or adjective, but not a noun). Common usage and generally accepted principles of grammar, as well as the structure and language of the statute, indicate the Legislature intended that a jury determine whether any “recruiting, soliciting, enticing, transporting, or obtaining” was done knowingly, rather than whether the defendant knew the age of the person being recruited, solicited, enticed, transported, or obtained.

{7} Indeed, even in instances where the language of a statute is unambiguous, “a statutory subsection . . . must be considered in reference to the statute as a whole.” *State v. Rivera*, 2004-NMSC-001, ¶ 13, 134 N.M. 768, 82 P.3d 939 (internal quotation marks and citation omitted) (noting courts closely examine the statute’s overall structure and its function within a comprehensive legislative scheme). Considering the statute as a whole, we note that, although the Legislature used the term “knowingly” in Section 30-52-1(A)’s definition of human trafficking, it did not include any knowledge element in Section 30-52-1(C)’s assignment of different degrees of felony based on the age of the victim. Section 30-52-1(C) provides:

Whoever commits human trafficking is guilty of a third degree felony; except if the victim is under the age of:

- (1) sixteen, the person is guilty of a second degree felony; or
- (2) thirteen, the person is guilty of a first degree felony.

Given that the plain language indicates

that “knowingly” refers to the act of “recruiting, soliciting, enticing, transporting or obtaining,” or “benefiting” and in light of the Legislature’s omission of a knowledge element in Section 30-52-1(C), we conclude human trafficking does not require knowledge of any of the ages enumerated in Section 30-52-1. The act of knowingly “recruiting, soliciting, enticing, transporting or obtaining,” or knowingly “benefiting” is sufficient, regardless of whether the accused knows the victim is under the age of eighteen, sixteen, or thirteen. See § 30-52-1(A), (C).

{8} Our interpretation of Section 30-52-1(A)(2) is in accordance with our statewide policy that minors are entitled to special protection. *State v. Gunter*, 1974-NMCA-132, ¶ 6, 87 N.M. 71, 529 P.2d 297. Indeed, it is the only interpretation that furthers that purpose. The statute’s language makes it clear that the Legislature intended to broaden Section 30-52-1(A)’s applicability to protect minors who fall victim to sexual exploitation, rather than the individuals seeking to exploit them. See § 30-52-1(E) (precluding human trafficking victims from being charged as an accessory to the crime of human trafficking); Section 30-52-1(D) (stating that prosecution for human trafficking shall not preclude prosecution under any other provision of the law, eliminating potential for double jeopardy violations). Given the Legislature’s intent and the policies underlying the human trafficking statute, we decline to expand the “knowingly” requirement as Defendant suggests to “a person under the age of eighteen.” The intentional exploitation of a person under the age of eighteen for commercial sexual activity amounts to a violation of Section 30-52-1(A)(2), regardless of a defendant’s actual awareness of that person’s age.

{9} Defendant attempts to analogize the human trafficking statute to other statutes that our courts have already interpreted—particularly NMSA 1978, Section 30-6-3 (1990), contributing to the delinquency of a minor (CDM)—in making his argument. Defendant argues that we should require knowledge of the victim’s age to be an essential element for human trafficking in the same way that this Court has required knowledge to be an essential element of CDM. As support, Defendant cites to *State v. Romero*, 2000-NMCA-029, ¶¶ 27, 29, 128 N.M. 806, 999 P.2d 1038, in which this Court concluded knowledge that the minor was on probation as well as the conditions of her probation were an

essential element for a CDM conviction. *Romero* addressed the CDM prohibition against encouraging a minor to refuse to obey reasonable and lawful commands of a person who has lawful authority over the minor. *Id.* ¶ 4. Whether the defendant was aware of the command was an essential element for a CDM conviction largely because without it, an “endless” number of scenarios exist in which a lawful action, done without knowledge of the command placed upon the minor, would be grounds for a CDM conviction. See *id.* ¶ 20 (suggesting liability could be imposed for unknowingly causing a minor to be out past curfew or act contrary to parent’s, educator’s, or coach’s instructions). This Court reasoned that, “at the very least[,]” a CDM instruction should require proof that the accused “knew or should have known the nature of the command” before being convicted of CDM. *Id.* ¶¶ 21, 27 (emphasis omitted).

{10} Defendant argues that a human trafficking conviction under Section 30-52-1(A)(2) should require “a degree of knowledge” regarding the victim’s age just as a CDM conviction requires a degree of knowledge regarding the order or command of a third party. *Romero*, 2000-NMCA-029, ¶ 27. Defendant’s argument regarding the CDM statute is unpersuasive in light of this Court’s opinion in *State v. Lozoya*, 2017-NMCA-052, 399 P.3d 410. In *Lozoya*, we addressed the much more specific and factually analogous issue of whether the CDM statute “requires proof that the charged adult knew the child’s age.” *Id.* ¶ 24. We characterized the issue as one of first impression, pointing out that *Romero* did not control our analysis because it did not specifically address whether knowledge of the child’s age was an essential element of CDM. *Lozoya*, 2017-NMCA-052, ¶ 24. Looking to the general purpose of the CDM statute as well as the legislative intent to protect children, *Lozoya* rejected a narrow construction of the language that would limit the statute’s use in protecting children, and held that “CDM does not require proof that the offending adult know the age of the child to whose delinquency the adult contributed.” 2017-NMCA-052, ¶¶ 26-27. Given this explicit rejection of a knowledge requirement, Defendant’s reliance on the CDM statute is misplaced.

