

# BAR BULLETIN

December 26, 2018 • Volume 57, No. 52



## 2019 Licensing Notification

2019 State Bar licensing certifications and fees are now due. Please submit by Feb. 1, 2019 to avoid late fees.

To complete annual licensing requirements visit  
**[www.nmbar.org/licenser renewal](http://www.nmbar.org/licenser renewal)**.  
For questions, email [license@nmbar.org](mailto:license@nmbar.org).

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—SPECIAL INSERT—  
**YLD In Brief**

# NEW MEXICO Lawyer

## 2019 Publication Schedule

Feb. 20: Bankruptcy Law

May 29: Judges and Lawyers Assistance Program

Aug. 21: Family Law

Nov. 27: Ethics/Professionalism

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the legal community  
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specialized readership  
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Executive Director Richard Spinello  
 Director of Communications  
 Evann Kleinschmidt  
 505-797-6087 • [notices@nmbar.org](mailto:notices@nmbar.org)  
 Graphic Designer Julie Schwartz  
[jschwartz@nmbar.org](mailto:jschwartz@nmbar.org)  
 Account Executive Marcia C. Ulibarri  
 505-797-6058 • [mulibarri@nmbar.org](mailto:mulibarri@nmbar.org)  
 Communications Assistant Jaime Hernandez  
 505-797-6040 • [jhernandez@nmbar.org](mailto:jhernandez@nmbar.org)  
 Digital Print Center  
 Manager Brian Sanchez  
 Assistant Michael Rizzo

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The *Bar Bulletin* (ISSN 1062-6611) is published weekly by the State Bar of New Mexico, 5121 Masthead NE, Albuquerque, NM 87109-4367. Periodicals postage paid at Albuquerque, NM. Postmaster: Send address changes to *Bar Bulletin*, PO Box 92860, Albuquerque, NM 87199-2860.

505-797-6000 • 800-876-6227 • Fax: 505-828-3765  
[address@nmbar.org](mailto:address@nmbar.org) • [www.nmbar.org](http://www.nmbar.org)

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### Meetings

**Meeting schedule will be updated in January.**

### Workshops and Legal Clinics

#### January

**2**

##### **Civil Legal Clinic**

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

**4**

##### **Civil Legal Clinic**

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

**11**

##### **Civil Legal Clinic**

10 a.m.–1 p.m., Bernalillo County Metropolitan Court, Albuquerque, 505-841-9817

#### Editor's Note:

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

# Notices

## COURT NEWS

### 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/>.

### New Mexico Court of Appeals Applicant Announcement

Ten applications have been received in the Judicial Selection Office as of 5 p.m., Dec. 18, for the one vacancy on the New Mexico Court of Appeals, which will exist as of Jan. 1, 2019, to fill the seat of Judge Michael Vigil. The New Mexico Court of Appeals Judicial Nominating Commission will meet on Jan. 11, 2019, to interview applicants for the position at the Supreme Court Building, 237 Don Gaspar Avenue in Santa Fe. The Commission meeting is open to the public. Those wishing to make public comment are requested to be present at the opening of the meeting. The names of the applicants in alphabetical order: James Waylon Counts  
Zachary Arthur Ives  
Martha Anne Kelley  
Kerry Christopher Kiernan  
James P. Lyle  
Arthur William Pepin  
Charles Rennick  
William Daniel Slease  
Roscoe Augustus Woods  
Jane Bloom Yohalem

### First Judicial District Court Notice to Family Law Attorneys

The First Judicial District Court will hold open-court sessions to review and approve marital settlement agreements and to enter final decrees during the month of December due to the request by parties and attorneys to finalize pending divorce actions before Jan. 1, 2019. Judge LaMar and Judge Sanchez-Gagne's courts will be open from 8:30-9:30 a.m. to review documents on the following dates: Dec. 26, 27, 28 and 31, 2018. If there is a snow delay, the court will be available from 10:30-11:30 a.m. on the same dates.

## Professionalism Tip

**With respect to parties, lawyers, jurors, and witnesses:**

I will be mindful of time schedules of lawyers, parties, and witnesses.

### Judicial Investiture Ceremony

The First Judicial District Court invites the legal community to the investiture ceremony for the Hon. Maria Sanchez-Gagne, District Judge, Division II at 4:30 p.m. on Jan. 11, 2019, at the First Judicial District Court, Steve Herrera Judicial Complex 225 Montezuma Ave., Santa Fe. A reception will immediately follow at the La Fonda Hotel La Terraza Garden & Terrace.

### Second Judicial District Court Announcement of Civil Vacancy

The Second Judicial District Court announces the retirement of the Hon. Nan Nash effective, Jan. 1, 2019. This judicial vacancy will be for Division XVII (civil), inquires regarding specific details for the judicial vacancy should be direct to the chief judge or the administrator of the court. Dean Sergio Pareja of the UNM School of Law, designated by the New Mexico Constitution to chair the District Court Nominating Committee, solicits applications for this position from lawyers who meet the statutory qualifications in Article VI, Section 14 of the New Mexico Constitution. Applications, as well as information related to qualifications for the position, may be obtained from the Judicial Selection website: <http://lawschool.unm.edu/judsel/application.php>, or by email by contacting Beverly Akin at 505-277-4700. The deadline for applications has been set for Jan. 7, 2019, at 5 p.m. Applications received after that date 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 Judicial Nominating Committee will meet at 9 a.m. on Jan. 24, 2019, at the Second Judicial District Court located at 400 Lomas Blvd NW, Room 338, Albuquerque, to evaluate the applicants for this position. The committee meeting is open to the public and members of the public who wish to be heard about any of the candidates will have an opportunity to be heard.

### Announcement of Criminal Vacancy

Due to the Nov. 6 elections, one vacancy on the Second Judicial District Court will exist as of Jan. 1, 2019, to fill the seat of Judge Briana Zamora; this judicial vacancy will be for the Division VI (criminal). Inquiries regarding specific details for this judicial vacancy should be directed to the chief judge or the administrator of the court. Dean Sergio Pareja of the UNM School of Law, designated by the New Mexico Constitution to chair the District Court Nominating Committee, solicits applications for this position from lawyers who meet the statutory qualifications in Article VI, Section 14 of the New Mexico Constitution. Applications, as well as information related to qualifications for the position, may be obtained from the Judicial Selection website: <http://lawschool.unm.edu/judsel/application.php>, or by email by contacting Beverly Akin at 505-277-4700. The deadline for applications has been set for Jan. 8, 2019 at 5 p.m. Applications received after that date 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 Judicial Nominating Committee will meet at 9 a.m. on Jan. 25, 2019, at the Second Judicial District Court located at 400 Lomas Blvd NW, Room 338, Albuquerque, to evaluate the applicants for this position. The committee meeting is open to the public and members of the public who wish to be heard about any of the candidates will have an opportunity to be heard.