{11} We also note that the majority of federal appellate courts have reached similar conclusions when faced with a similar question. Those courts have concluded

that 18 U.S.C. § 2423(a) (2012), making it a crime to “knowingly transport[] an individual who has not attained the age of [eighteen] years” across state lines for the purpose of engaging in prostitution, does not require proof that the defendant knew the victim was under the age of eighteen despite the use of the term “knowingly” in the statute. See *United States v. Washington*, 743 F.3d 938, 941-44 (4th Cir. 2014) (identifying “knowingly” as adverb, acknowledging minors receive special protection against sexual exploitation, and explaining the purpose of the statute to be to make the “victim’s underage status an aggravating factor” and “not to make the provision protecting minors more difficult to prove”); *United States v. Tavares*, 705 F.3d 4, 19 (1st Cir. 2013) (adopting reasoning that minors require special protection and that age referenced in statute “is not a factor that distinguishes criminal behavior from innocent conduct, but rather serves to justify a harsher penalty when a victim is underage” (internal quotation marks and citation omitted)); *United States v. Daniels*, 653 F.3d 399, 410 (6th Cir. 2011) (relying on context and the need to provide minors with special protection against sexual exploitation); *United States v. Cox*, 577 F.3d 833, 837-38 (7th Cir. 2009) (identifying “knowingly” as adverb that acts on verb, not noun, stating “[t]here is no good reason to read § 2423(a) differently[,]” emphasizing purpose of providing greater protection to minors, and opining that “the inclusion of age was intended to create an aggravating factor for penological purposes”); *United States v. Griffith*, 284 F.3d 338, 351 (2nd Cir. 2002) (refusing to require proof that the defendant knew the victim was a minor, reasoning that the victim’s age was included in the statute to allow for imposition of tougher penalty); *United States v. Taylor*, 239 F.3d 994, 997 (9th Cir. 2001) (same); *United States v. Hamilton*, 456 F.2d 171, 173 (3rd Cir. 1972) (same); cf. *United States v. Daniels*, 685 F.3d 1237, 1248 (11th Cir. 2012) (per curiam) (analogizing similarly-worded 18 U.S.C. § 2422(b) (2012) to § 2423, recognizing need to protect minors in both statutes, and concluding § 2422(b) does not require proof that a defendant knew the victim was under the age of eighteen).

{12} Based on our plain language interpretation of the statute and the purpose and policy behind the statute, we hold that the State was not required to prove Defendant knew B.G.’s age as an element of the offense of human trafficking. We therefore need

not reach Defendant’s argument that the failure to instruct the jury that knowledge of B.G.’s age was an element of the crime was error.

B. Admission of Text Messages

{13} Defendant next argues that the text messages contained in an exhibit at trial were improperly admitted because the State failed to properly authenticate or lay a sufficient foundation for their admission. See *State v. Imperial*, 2017-NMCA-040, ¶ 28, 392 P.3d 658 (stating, “[e]vidence is properly authenticated by the production of foundational evidence ‘sufficient to support a finding that the item is what the proponent claims it is.’” (quoting Rule 11-901(A) NMRA)). A trial court’s decision to admit or exclude evidence is reviewed for an abuse of discretion. *State v. Johnson*, 2010-NMSC-016, ¶ 40, 148 N.M. 50, 229 P.3d 523. “[T]here is no abuse of discretion when the evidence is shown by a preponderance of the evidence to be what it purports to be.” *State v. Jimenez*, 2017-NMCA-039, ¶ 18, 392 P.3d 668 (internal quotation marks and citation omitted); see Rule 11-901(A). The authentication requirement may be satisfied by evidence of “appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances.” Rule 11-901(B)(4).

{14} During a pretrial motion hearing, the district court heard arguments from both parties regarding the admissibility of the text messages. The district court conducted a painstaking review of the exhibit with the parties in an effort to determine whether each text message was admissible and reserved ruling until after the State had an opportunity to lay an adequate foundation for each message during trial.

{15} At trial, the State presented a witness who it qualified as an expert in the areas of digital analysis and digital forensic analysis. The State’s expert testified that he performed a digital analysis of two cell phones. One phone was associated with a phone number beginning with the digits, 712 (hereinafter referred to as “the 712 number” or “712 phone”), while the other had a phone number beginning with the digits, 804 (hereinafter referred to as “the 804 number” or “804 phone”). Extracting information from the 712 phone, the State’s expert created a phone examination report setting out a timeline of that cell phone’s activity between December 2012 and March 16, 2013. The report showed numerous contacts between the 712 number and the 804 number. B.G. testified that

the 712 number belonged to Defendant and that the 804 number belonged to Tiffany, who worked as a prostitute and was named as Defendant’s co-conspirator in the indictment.

{16} The State put on evidence that text messages in both the 712 phone and the 804 phone contained references to Tiffany and “Tiff,” as well as to Defendant, and his nicknames, “Redd” and “Rock” and Defendant answered calls placed to the 804 number. One witness testified that she knew she was corresponding with Defendant on the 804 number because she recognized his voice when she called the number and his text message answers were consistent with his in-person responses. See Rule 11-901(B)(5) (acknowledging that opinion evidence identifying a person’s voice through electronic transmission, in a manner that connects it with the alleged speaker satisfies the Rule’s authentication requirement). In addition, copies of Defendant’s personal documents, including a social security card, passport, and birth certificate, were sent via email to an email address associated with the 712 number.

{17} The State also presented evidence tying the 712 and 804 numbers to the circumstances giving rise to Defendant’s human trafficking and prostitution-related charges. For instance, the State presented evidence that B.G. was depicted in an advertisement on a website known as backpage.com, which is commonly used to advertise prostitution services. That advertisement instructs interested parties to contact the 712 and 804 numbers. The 712 phone accessed backpage.com on more than one occasion and the email associated with the 712 number was listed as a means of contact in the backpage.com advertisements for B.G. and Tiffany. The 712 phone also contained photographs of B.G., some of which were also included in the backpage.com advertisement. Finally, photographs of B.G. were exchanged between the 712 number and 804 number via multimedia messages.

{18} The State’s evidence linking Defendant to the 712 and 804 phones, presented prior to moving the text message exhibit into evidence, was adequate to authenticate the exhibit. It established the relevance of the 712 and 804 phones’ activities, and presented sufficient evidence to show, by a preponderance of the evidence, that the information in the exhibit came from the 712 and 804 phones. See *Imperial*, 2017-NMCA-040, ¶ 32 (acknowledging

authentication may be established through circumstantial evidence). We therefore conclude the district court did not abuse its discretion in admitting the exhibit into evidence.

{19} In arguing this issue, Defendant relies on evidence in the record that Defendant used the 712 and 804 phones interchangeably, rendering it possible that Defendant did not author the text messages contained in the exhibit. Defendant's argument goes to the weight of the evidence, rather than its admissibility. It was for the jury to decide whether Defendant was the author or recipient of the text messages in the exhibit. The State was free to argue that the jury should infer Defendant was the author or intended recipient of those text messages and was therefore in control of the phone when it was used to conduct activities relating to the human trafficking and prostitution-related charges. Defendant was also free to argue against those inferences by arguing that others had control of the phones and authored and received the text messages, negating Defendant's culpability. Defendant's argument that the text messages in the exhibit could have been authored or received by someone else, does not negate the admissibility of the text messages, but rather presents an alternative to the State's suggested inferences.

{20} Defendant also argues that the text messages constitute inadmissible hearsay because they did not satisfy the requirements of a hearsay exception, such as admissions by a party opponent or co-conspirator, without the State first establishing that Defendant or Tiffany were the authors. It is clear that any text messages authored by Defendant were "non-hearsay" under Rule 11-801(D)(2)(a) NMRA (characterizing a statement made by the opposing party as "not hearsay"). Similarly, text messages authored by Tiffany are "non-hearsay" under Rule 11-801(D)(2)(e); *State v. Montes*, 2007-NMCA-083, ¶ 11, 142 N.M. 221, 164 P.3d 102 (explaining that co-conspirator statements are not hearsay where the proponent of the evidence demonstrates, "(1) [t]he existence of a conspiracy of which the declarant and the defendant were members, (2) that the statement was made in the course of that conspiracy, and (3) that the statement was made in furtherance of that conspiracy"). Defendant does not point to anything in the record that suggests anyone other than Defendant and Tiffany had access to or used the 712 and 804 phones. Thus, with

regard to text messages sent from the 712 and 804 number, the State has adequately identified the author to overcome a hearsay challenge.

{21} To the extent Defendant's hearsay argument also challenges the admission of the text messages not authored by the 712 number, the 804 number, or B.G., it appears from the record that the majority of those messages were offered for a reason other than "to prove the truth of the matter asserted in the statement." Rule 11-801(C)(2). For example, some text messages appear to be from potential clients, clarifying price and arranging a meeting place. Those messages were not offered for their truth—that the price for services was \$150 per hour or that Tiffany was in a certain location at a certain time. Rather, those statements were offered to provide context and establish that Defendant and Tiffany were motivated by money to set up commercial sexual transactions. Because those messages were not offered to prove the truth of the matter asserted in the statements, they do not constitute hearsay. We therefore conclude the district court did not abuse its discretion in admitting the text messages in the exhibit.