### Notice to Attorneys

Pursuant to the Constitution of the State of N.M., Judge Benjamin Chavez, Division XIX, will be transferring from the Criminal Court to the Civil Court. Effective Jan. 2, 2019, Judge Chavez will be assigned cases previously assigned to Judge Alan Malott, Division XV. Pursuant to Supreme Court Rule 1-088.1 parties who have not yet exercised a preemptory excusal will have 10 days from Dec. 26, to excuse Judge Benjamin Chavez.



## Notice to Attorneys

Effective immediately all proposed orders, etc. for e-filing in civil cases previously assigned to Retired Judge Alan Malott, Division XV need to be emailed to albddiv19proposedtxt@nmcourts.gov instead of albddiv15proposedtxt@nmcourts.gov because Judge Benjamin Chavez, Division XIX has transferred from criminal bench to the civil bench and is assigned cases previously assigned to Judge Alan Malott, Division XV.

## Third Judicial District Court Mass Reassignment

Effective Dec. 28, a mass reassignment of all Division VIII cases previously assigned to Judge Jeanne H. Quintero will occur pursuant to NMSC Rule 23-109. Judge Grace B. Duran has been elected to fill the vacancy in Division VIII. Parties who have not previously exercised their right to challenge or excuse will have 10 days from Dec. 28, to challenge or excuse Judge Grace Duran pursuant to Rule 1-088.1.

## Destruction of Exhibits

Pursuant to 1.21 .2.617 NMAC (New Mexico Administrative Code), the Third Judicial District Court will destroy exhibits filed with the Court in civil, domestic, criminal, and probate cases for the years of 1980-2017, including but not limited to cases which have been consolidated. cases on appeal are excluded. Parties are advised that exhibits may be retrieved beginning Nov. 26-Dec. 31. Should you have cases with exhibits, verify exhibit information with the Clerk's Office at 523-8200 from 8 a.m.-4 p.m., Mon.-Fri. plaintiff/petitioner's exhibits will be released to counsel for the plaintiff(s)/petitioner(s) and defendant/respondent's exhibits will be released to counsel of record for defendants(s)/respondent(s). All exhibits will be released in their entirety. exhibits not claimed by the allotted time will be considered abandoned and will be destroyed.

## Sixth Judicial District Court Announcement of Vacancy

A vacancy on the Sixth Judicial District Court will exist as of Jan. 2, 2019, due to the retirement of the Hon. Judge J.C. Robinson effective Jan. 1, 2019. Inquiries regarding the details or assignment of this judicial vacancy should be directed to the administrator of the Court. Sergio Pareja, chair of the Sixth Judicial District 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 applicants by contacting the Judicial Selection Office at 505-277-4700. The deadline for applications has been set for Jan. 15, 2019, at 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 Sixth Judicial District Court Judicial Nominating Commission will convene on Jan. 29, 2019, at 9 a.m. at the Grant County Courthouse 201 N. Cooper Street, Main Courtroom, second floor, Silver City. 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.

## Tenth Judicial District Court Destruction of Exhibits

Exhibits in criminal cases for years 2005-2015 may be retrieved on Jan. 25, 2019. For more information contact Tenth Judicial District Court of County of Quay at 575-461-2764.

## Bernalillo County Metropolitan Court Applicant Announcement

Twenty-nine applications were received in the Judicial Selection Office as of 5 p.m., Dec. 13, for the three Judicial Vacancies on the Bernalillo County Metropolitan Court. The Bernalillo County Metropolitan Court Judicial Nominating Commission will meet beginning at 9 a.m. on Jan. 18, 2019, at the Metropolitan Courthouse, located at 401 Lomas NE, Albuquerque, to evaluate the applicants for this position. The Commission meeting is open to the public. Those wishing to make public comment are requested to be present at the opening of the meeting. The names of the applicants in alphabetical order are:  
Anthony A. Apodaca Jr.  
Cynthia Marie Armijo  
Edward L. Benavidez  
Felicia R. Blea-Rivera  
Kevin de Rijk  
Steven Gary Diamond  
Bruce Crawford Fox  
Rodney Lawrence Gabaldon

Rose Mary Garcia  
Andrea Inez Gunderson  
Veronica Lee Hill  
Jason Matthew Jaramillo  
Ellen Dorothy Lloyd  
Anthony Wade Long  
Brittany Maldonado Malott  
Mari Luz Martinez  
Bridget Lee McKenney  
Kenny Montoya  
Christopher Moore  
David Allen Murphy  
Rebecca Obenshain O'Gawa  
Carlos Francisco Pacheco  
Joseph Repito Sanchez  
Joshua Jamison Sanchez  
Courtney Ann Schumacher  
Matthias Woods Swonger  
Brigitte (B.C.) Thomas  
Kelly Villanueva  
George Bond Yu

## U.S. District Court for the District of New Mexico Notice to Federal Bench and Bar Association Members

The following is the Federal Bench and Bar Association's 2019 projected expenditure plan: Historian to update the district of New Mexico's information on Tenth Circuit Historical Society's Website - Expense Estimate TBD; Promote the Pro Bono Legal Services for Victims of Domestic Violence (POWER Act) - \$800.00; New Article III Judges Group Photo - \$4,000.00; New Article III Judge (ABQ) Individual Photoshoot - \$1,000.00; New Article III Judge (LC) Individual Photoshoot - \$400.00; New Magistrate Judge (LC) Individual Photoshoot - \$400.00; Software Maintenance/Upgrades (Security) - \$300.00; SF Attorney Lounge Copier/Printer/Fax Annual Maintenance/Supplies - \$150.00; ABQ Copier/Printer/Fax Annual Maintenance/Supplies - \$150.00; Hospitality Baskets for Visiting Judges - \$1,500.00; Dry Cleaning of Visiting Judges' Robes - \$150.00; Administrative Costs (Consumable Mailing Supplies, Check Stock, etc.) - \$400.00; Light Refreshments for Magistrate Judge Merit Selection Panel Committee Meetings - \$300.00; Court Ceremonies - \$6,000.00; WiFi @ Domenici, 421 Gold, Campos and Las Cruces Courthouses - \$10,000.00; Bench and Bar WiFi at all Courthouses Annual Maintenance - \$4,600.00; Las Cruces Copier/Printer Supplies - \$200.00; New Circuit Judges Group Photo - \$4,000.00; Senior Judge Portrait - \$15,000.00; Updating of

Photo Plaques - \$200.00. To access this report, please see the "Attorney Information" page on the Court's web site at <http://www.nmd.uscourts.gov/>.

## STATE BAR NEWS

### 2019 Licensing Certifications and Fees Due by Feb. 1, 2019

2019 State Bar licensing requirements are now due. To avoid late fees, submit by Feb. 1, 2019. In order to complete annual licensing requirements and pay by credit card, visit [www.nmbar.org/licensesrenewal](http://www.nmbar.org/licensesrenewal). Email [license@nmbar.org](mailto:license@nmbar.org) to request a PDF copy of the license renewal form. For questions, email [license@nmbar.org](mailto:license@nmbar.org). For technical support, email [clopez@nmbar.org](mailto:clopez@nmbar.org).