C. Sufficiency

{22} Defendant challenges the sufficiency of the evidence supporting all five of his convictions, pursuant to *State v. Franklin*, 1967-NMSC-151, ¶ 9, 78 N.M. 127, 428 P.2d 982, and *State v. Boyer*, 1985-NMCA-029, ¶¶ 17-24, 103 N.M. 655, 712 P.2d 1. "Jury instructions become the law of the case against which the sufficiency of the evidence is to be measured." *State v. Smith*, 1986-NMCA-089, ¶ 7, 104 N.M. 729, 726 P.2d 883. We consider each conviction in turn, keeping in mind that we "view the evidence in the light most favorable to the guilty verdict [and] indulg[e] all reasonable inferences . . . in favor of the verdict." *State v. Cunningham*, 2000-NMSC-009, ¶ 26, 128 N.M. 711, 998 P.2d 176.

{23} On the human trafficking count, the jury was instructed that the State must prove Defendant "knowingly recruited, enticed, transported or obtained by any means[.]" B.G. and knew or intended that B.G. "would be caused to engage in commercial sexual activity" when "[B.G.] was under eighteen years" of age. The State presented evidence that Defendant used the 712 phone and an email associated with that phone to create a backpage.com ad for B.G. The State also presented evidence that some of the photographs in the 712 phone were the same as those used

in B.G.'s backpage.com ad. B.G. testified that in February 2013 Defendant took her to a gas station and dropped her off there intending for her to exchange sex for money. The State also presented evidence that B.G. was seventeen years old in March 2013 when the indictment alleges Defendant committed human trafficking. We conclude that these facts, taken in the light most favorable to the verdict, are sufficient to satisfy each element of human trafficking.

{24} On the promoting prostitution count, the jury was instructed that the State must prove beyond a reasonable doubt that Defendant, acting in a capacity other than as a prostitute or patron of a prostitute, "knowingly solicited a patron for a prostitute[.]" In addition to the evidence that Defendant used the 712 phone to create B.G.'s backpage.com ad and listed the number as the contact number in that ad, the State offered evidence that someone using the 712 phone texted, "U w[a]nt the white [expletive]?? She ready[.]" and that Defendant used that term to identify B.G. This evidence was sufficient to support Defendant's conviction for promoting prostitution.

{25} The jury was instructed that Defendant was guilty of accepting the earnings of a prostitute if the State proved beyond a reasonable doubt that Defendant "accepted or received money . . . without consideration, from the proceeds of the earnings of [B.G.], a person engaged in prostitution[.]" and Defendant knew that B.G. was engaged in prostitution and he received proceeds from her acts of prostitution. B.G. testified that she gave Defendant money she received as a result of various sexual transactions. Defendant suggests that there is insufficient evidence to support this conviction because there was also evidence to suggest B.G. gave the money to Defendant of her own accord. This potential conflict in the evidence does not negate the sufficiency of the evidence to support the conviction. It is for the jury to resolve conflicts in the evidence at trial, and we resolve conflicts in the light most favorable to the verdict. See *State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M. 686, 986 P.2d 482; see also *Cunningham*, 2000-NMSC-009, ¶ 26.

{26} The jury was instructed that to find Defendant guilty of contributing to the delinquency of a minor, the State must prove beyond a reasonable doubt that Defendant "instructed [B.G.] on how to prostitute" and caused or encouraged B.G.

to either commit the act of prostitution or “conduct herself in a manner injurious to her morals, health or welfare[.]” The evidence presented at trial was that Defendant instructed Tiffany to create the backpage.com ad for B.G., and explained to B.G. that she would use the ad in order to exchange sex for money. Defendant also informed B.G. when and where to meet people who responded to the backpage.com ad.

{27} Defendant again challenges the sufficiency of the evidence by asserting that the State failed to prove he encouraged B.G. to commit the act of prostitution because there was evidence B.G. chose to do so voluntarily. Again, it was for the jury to resolve the conflicting evidence at trial, and we resolve any conflicts in favor of the verdict. *See Salas*, 1999-NMCA-099, ¶ 13; *see also Cunningham*, 2000-NMSC-009, ¶ 26. Taking the evidence in the light most favorable to the verdict, we conclude there was sufficient evidence to support Defendant’s conviction on this count.

{28} The jury was also instructed on conspiracy to commit human trafficking, which requires that the State prove Defendant and another person “by words or acts agreed together to commit human trafficking” and intended to commit human trafficking. The State presented evidence that Defendant instructed Tiffany to post a backpage.com ad for B.G. and that Tiffany agreed to do so. We conclude that there was sufficient evidence to support Defendant’s conviction on this count.

{29} After reviewing the record, we conclude that the evidence presented is sufficient, when considered in the light most favorable to the verdict, to support each of Defendant’s convictions.