## 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](http://www.nmbar.org/MCLE). Contact MCLE with questions at 505-821-1980 or [mcle@nmbar.org](mailto:mcle@nmbar.org).

## New Mexico Judges and Lawyers Assistance Program Attorney Support Groups

- Jan. 7, 5:30 p.m.  
UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the Law Library (The group normally meets the first Monday of the month.)
- Jan. 14, 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#.
- Mar. 18, 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.

## Solo and Small Firm Section SSF Roundtable in Las Cruces

The Solo and Small Firm Section invites Las Cruces area members to connect with other local attorneys to discuss their practice and learn from peers on practice management topics from technology to succession planning. Guests do not need to be a Section member to attend. Please join the section at 4:30 p.m., Jan. 11, 2019, at a location that will be announced soon. Following the Roundtable, there will be a mixer beginning at 5:30 p.m. R.S.V.P. and send questions to Deian McBryde at [deian@mcbrydelaw.com](mailto:deian@mcbrydelaw.com) or 505-465-9086. Thank you to the the Benjamin Law Firm and [www.brockmorganbenjamin.com](http://www.brockmorganbenjamin.com) for their sponsorship of the event in Las Cruces.

## January Speaker Series Features Nancy Hollander

Nancy Hollander, one of the nation's top criminal defense attorneys, returns to speak on "Constitutional Rights under the New Presidential Administration." In previous presentations at Section luncheons, Hollander addressed this topic for the Bush and Obama administrations. She will offer her superb insights and moderate a vigorous discussion among all attendees. All members of the State Bar are welcome to attend and enjoy the hosted lunch at noon on Jan. 14, 2019, at the State Bar Center, simply by contacting Breanna Henley at [bhenley@nmbar.org](mailto:bhenley@nmbar.org).

## UNM SCHOOL OF LAW Law Library

### Fall 2018 Hours

Mon., Aug. 20– Sat., Dec. 15

#### Building and Circulation

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

#### Reference

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

## OTHER BARS

### Albuquerque Lawyers Club Monthly Lunch Meeting

The Albuquerque Lawyers Club invites members of the legal community to a Meet and Greet lunch meeting, featuring the new members of the N.M. Court of Appeals. Judge Miles Hanisee will be introducing Judges Kristina Borgadus, Megan Duffy, Jacqueline R. Medina and Briana H. Zamora. The lunch meeting will be held at noon on Jan. 9, 2019, at Seasons Restaurant, located at 2031 Mountain Road, NW, Albuquerque. The cost is free to members/\$30 non-members. For more information email [ydennig@Sandia.gov](mailto:ydennig@Sandia.gov).

# A MESSAGE FROM YOUR State Bar President



Dear members of the State Bar of New Mexico:

It has been an honor to serve as your president for 2018. The State Bar has had an active year and I would like to take this opportunity to highlight a handful of the many accomplishments we have made this year.

The oversight of the Minimum Continuing Legal Education program transitioned from the Supreme Court to the State Bar earlier this year. MCLE is now

a part of the State Bar's Regulatory Programs Department which includes licensing, IOLTA, Bridge the Gap Mentorship Program, and Pro Hac Vice. I am very proud of this transition. It is our priority to continue to provide excellent customer service and assistance to members. It is our goal to make completing your MCLE requirements as easy – and as useful – as possible. We are also working to improve our technology and increase the types of courses we approve. View the Oct. 10 *Bar Bulletin* for more information about the MCLE transition and deadlines.

Over the course of the year, the BBC Executive Committee and State Bar Senior Staff held two strategic planning retreats. At those retreats, we identified several areas for growth and improvement. One of our main priorities is to improve our electronic resources and the experience for our members. We are allocating significant resources to researching and developing electronic options for our members. We hope that as a part of a multi-year project we will be able to present a new website, database, and updated user-friendly access for members' mobile devices.

We also made the decision to change the frequency of the *Bar Bulletin* in 2019 to every other week. This is the result of a decision to downsize our in house printing center which prints the *Bar Bulletin*. As our printing center changes, so will our delivery. Starting in November 2019, the *Bar Bulletin* will be published electronically. In anticipation of these changes, the staff has created a number of resources to help ease the transition. We now have online classified ads and career center, an events calendar, an improved electronic *Bar Bulletin* viewing experience, and a place online for members to view announcements and deadlines and court documents published in the *Bar Bulletin*. View the Dec. 12 *Bar Bulletin* for more information on this change and these resources I have mentioned.

This year saw the largest expansion of the Judges and Lawyers Assistance Program (JLAP) in the history of the State Bar. JLAP is more active than ever, bringing resources and assistance to members all over our state. We now offer a free Employee Assistance Program which provides free counseling services to each of our members (and their family members and staff). The Access to Justice Fund grant-making authority returned to the State Bar in 2018. This year

we distributed \$500,000 in grants to civil legal service organizations that provide vital services across the state.

One of the highlights of my year as president was the Annual Meeting. The programming was excellent and I will always remember listening to Michael Morton's incredible story of how he was exonerated after spending 25 years in prison for a crime he did not commit. I thoroughly enjoyed presenting the State Bar Annual Awards to six well deserving individuals and one outstanding program.

We also hosted the second annual Golf Classic tournament which raised more than \$23,000 for the charitable arm of the State Bar, the New Mexico State Bar Foundation. The Bar Foundation helps raise funds allocated to many civil legal service providers. The tournament continues to be a success for the Foundation and a great way for members of the bar and the community to come together for a good cause. This month we sent out a letter to each of our members asking for donations to the Bar Foundation. I hope you'll consider donating to help us reach our fundraising goal of \$175,000.

We started the year off with a new Executive Director. Richard Spinello has been an invaluable resource to me and the Board of Bar Commissioners, and has helped us champion many of the strategic initiatives with which we are now involved. His leadership of the State Bar staff will continue to help us move forward in a positive direction and to continue to grow.

On Dec. 12 Jerry Dixon was sworn in as your 2019 President of the State Bar. Tina Cruz was sworn in as President-elect and Carla Martinez as the new Secretary Treasurer. I know that each of these hard-working individuals, as well as the Board of Bar Commissioners as a whole, will successfully lead us into the future.

I have truly enjoyed my time on the Board of Bar Commissioners and as president. Volunteering and leadership roles with the State Bar have only made me prouder to be a member of our legal community. I encourage each of you to consider becoming involved with the State Bar, or another bar organization in your area. You will meet incredible people, learn things about the organization you never would have known otherwise, and generally enrich your life and your practice.

Thank you for the opportunity to serve you as a Bar Commissioner and president. I wish each of you a happy new year and I am excited for what is ahead.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wesley O. Pool', written in a cursive style.

Wesley O. Pool  
President, State Bar of New Mexico

# Legal Education

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## December

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|---|---|--|
| <p>27 <b>Find it Fast and Free (and Ethically) with Google, Fastcase 7, and Social Media Sites</b><br/>4.0 G, 2.0 EP<br/>Webcast/Live Seminar, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>28 <b>How to Practice Series: Demystifying Civil Litigation Pt 1 (2018)</b><br/>6.0 G<br/>Live Replay, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>28 <b>Fall Elder Law Institute: Navigating Changes to the Adult Guardianship and Conservatorship Statutes and Rules (2018)</b><br/>5.5 G, 1.0 EP<br/>Live Replay, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>28 <b>Immigration Law: U-Visa Training (2018)</b><br/>1.0 G, 0.5 EP<br/>Live Replay, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p>28 <b>Immigration Law: Assisting Human Trafficking Survivors (2018)</b><br/>2.0 G<br/>Live Replay, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>28 <b>Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204</b><br/>1.0 EP<br/>Webcast/Live Seminar, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>28 <b>Children's Code: Delinquency Rules, Procedures and the Child's Best Interest</b><br/>1.5 G, 1.0 EP<br/>Webcast/Live Seminar, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>28 <b>Moving Your Practice Into the Cloud-Benefits, Drawbacks and Ethical Issues</b><br/>1.0 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p>29 <b>Networking Professionally and Ethically</b><br/>1.0 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>30 <b>The Ethics of Delegation</b><br/>1.0 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>31 <b>The Ethics of Social Media Research</b><br/>1.0 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> |
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## January 2019

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| <p>8 <b>Like-Kind Exchanges in Trust and Estate Planning</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>11 <b>2019 Uniform Commercial Code/Commercial Law Update</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p>11 <b>2019 Legislative Preview with Richard (Dick) Minzner</b><br/>2.0 G<br/>Webcast/Live Seminar, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> <p>11 <b>Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204</b><br/>1.0 EP<br/>Webcast/Live Seminar, Albuquerque<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p>16 <b>2019 Americans with Disabilities Act Update</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> |
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|--|---|--|
| <p><b>18 Ethical Issues When Representing the Elderly</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> | <p><b>24 Risky Tenants: Drafting Issues for Landlords</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> | <p><b>25 Taking the Mystery Out of Conservator and Probate Bonds</b><br/>1.0 G<br/>Webcast/Live Seminar, Albuquerque<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> |
| <p><b>21 Ownership of Ideas Created on the Job</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>         |   | <p><b>30 Exit Strategies: Selling Companies to Employees, Part 1</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>                       |
|  |   | <p><b>31 Exit Strategies: Selling Companies to Employees, Part 2</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>                       |

## February 2019

- |   |   |   |
|---|---|---|
| <p><b>1 Drafting Legal Holds in Civil Litigation</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>                            | <p><b>10-15 CLE by the Sea in Honolulu, Hawaii</b><br/>4.0 G, 8.0 EP<br/>Live Seminar<br/>Alaska Bar Association<br/>alaskabar.org/cle-mcle/cle-by-the-sea/</p> | <p><b>22 Regional Seminar: Voir Dire</b><br/>20.0 G<br/>Live Seminar, Santa Fe<br/>Trial Lawyer College</p>   |
| <p><b>5 How to Fix a Broken Trust: Decanting, Reformation &amp; Other Tools</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> | <p><b>12 Drafting Guarantees in Real Estate Transactions</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>            | <p><b>22 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204</b><br/>1.0 EP<br/>Webcast/Live Seminar, Albuquerque<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> |
| <p><b>7 2019 Ethics Update, Part 1</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>   | <p><b>20 Drafting Settlement Agreements in Civil Litigation</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>         | <p><b>22 Estate Planning for Digital Assests</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>  |
| <p><b>8 2019 Ethics Update, Part 2</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>   | <p><b>22 Lawyer Ethics and Texting</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>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  
PO Box 2008 • Santa Fe, NM 87504-2008 • 505-827-4925

**Effective December 14, 2018**

## **PUBLISHED OPINIONS**

A-1-CA-35000	State v. L Deans	Affirm	12/13/2018
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## **UNPUBLISHED OPINIONS**

A-1-CA-35475	J Monroe v. G Fallick	Affirm	12/10/2018
A-1-CA-37070	CYFD v. Eric L.	Affirm	12/10/2018
A-1-CA-37179	L Watkins v. W Watkins	Affirm	12/10/2018
A-1-CA-37366	JP Morgan v. M Coello-Pagan	Dismiss	12/11/2018
A-1-CA-35466	State v. DeAngelo M	Affirm/Reverse	12/12/2018
A-1-CA-35703	Rock Scapes v. RVC, Inc.	Affirm/Reverse/Remand	12/12/2018
A-1-CA-37225	State v. F Montoya	Affirm	12/12/2018
A-1-CA-37235	State v. A Gonzales	Affirm	12/12/2018
A-1-CA-37376	State v. C Romero	Reverse/Remand	12/12/2018
A-1-CA-37535	State v. T Bird-Lopez	Affirm	12/12/2018
A-1-CA-37550	State v. A Chavez	Affirm	12/12/2018
A-1-CA-35405	JP Morgan v. A Galloway	Affirm	12/13/2018
A-1-CA-37011	State v. J Armitige	Affirm	12/13/2018
A-1-CA-37041	State v. F Baca	Affirm	12/13/2018
A-1-CA-37284	I Caballero v. B Haines	Affirm	12/13/2018
A-1-CA-37359	State v. F Mondragon	Affirm	12/13/2018
A-1-CA-37385	State v. J Allen	Reverse	12/13/2018
A-1-CA-35398	R Monteverde v. State of New Mexico	Affirm	12/14/2018

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

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

## YLD BOARD

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Chair-elect, **Sonia Raichur Russo**  
Vice Chair, **Allison H. Block-Chavez**  
Director-at-Large, Position 1, **Allison H. Block-Chavez**  
Director-at-Large, Position 2, **Shasta N. Inman**  
Director-at-Large, Position 3, **Sean M. FitzPatrick**  
Director-at-Large, Position 4, **Sonia Raichur Russo**  
Director-at-Large, Position 5, **Billy J. Jimenez**  
Region 1 Director, **Mariah McKay**  
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Region 3 Director, **Anna Casey Martin**  
Region 4 Director, **Erinna "Erin" Marie Atkins**  
Region 5 Director, **Darin Kyle McDougall**  
Past Chair, **Tomas J. Garcia**  
ABA District 23 Representative, **Billy J. Jimenez**  
Student Director (non-voting), **Benjamin Maggard**  
ABA House of Delegates Representative (non-voting),  
**Allison H. Block-Chavez**