D. Denial of Motion for New Trial

{30} Finally, Defendant also challenges the district court’s denial of his motion for a new trial, pursuant to *Franklin*, 1967-NMSC-151, ¶ 9, and *Boyer*, 1985-NMCA-029, ¶¶ 17-24. Defendant claims newly discovered evidence in the form of a recording of all or part of a post-trial phone conversation¹ between Defendant’s sister and B.G. revealed B.G. had not been truthful during her trial testimony. At some point during the course of the

conversation, Defendant’s sister asked B.G. why she lied at trial. B.G.’s response, however, was, “[T]hey told me that if I didn’t say anything that I would have to stay in jail[.]” which the State contended, meant that if she did not testify, the court could hold her in contempt. B.G. never affirmatively admitted to having been untruthful during her testimony.

{31} The district court denied the motion, concluding that Defendant failed to establish two of the six requirements for succeeding on such a motion—that the evidence was not merely for impeachment purposes and that it would have changed the result of the trial. On appeal, Defendant asserts the district court erred in denying the motion for new trial.

{32} A motion for new trial based on newly discovered evidence may be made within two years of final judgment. Rule 5-614(C) NMRA. An appellate court “will not disturb [the district] court’s exercise of discretion in denying or granting a motion for a new trial unless there is a manifest abuse of discretion.” *State v. Garcia*, 2005-NMSC-038, ¶ 7, 138 N.M. 659, 125 P.3d 638. The evidence that gives rise to a motion for new trial based on newly discovered evidence must fulfill six requirements:

1) it will probably change the result if a new trial is granted; 2) it must have been discovered since the trial; 3) it could not have been discovered before the trial by the exercise of due diligence; 4) it must be material; 5) it must not be merely cumulative; and 6) it must not be merely impeaching or contradictory.

Id. ¶ 8 (internal quotation marks and citation omitted).

{33} Defendant argues that the recorded conversation demonstrates B.G. lied when testifying at trial, and that at a new trial, she might testify differently. We are unpersuaded by Defendant’s argument. Review of the record reveals that if probative of any issue at all, it is clear that the recorded conversation went to the truthfulness of B.G.’s testimony. Even when arguing the motion for new trial to the district court, defense counsel acknowledged that the evidence went to the truthfulness of B.G.’s testimony,

referring to the phone call as evidence of “untruthful, perjured testimony.” Furthermore, while Defendant argues on appeal that at a new trial, B.G. *might* testify differently, nothing in the recorded conversation even suggests what B.G.’s testimony at a new trial might be, how it might differ, or how it might assist Defendant, other than to impeach B.G.’s credibility. *See id.* Defendant already availed himself of the opportunity to thoroughly address any discrepancies or conflicts in B.G.’s testimony during trial through cross-examination. B.G.’s credibility was an issue that Defendant had already explored extensively at trial.

{34} Finally, our courts treat attacks on the veracity of trial testimony with extreme caution. *Cf. State v. Betsellie*, 1971-NMSC-076, ¶ 12, 82 N.M. 782, 487 P.2d 484 (stating, “courts must act with great reluctance and with special care and caution before accepting the truth of a claim of perjury, and should properly require the evidence to affirmatively establish the perjury in such clear and convincing manner as to leave no room for reasonable doubt that perjury was committed” and ultimately refusing to remand due to doubts as to the adequacy of affidavits presented through post-trial motion). The evidence provided to the district court is far from the conclusive evidence necessary to demonstrate its usefulness as more than impeachment evidence. Because Defendant has failed to show that the recorded conversation is not merely impeaching or contradictory and cannot, therefore, satisfy all six requirements for a new trial based on newly discovered evidence, we conclude that the district court did not abuse of its discretion by denying Defendant’s Rule 5-614(C) motion.

CONCLUSION

{35} We affirm Defendant’s convictions.

{36} **IT IS SO ORDERED.**

JULIE J. VARGAS, Judge

WE CONCUR:

MICHAEL E. VIGIL, Judge

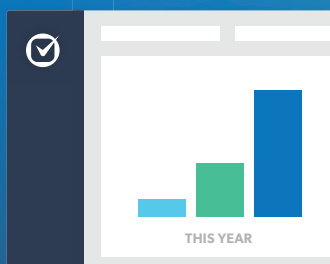
STEPHEN G. FRENCH, Judge

¹For some unknown reason, the actual recording of the conversation, which the trial court entered as an exhibit, was irretrievably lost. The transcript, which was not formally entered as an exhibit, is contained in the record but its accuracy was the subject of some dispute between the parties in the district court. Given that our conclusion is based on language in the written motions and statements made during the hearings on the motion; however, this irregularity does not preclude our review of the issue, and we need not address it.