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Animal Law, **Nina Eydelman**  
Appellate Practice, **Victor E. Sanchez**  
Business Law Section, **Michael Bebeau**  
Children's Law Section, **Jessica A. Perez**  
Criminal Law, **James Naylor VanCleave**  
Elder Law Section, **Shasta N. Inman**  
Employment and Labor Law, **Kristina Renee Gantert**  
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Natural Resources, Energy and Environmental Law,  
**Anne E. Minard**  
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Public Law, **Kevin John Sanders**  
Real Property, Trust and Estate, **Bridget Lynn Mullins**  
Solo and Small Firm, **Brian Thomas Smith**  
Tax, **Matthew M. Montoya**  
Trial Practice, **Billy J. Jimenez**

## 2018 PROGRAM CHAIRS

Annual Public Service Project for Outlying Areas,  
**Tomas Garcia, Billy Jimenez and Mariah McKay**  
CLE at State Bar of New Mexico Annual Meeting,  
**Sean FitzPatrick and Kaitlyn Luck**  
Constitution Day, **Sonia Russo, Anna Rains and Mariah McKay**  
Diversity Collaboration, **Allison Block-Chavez**  
#Fit2Practice, **Sean FitzPatrick and Kaitlyn Luck**  
Home Safe Home, **Sonia Russo and Shasta Inman**  
Homeless Legal Clinics, **Kaitlyn Luck**  
Interview Program, **Erin Atkins**  
Lunch with Judges Program,  
**Allison Block-Chavez and Erin Atkins**  
Law Camp, **Billy Jimenez, Shasta Inman and Sonia Russo**  
Law Day Call-in, **Sean FitzPatrick and Anna Rains**  
State Bar Student Essay Contest, **Darin McDougall**  
Social Media, **Tomas Garcia and Sean FitzPatrick**  
Summer Fellowship Program,  
**Allison Block-Chavez and Tomas Garcia**  
Veteran's Clinic, **Sean FitzPatrick**  
Wills for Heroes, **Allison Block-Chavez and Billy Jimenez**  
YLD CLE, **Sean FitzPatrick**  
YLD/UNM School of Law Programs,  
**Darin McDougall and Billy Jimenez**  
YLD...In Brief, **Tomas Garcia**

## Message from the YLD Chair



The New Mexico Young Lawyers Division is a well-oiled machine in 2018. The success of the YLD is not attributed to any individual member, but to all the members of our legal community working together. Thank you to everyone at the State Bar, paralegals, volunteers, Board members and especially to all the past Board members who have put in the foundation of this Division.

The oldest archived message available on the YLD's website is from the YLD chair Henry A. Alaniz in 2000. There is a common theme

among chair messages including his: thank you and please participate. I echo this message and add that it is worth it. There are few things you can't buy or buy back and one of those things is your own time. Although it can be difficult (and time consuming) as a busy young lawyer to mentor a law student, draft a will for a first responder, or give advice over the phone at a legal call in, these things will enrich your life beyond a monetary value.

This has been one of the most rewarding years so far in my legal profession, in large part because I was directly involved in programming put on by the State Bar of New Mexico and its Young Lawyers Division. There are many very talented lawyers (not just young ones) who give generously of their time on the numerous committees and public service programs. Thank you. Participating in these groups allows you to grow professionally in ways you never anticipated, and I encourage everyone to get involved.

I am excited to see the new ideas that the YLD will come up with. Some of them are already in place like our social media pages and the #Fit2Practice program. Others will only come into existence after hard work and persistence from future Board members. I know that incoming chair Sonia Russo and chair-elect Allison Block-Chavez are excited to bring New Mexico young lawyers relevant and rewarding programs in 2019.

Please take a look at some of the programs we have put on this year. If they interest you, please volunteer at the next one. If you think there is a program we could put on, work with the New Mexico YLD and we can make it happen. Young or old, new or experienced, the YLD succeeds when members of our community step up to the challenge.

*Sean M. FitzPatrick*

Sean M. FitzPatrick  
2018 YLD Chair

## Program Updates

### #Fit2Practice

This year the New Mexico YLD formally adopted the American Bar Association YLD's #Fit2Practice program into its permanent programming. Thanks to sponsorship from First National 1870, the Modrall Sperling Law Firm and the State Bar of New Mexico, the YLD was able to put on a number of events to promote the well-being of lawyers and law students.

Nearly 50 lawyers and law students took advantage of the YLD's participation in the ShamRock N Roll and Chips & Salsa 5k events, where the YLD sponsored registration and provided a limited edition YLD #Fit2Practice t-shirt. At both events, several YLD participants finished in the top 10!

At the State Bar Annual Meeting, the YLD fitness programming continued with legal education centered around well-being and the mind-body connection, and hosted wellness events that got attendees moving during the conference.

This year's #Fit2Practice programming wrapped up with the YLD co-sponsoring Mental Health Day at the UNM School of Law on Oct. 10. Throughout the day, the law students destressed with therapy dogs, messages and healthy snacks.

As this program continues to grow the YLD hopes to see you at the next event!



*Young lawyers and law students sport their limited edition YLD #Fit2Practice shirts before competing in the 5k events.*





## State Bar of New Mexico Annual Meeting

The New Mexico YLD sponsored several #Fit2Practice events at the 2018 State Bar of New Mexico Annual Meeting. There was an early morning nature trail hike and sunrise yoga, as well as an Ethics/Professionalism CLE on mind and body wellbeing for lawyers. The YLD Tax Section Liaison, Matthew M. Montoya, also put on a fantastic CLE regarding common tax pitfalls for small business attorneys.

The YLD's contribution to the silent auction benefiting the State Bar Foundation included a "money cake" and scratchers, and brought in the highest auction amount in proportion to its cost!



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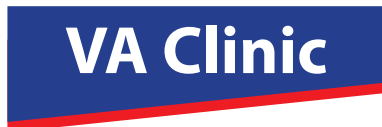
## Social Media

The New Mexico YLD is new on social media this year! Follow us on Twitter, Facebook and Instagram **@NewMexicoYLD** to stay up to date on upcoming pro bono and other volunteer opportunities, CLE programs, mentorship and networking events and other **#FridayFeatures**. Our goal is to get information to you without clogging your email inbox, and also engage our membership! Look for personalized hashtags at future events so you can follow along with the discussion, and tag **@NewMexicoYLD** when you are at legal fairs and networking events, mentoring UNMSOL students, or being otherwise involved with the YLD.



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## Veteran's Legal Clinic



The YLD continues to partner with the Veteran's Affairs Department to provide a legal clinic for veterans at the New Mexico Veteran's Memorial. This Veteran's Civil Justice Initiative has been an ongoing program the YLD puts on approximately once per quarter. Through these clinics, veterans with a variety of legal issues are able to consult with experienced attorneys and if no resolution is possible immediately, they are referred to civil legal services providers or pro bono representation. Thanks to partnerships with groups such as United South Broadway, the Volunteer Attorney Program, New Mexico Legal Aid and other service providers, veterans in need can receive assistance with housing, employment and other civil issues. The program could not exist without the help of volunteer attorneys and paralegals. Thank you to everyone who assisted in 2018!

**Visit [www.nmbar.org/yld](http://www.nmbar.org/yld) to volunteer for the 2019 clinics!**

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## Public Service Project in Outlying Areas

On Sept. 21, the Young Lawyers Division traveled to San Juan County to volunteer at the San Juan County Legal Fair. The legal fair assisted approximately 313 people. The volunteer lawyers were able to assist people with a variety of legal issues including family and domestic issues, general civil matters, social security benefits and many other legal issues that the community is facing. People came from all over San Juan County and the Navajo Nation for assistance from volunteer attorneys.



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## American Bar Association YLD Mountain West Regional Summit



*Attendees of the morning hike pose for a picturesque photo*

After last year's successful hosting of the ABA YLD Mountain West Regional Summit in Albuquerque, the New Mexico YLD participated in the Summit again – this time in Jackson Hole, WY. The Summit is an informative conference providing attendees with opportunities to strengthen bonds between the young lawyer communities in the greater Mountain West States Region and engage in a public service project. This year in Jackson Hole, New Mexico YLD'ers visited the local high school and discussed "What Do Lawyers Do?" with a classroom full of students. Attendees learned about Indian Law across jurisdictions, among other topics, as well as the mental health stigma facing lawyers and ways to achieve mental and

physical health. While the promise of seeing a moose did not come to fruition, the #Fit2Practice morning hike overlooking the National Elk Refuge was refreshing and revitalizing.

Next year's Regional Summit will be held on April 4-9, 2019 in Steamboat Springs, Colo. Keep an eye out for registration details in the spring!

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## Law Camp

Each year, the Young Lawyers Division assists the NM Hispanic Bar Association, ENLACE and the UNM College Prep Programs host the Summer Law Camp for New Mexico 6th and 7th graders. The Law Camp's mission is to motivate young students throughout the state to cultivate career goals and prepare them for college life.

Program participants learn important skills that they can use in their everyday lives right now (like critical thinking, team building, leadership and techniques of persuasion) while also directly experiencing the legal system in action and staying at UNM dorms.

At the end of the Camp, students experience the anatomy of trial and oral arguments first-hand: they research a problem and debate the merits of a case in a mock trial. This year's mock trial was graciously presided over by U.S. District Court Judge James O. Browning.

New this year, Law Camp included a mock oral argument at the Court of Appeals, made possible with the assistance of Judge M. Monica Zamora and Bonnie Stepleton (arranged by YLD Board Director Billy Jimenez).

The Camp is held in two, week-long sessions, with 12 participants in each session. For the 2017 application cycle, 44 students applied. For the 2018 application cycle, YLD Board Director Shasta N. Inman worked to compile email addresses for every school with 6th and 7th graders across the state and disseminate the Law Camp flyer, and applications went up to 81.

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## *UNM School of Law 1L Boot Camp*

The YLD sponsored breakfast for the UNMSOL 1L Boot Camp this fall, with Board directors Shasta N. Inman and Allison Block-Chavez teaming up with UNM Career Services staff to impart networking and professionalism wisdom to half of the 1L class (53 students). The YLD also provided business cards to 30 lucky student winners, to assist them with future networking success.



*Two winners of the business card prize.*

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## *UNM School of Law Mentorship Program*

The New Mexico YLD's Law Student Mentorship Program, co-chaired by Billy J. Jimenez and Darin Kyle McDougall, continues a long tradition of the YLD helping New Mexico's soon-to-be lawyers prepare for their chosen career. This program focuses on networking, stress management and professionalism. Each year the YLD matches young attorneys with law students at UNM School of Law for mentorship. This program has four yearly events that include lessons on professionalism and networking such as the Speed Networking Event held in the spring.

**NM** SCHOOL OF LAW  
**Mentorship Program**

The 2018-2019 Mentorship Program is serving 58 law students. The 44 young attorney volunteers will donate hundreds of collective hours of their time to helping their mentees succeed in law school and succeed in practice.

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## *UNM School of Law Mock Interview Program*

The New Mexico YLD's Mock Interview Program allows UNM School of Law students to practice their interview skills with mock job interview by a volunteer attorney. This program is part of our ongoing partnership with UNM School of Law to help prepare New Mexico's soon-to-be lawyers for successful practice. This program also helps train the attorney volunteers, many of whom are young lawyers, on better interview techniques. On January 27, 2018, 23 attorney volunteers completed mock interviews with 44 law students with a special focus on professionalism, interview techniques, and how to deal with classic bad interview questions.

## YLD Summer Fellowship



*Wilson poses for a photo after winning an asylum case for a young woman from Honduras*

The YLD awards two \$3,000 Summer Fellowships to UNM School of Law students spending who will spend their summer working in public interest law. The 2018 recipients had tremendous experiences.

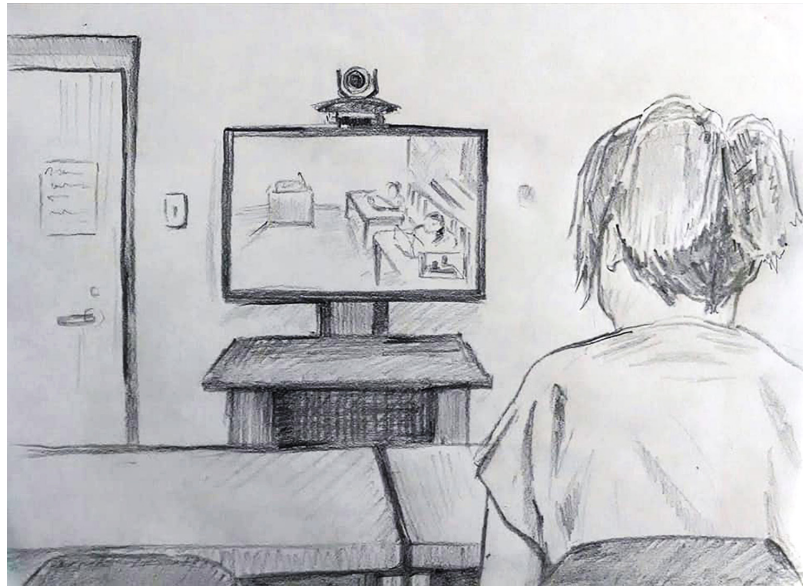
This summer I had the privilege of spending 12 weeks collaborating with the Santa Fe Dreamers Project and the New Mexico Immigrant Law Center. I worked at the Cibola County Correctional Center, which has operated as an ICE detention facility since October 2016. The facility is 80 miles from Albuquerque, in Milan, New Mexico and houses immigrants, the great majority of whom are seeking asylum. The facility is also home to the country's only transgender ICE detention unit. I am grateful for the Young Lawyers Division summer fellowship for providing the opportunity for such transformational work experience.