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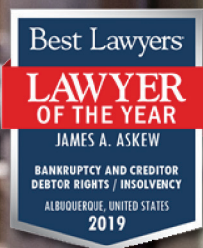


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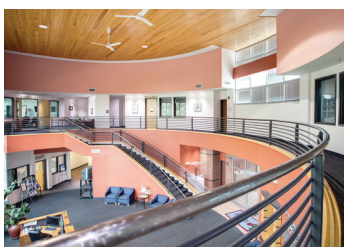
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Positions

Trial Attorney and Senior Trial Attorney

The Third Judicial District Attorney's Office in Las Cruces is looking for: Trial Attorney: Requirements: Licensed attorney in New Mexico, plus a minimum of two (2) years as a practicing attorney, or one (1) year as a prosecuting attorney. Salary Range: \$57,688-\$72,110; Senior Trial Attorney: Requirements: Licensed attorney to practice law in New Mexico plus a minimum of four (4) years as a practicing attorney in criminal law or three (3) years as a prosecuting attorney. Salary Range: \$63,743-\$79,679. Salary will be based upon experience and the District Attorney's Personnel and Compensation Plan. Submit Resume to Whitney Safranek, Human Resources Administrator at wsafranek@da.state.nm.us. Further description of this position is listed on our website <http://donaanacountyda.com/>.

Senior Trial Attorney

The 13th Judicial District Attorney's Office is accepting resumes for an experienced Senior Trial Attorney. This position requires substantial knowledge in the areas of criminal prosecution, rules of criminal procedure and requires handling complex felony litigation. Six years as a practicing attorney in criminal law with significant trial experience is required. Salary is commensurate with experience. Send resumes to Krissy Saavedra, Program Specialist, P.O. Box 1750, Bernalillo, NM 87004, or via E-Mail to: ksaavedra@da.state.nm.us. Deadline for submission of resumes: Open until filled.

Associate Attorney

Holt Mynatt Martínez, P.C., an AV-rated law firm in Las Cruces, New Mexico is seeking associate attorneys with 1-5 years of experience to join our team. Duties would include providing legal analysis and advice, preparing court pleadings and filings, performing legal research, conducting pretrial discovery, preparing for and attending administrative and judicial hearings, civil jury trials and appeals. The firm's practice areas include insurance defense, civil rights defense, commercial litigation, real property, contracts, and governmental law. Successful candidates will have strong organizational and writing skills, exceptional communication skills, and the ability to interact and develop collaborative relationships. Prefer attorney licensed in New Mexico and Texas but will consider applicants only licensed in Texas. Salary commensurate with experience, and benefits. Please send your cover letter, resume, law school transcript, writing sample, and references to rd@hmm-law.com.

Litigation Attorney Albuquerque, NM

Ron Bell Injury Lawyers is seeking an experienced Litigation Attorney fluent in both English and Spanish to advocate and represent our injured clients. Ron Bell Injury Lawyers' culture is proudly molded around exceeding the expectations of the Firm's clients through world-class service. Our Core Values are: Clients First, Respect, Teamwork, Giving Back, Dedication, and Education. We are "Simply the Best!!!" Have you been successful as a first chair litigator for injured clients? Do you have strong negotiation skills and the desire to thrive in a fast-paced, productive environment? Do you have a strong work ethic, excellent research and writing skills, and an ability to work independently? If you are intelligent, confident, and have a passion for helping people, we want you to join us in fighting for our clients who have been wrongfully injured through no fault of their own. We offer a competitive salary with benefits, including medical, dental, vision, and a matching 401k plan. We want professionals who are excited about joining a growing company, while working as part of a team. Must have a valid license to practice law in New Mexico. Please submit your resume to: 898HR@898-bell.com

Assistant District Attorney

The Fifth Judicial District Attorney's office has an immediate position open to a new or experienced attorney. Salary will be based upon the New Mexico District Attorney's Salary Schedule with starting salary range of an Assistant Trial Attorney to a Senior Trial Attorney (\$58,000 to \$79,679). Please send resume to Dianna Luce, District Attorney, 301 N. Dalmont Street, Hobbs, NM 88240-8335 or e-mail to DLuce@da.state.nm.us.

Assistant Trial Attorney

Assistant Trial Attorney wanted for immediate employment with the Seventh Judicial District Attorney's Office, which includes Catron, Sierra, Socorro and Torrance counties. Employment will be based primarily in Socorro County (Socorro). Socorro is a short one hour drive from Albuquerque. Must be admitted to the New Mexico State Bar. Salary will be based on the NM District Attorneys' Personnel & Compensation Plan and commensurate with experience and budget availability. Send resume to: Seventh District Attorney's Office, Attention: J.B. Mauldin, P.O. Box 1099, 302 Park Street, Socorro, New Mexico 87801. Or email to: jbmauldin@da.state.nm.us.