My work had two major components. First, I worked supporting the pro se program at the facility, providing an array of services for those detained. This ranged from preparation for Credible Fear Interviews, application preparation and review, declaration preparation, and translation support work. The second component of my work was direct representation, where I appeared as law student counsel under the federal student practice rule in the asylum cases of three transgender women from Honduras.

Two major events shaped my work for the summer: the crisis of family separation and the arrival and detention of the trans-queer migrant caravan. Separation of families at the border heavily impacted my work. Suddenly, a third of the asylum-seeking men detained in Milan were fathers who had been separated at the border from their minor children. After the court ordered reunification of separated parents and children, as part of my fellowship I had the privilege of traveling to El Paso to work alongside the legal team working with reunified families. While there, I was able to see many of the fathers whom I had met in detention now released and reunited with their young children.

My work was also heavily impacted by the arrival and detention of the trans-queer migrant caravan. A day into my work at the facility, transgender migrant Roxsana Hernandez died in ICE custody shortly after arriving at Cibola. The tragedy brought national attention to the detention facility, and pressure built for the release of transgender women detained at the facility. July brought relief with the success of the ACLU *Damus v. Nielsen* lawsuit, which granted injunctive relief to those asylum seekers arbitrarily denied parole. At Cibola, the injunction has helped to facilitate the release of 20 transgender women to date.

After prolonged detention, two of the three transgender women I represented directly were released from Cibola and have since resettled in other parts of the country. On the first day of my 2L semester, I appeared in court and argued the asylum case of the third woman who remained detained. Appearing by video conference from Denver, the judge granted her asylum. Upon hearing the decision, Ms. R-P-, just a couple years younger than me, buried her face in her hands and burst into tears, finally safe from the persecution she had faced in Honduras. After 6 months in detention, Ms. R-P- was released from detention the following day.



*Courtroom sketching completed by Wilson at the prison where she worked. The hearings are heard remotely from Denver via video conference, which Wilson said makes for an interesting courtroom setting*





My work this summer at Cibola helped solidify the values I want to continue to carry with me as I develop my professional identity. First, I want to commit to building my career in New Mexico. This is my home and the community I want to serve. Second, I want to build my career around serving the detained and incarcerated. And last, I always want my work to be oriented towards undoing the oppression of these systems at their roots. I am so grateful to the Young Lawyers Division for providing me with the resources to make this experience possible.

-Denali Wilson  
J.D. Candidate, Class of 2020  
UNM School of Law

*Artwork that was shared with Wilson by a father who had been separated from his minor children*

The During the summer of 2018 I worked at Pegasus Legal Services for Children and New Mexico Appleseed. Both organizations are dedicated to improving the lives of marginalized children in New Mexico. Pegasus works toward this goal by “promoting and defending the rights of children and youth to safe and stable homes, quality education and healthcare, and a voice in decisions that affect their lives.” NM Appleseed works on the policy level to improve “the lives of the poor and underserved through systemic change.” I chose to extern with both organizations so that I could see direct representation and policy work in the child welfare realm.

My goal for this summer was to gain a better understanding of what type of work is most beneficial for children in New Mexico. Since I am committed to using my legal education to improve the lives of impoverished children and families in New Mexico, I have been curious to figure out the effectiveness of directly representing individual clients compared with advocating for systems-wide change, or whether some combination of these approaches is best. This summer I learned that in order to develop policy, it is important to understand the on-the-ground issues that clients face.

For more information about these programs, visit:  
[www.pegasuslaw.org](http://www.pegasuslaw.org) and  
[www.nmappleseed.org](http://www.nmappleseed.org)

Something that struck me this summer was the sheer complexity of addressing social inequities. Before this summer I considered myself somewhat aware of the cumulative effects of poor education, lackluster economic opportunity, and structural racism. However, my work this summer taught me that the problems we face in New Mexico are deeply entrenched. There are many structural barriers that I am still not quite sure how to address.

Overall, I had an enriching, inspiring, and challenging summer. I worked with many intelligent and hardworking colleagues with whom I hope to continue collaborating in the future. I met children and youth who fundamentally changed my thinking about privilege, equality, opportunity, and the different shapes a family can take. I am deeply appreciative of the experiences I had this summer, and I look forward to continuing to develop my skills so that I can contribute to making New Mexico a better place to grow up.

-Lily Hofstra  
J.D. Candidate, Class of 2020  
UNM School of Law

# 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 December 26, 2018

### PENDING PROPOSED RULE CHANGES OPEN FOR COMMENT:

#### Comment Deadline

*There are no proposed rule changes open for comment.*

### 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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#### Local Rules for the Eighth Judicial District Court

LR8-401	Safe exchange and supervised visitation; domestic relations mediation	09/01/2018
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# Rule-Making Activity\_\_\_\_\_ <http://nmsupremecourt.nmcourts.gov>.

<b>Local Rules for the Ninth Judicial District Court</b>		
LR9-405	Domestic relations mediation	09/01/2018
<b>Local Rules for the Eleventh Judicial District Court</b>		
LR11-402	Domestic relations mediation; safe exchange and supervised visitation	09/01/2018
<b>Local Rules for the Twelfth Judicial District Court</b>		
LR12-401	Domestic relations mediation	09/01/2018
<b>Local Rules for the Thirteenth Judicial District Court</b>		
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

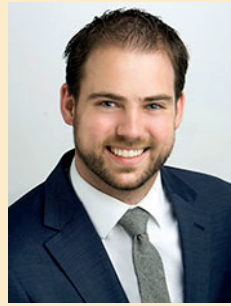
To view all pending proposed rule changes (comment period open or closed), visit the New Mexico Supreme Court's website at <http://nmsupremecourt.nmcourts.gov>. To view recently approved rule changes, visit the New Mexico Compilation Commission's website at <http://www.nmcompcomm.us>.

## CAVIN & INGRAM, P.A.



Scott S. Morgan

We are pleased to announce that Scott S. Morgan has been named a shareholder. Mr. Morgan has been recognized as a Rising Star in Southwest Super Lawyers® for 2019. Mr. Morgan's practice is in oil and gas title, oil and gas transactions, probate and civil litigation.



Brandon D. Hajny

We are pleased to announce that Brandon D. Hajny has joined the firm as an associate. Mr. Hajny's practice is in oil and gas title, oil and gas transactions and civil litigation.

Cavin & Ingram, P.A. has over 70 years combined experience in oil and gas law, including title, transactions, litigation and administrative proceedings.