Trial Attorney

Trial Attorney wanted for immediate employment with the Ninth Judicial District Attorney's Office, which includes Curry and Roosevelt counties. Employment will be based in either Curry County (Clovis) or Roosevelt County (Portales). Must be admitted to the New Mexico State Bar. Salary will be based on the NM District Attorneys' Personnel & Compensation Plan and commensurate with experience and budget availability. Email resume, cover letter, and references to: Steve North, snorth@da.state.nm.us.

Attorney

Conklin, Woodcock & Ziegler, P.C. is seeking a full-time experienced attorney with at least two years experience for an associate position with prospects of becoming a shareholder. We are a well-respected seven-attorney civil defense firm that practices in among other areas: labor and employment, construction, personal injury, medical malpractice, commercial litigation, civil rights, professional liability, insurance defense and insurance coverage. We are looking for a team player with litigation experience, a solid work record, and a strong work ethic. Our firm is AV-rated by Martindale-Hubbell. Excellent pay and benefits. All replies will be kept confidential. Interested individuals should e-mail a letter of interest and resumes to: jobs@conklinfirm.com.

Managing & Staff Attorney and MLP Managing & Attorney Positions Available

DNA-People's Legal Services is seeking to hire several full-time attorney's in Arizona and New Mexico offices: Hopi Public Defenders & Hopi DNA offices are located in Polacca, AZ., other position are in Flagstaff, AZ., Tuba City, AZ., and Farmington, NM. The Flagstaff and Farmington offices are the only two offices located off the Navajo Reservation. All others you will enjoy the convenience of working near a metropolitan area while gaining valuable experiences in a smaller office, which provides the opportunity to advance more quickly than is afforded in larger offices and live the experience on Navajo/Hopi reservations. These positions will remain open until filled. Please mail your resume, letter of interest, writing sample, and references to DNA-People's Legal Services, PO Box 765, Tuba City, AZ 86045, Fax: (928) 774-0653, Direct-line (928) 283-3206, Email Hresources@dnalegalservices.org. For a full job description, please visit our website at www.dnalegalservices.org. We are an equal opportunity employer.

Law Clerk - Advanced (OSI #10108640) Santa Fe

The Office of Superintendent of Insurance (OSI) has an opening for a Law Clerk-A. This position provides support for the OSI Office of Staff Counsel, which advises various OSI Bureaus in legal matters including rulemakings, adjudicatory proceedings, public policy, and litigation. As an assistant to three or more attorneys, this position performs technical legal work including research and document drafting. The ideal candidate possesses high integrity and initiative, with solid experience in research and law office administration. (Additional details online.) Pay Band 65 (\$31,782-\$55,307 annually), with benefits. Agency Contact: Margaret Caffey-Moquin, (505) 827-4544, or margaret.moquin@state.nm.us. Online application required via the State of New Mexico SHARE system or via the State Personnel Office website, at <http://www.spo.state.nm.us>.

Attorneys

Growing downtown civil defense firm seeking two (2) associates with minimum three (3) years civil litigation experience or a judicial clerkship. Applicant must have strong research and writing skills. Courtroom and trial experience preferred. Tremendous opportunity to develop litigation and trial skills. The firm is also seeking one (1) associate to handle its governmental entities division. Applicant must have strong research and writing skills. Competitive salary and benefits. Bonus incentive program. Inquiries will be kept confidential. Please forward letter of interest and resume to Penimah Silva at Robles, Rael & Anaya, P.C., 500 Marquette N.W., Suite 700, Albuquerque, NM 87102 or email to penimah@roblesrael.com.

Litigation Attorney

Growing civil practice is seeking to fill a position for a litigation attorney with 0-3 years of experience. The ideal candidate must have strong work ethic, commitment to client care and satisfaction, and strong research and writing skills required. Experience in personal injury helpful, but not required. Salary negotiable. Send letter of interest, resume and writing sample to nathan@wingerlawfirm.com. All inquiries kept confidential.

Join our team at New Mexico Legal Aid!

Check our website for current opportunities: <https://tinyurl.com/NMLAjobs>

Attorney

Attorney. Team, Talent, Truth, Tenacity, Triumph. These are our values. Parnall Law is seeking an attorney to help advocate and represent the wrongfully injured. You must possess confidence, intelligence, and genuine compassion and empathy. You must care about helping people. You will receive outstanding compensation and benefits, in a busy, growing plaintiffs personal injury law firm. Mission: Fighting Wrongs; Protecting Rights. 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 the attention 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. Keys to success in this position: Litigation experience (on plaintiff's side) preferred. Strong negotiation skills. Ability to thrive in a productive and fast-paced work environment. Organized. Independent / Self-directed. Also willing / unafraid to collaborate. Proactive. Detail-oriented. Team player. Willing to tackle challenges with enthusiasm. Frequent contact with your clients, team, opposing counsel and insurance adjusters is of paramount importance in this role. Integrate the 5 values of Parnall Law. Compelled to do outstanding work. Strong work ethic. Interested in results. Barriers to success: Lack of fulfillment in role. Not enjoying people. Lack of empathy. Not being time-effective. Unwillingness to adapt and train. Arrogance. We are an established personal injury firm experiencing steady growth. We offer competitive salary and benefits, including medical, dental, 401k, and performance bonuses or incentives – all in a great team-based work environment. We provide a workplace where great people can do great work. Our employees receive the training and resources to be excellent performers – and are rewarded financially as they grow. We want people to love coming to work, to take pride in delivering our vision, and to feel valued for their contributions. 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.

Personal Injury Associate

Caruso Law Offices, an ABQ plaintiff personal injury/wrongful death law firm has an immediate opening for associate with 2+ yrs. litigation experience. Must have excellent communication, organizational, and client services skills. Good pay, benefits and profit sharing. Send confidential response to Mark Caruso, 4302 Carlisle NE, ABQ NM 87107.

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

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.

Paralegal/Legal Assistant

ARE YOU THE BEST AT WHAT YOU DO? If so, we are looking for you. We are a medium size plaintiff's law firm is looking for a paralegal with a minimum of 3 years of experience in personal injury. Ideal candidates will possess the following abilities: ability to draft civil pleadings and discovery under the supervision of an attorney; preform various levels of research; request medical records, bills and initiate and follow up upon subrogation and Medicare/Medicaid subrogation claims; knowledge of e-filing in state and federal court; and an ability to understand and calendar case deadlines. In addition, candidates must possess excellent customer service skills as this position requires a great deal of client contact. Our Firm offers excellent benefits, including paid time off, health insurance, and dental insurance. Interested candidates are encouraged to submit their resume and cover letter, in confidence to injurylawofficemanager@gmail.com

Legal Secretary

AV rated insurance defense firm seeks full-time legal assistant with five plus years' experience in insurance defense and civil litigation. Position requires a team player with strong word processing and organizational skills. Proficiency with Word and Word Perfect, knowledge of court systems and superior clerical skills are required. Should be skilled transcriptionist, attentive to detail and accurate with a Minimum typing speed of 75 wpm. Excellent work environment, salary and benefits. Please submit resume to mvelasquez@rsk-law.com or mail to 3880 Osuna Rd. NE, Albuquerque, NM 87109

Legal Assistant

Busy Northern New Mexico Law Firm seeks experienced Legal Assistant for full-time and part-time job openings. Experience working with Criminal, Capital Crimes, CYFD, and Civil cases a plus. Applicants must have strong written communication and organizational skills, and experience with Microsoft applications including Word, Excel, Outlook, and One Drive. Living arrangements available for individuals who are relocating. Please submit resume to gallegoslaw@outlook.com or mail to 127 Bridge St., Las Vegas, NM 87701 All resumes will be kept confidential

Office Space

Suite in the North Valley

In a quiet area north of Alameda on 4th St., 225 sq ft office available. Includes parking, common areas (bathroom, kitchen, waiting area), Wifi and utilities. \$550/mo. Please call or text Dan-681-9574.

500 Tijeras NW

One beautiful spacious downtown office available with reserved on-site tenant and client parking. Walking distance to court-houses. Two conference rooms, security, kitchen, gated patios and a receptionist to greet and take calls. Please email esteffany500tijerasllc@gmail.com or call 505-842-1905.

Downtown Las Cruces Office Space 500 North Church Street

Professional office space in Downtown Las Cruces. Within walking distance of Downtown Plaza, businesses and restaurants. Federal Court, District Court and Municipal Court also within walking distance. Tenants have access to large reception area, conference room, library and kitchen area. Receptionist to greet clients. Front patio is gated. Utilities and janitorial service are provided. Copy machine, postage machine and telephone are available. Building has refrigerated air. Ample parking for clients. Variable size office spaces starting at \$550 per month. Exterior of building has been upgraded. For more information contact Martha at 575-526-3338 or martha@picklawllc.com.

Town of Bernalillo

Office Space located in the Town of Bernalillo. Restored historic building has one year lease opportunities with utilities included. Located close to NM 550 and I-25, the site is easily accessible from Albuquerque or Santa Fe with plenty of off street parking. Call 505-867-8687 to see the spaces available.

Miscellaneous

Want To Purchase

Want to purchase minerals and other oil/gas interests. Send details to: P.O. Box 13557, Denver, CO 80201

Search For Will

Seeking information on attorney who prepared a Will for Okey Wylie Williams. Please contact Roy A. Anuskewicz, Jr. at (505) 255-0600 or roy@anuskewiczlaw.com.

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MCLE Compliance Deadline Approaching

- Dec. 31, 2018, is the last day to **COMPLETE** your 2018 Minimum Continuing Legal Education credits.
Jan. 31, 2019, is the last day to **SUBMIT** your 2018 credits to MCLE without penalty.

For a list of upcoming MCLE approved courses or to check your transcript, please visit our website at **www.nmbar.org/MCLE**.

Please contact us with questions at 505-821-1980 or mcle@nmbar.org.



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