40 First Plaza NW, Suite 610  
Albuquerque, NM 87102  
505-243-5400 [nmoilgaslaw@cilawnm.com](mailto:nmoilgaslaw@cilawnm.com)  
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### MONTHLY TECH TIP



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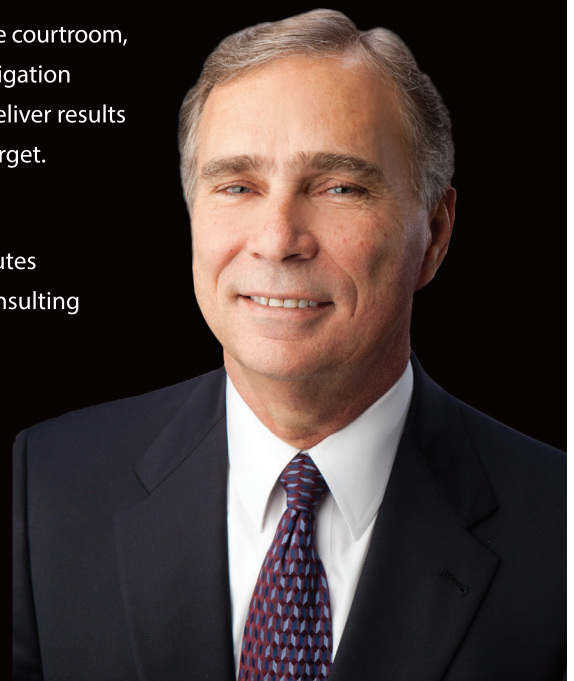
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### The Administrative Office of the Courts is recruiting a Statewide Pretrial Services Program Manager #00000232-21800 in Santa Fe, New Mexico

The New Mexico Administrative Office of the Courts seeks a dynamic individual with a passion for pretrial reform to be our first Statewide Pretrial Services Program Manager. The ideal candidate has a passion for driving evidence-based decisions on pretrial detention and release, including appropriately tailored release conditions to maximize public safety and scheduled court appearances. The person hired will grow successful pilot projects into statewide programs for early release on recognizance, provide judges with risk assessment data and analysis to aid in pretrial decisions, establish on-site and remote pretrial services, participate in development of data measurement for pretrial practices and report on outcome measurement, and assist all levels of courts to implement and maintain best practices. New Mexico eliminated bond schedules and adopted a constitutional amendment to authorize pretrial detention of dangerous defendants. This is an opportunity for an exceptionally qualified person to establish the foundation for institutional adoption of pretrial practices at the forefront of best practices. The pay range is \$58,000 to \$91,000 DOE. Apply now – the AOC plans to hire by early January 2019. For more information please do to our website: <http://www.nmcourts.gov/jobs/jobselectpage.php>

## Classified

### Positions

#### Associate Attorney

Whitener Law Firm, P.A. is currently seeking a full-time associate attorney to handle Personal Injury cases. Candidates must be highly motivated, client oriented and will enjoy working in a fast-paced environment. Candidates must be licensed to practice in the state of New Mexico. Salary competitive and commensurate to experience and qualifications. Please send resume to Nichole Henry, Whitener Law Firm, P.A., 4110 Cutler Avenue, N.E., Albuquerque, NM 87110, fax to 505-242-3322 or e-mail to [nichole@whitenerlawfirm.com](mailto:nichole@whitenerlawfirm.com)

#### Oil & Gas Attorney

Established, and growing, Albuquerque boutique oil and gas law firm seeks a dedicated and hard-working attorney with 3 to 8 years' experience in oil and gas transactional, title, litigation and/or administrative practice work to join our talented, dedicated and congenial team. Please submit a letter of interest and resume to [nmoilgaslaw@cilawnm.com](mailto:nmoilgaslaw@cilawnm.com).

#### Law Clerk At-Will

The NM Supreme Court is recruiting for a full-time, Law Clerk At-Will position in Santa Fe, New Mexico. SUMMARY OF POSITION: Under general supervision, work with justices on assigned cases, perform legal research, analysis, writing and editing. Salary: \$45,500-\$71,095. To apply, please go to: <https://www.nmcourts.gov/jobs.aspx>

#### Assistant District Attorney/ Chief Deputy District Attorney

The Fifth Judicial District Attorney's office has immediate positions open to a new or experienced attorney's. 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) and Chief Deputy District Attorney (\$77,826-\$ 97,283). Please send resume to Dianna Luce, District Attorney, 301 N. Dalmont Street, Hobbs, NM 88240-8335 or e-mail to [5thDA@da.state.nm.us](mailto:5thDA@da.state.nm.us).

#### Associate Attorney

The Santa Fe office of Hinkle Shanor LLP is looking for an associate attorney to join its employment and civil rights defense practice. The associate attorney's job duties will be focused on writing and contributing to the employment group's federal and appellate practice. Experience is preferred, and candidates should have a strong academic background, excellent research and writing skills, and the ability to work independently. Applicants must live in or be willing to relocate to Santa Fe. Please send resume, law school transcript, and writing sample to Hinkle Shanor LLP's office manager, Gilbert Romero, at [gromero@hinklelawfirm.com](mailto:gromero@hinklelawfirm.com).

#### Chief Deputy District Attorney and Deputy District Attorney

Immediate opening for a Chief Deputy District Attorney and a Deputy District Attorney with the Sixth Judicial District Attorney's Office. Salary depends on experience, w/ benefits. Please send resume to Francesca Estevez, District Attorney, [FMartinez-Estevez@da.state.nm.us](mailto:FMartinez-Estevez@da.state.nm.us) Or call 575-388-1941.



### Appellate Attorneys

The Administrative Office of the Courts invites letters of interest for Appellate Attorneys to represent respondents in abuse and neglect and termination of parental rights cases for indigent custodian(s) and respondent parent(s) on a case by case basis. Attorneys will respond to any calendar notice, prepare briefs in cases which are placed on the general calendar, participate in oral arguments, and, if necessary, seek certiorari and represent the client in the New Mexico State Supreme Court. Letters of interest: Please include name, street address, phone number, email address, and a brief statement describing your background and understanding of abuse and neglect cases, years of experience, a statement of your ability to perform duties, and the available date to begin case assignments. Interested attorneys must be licensed to practice in the state of New Mexico, have professional liability insurance, and must attach a resume to the letter of interest. Contracting attorneys will have access to email, meet with the Court or AOC if requested, participate in related CLE's, and submit invoices as required by AOC and Department of Finance protocols. Please send questions, letters of interest and accompanying resumes to Sarah Jacobs at aocsej@nmcourts.gov.

### 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.

### Assistant Trial Attorney

Requirements: J. D. degree and current license to practice law in New Mexico. Preferred Qualifications: Legal experience totaling up to at least one (1) year. Salary Range: \$52,208-\$65,260. Salary will be based upon experience and the District Attorney's Personnel and Compensation Plan. Submit Resume to Whitney Safranek, Human Resources Administrator at wsaf-ranek@da.state.nm.us. Further description of this position is listed on our website <http://donaanacountyda.com/>.

### Family Law Associate Attorney

The Law Office of Jill V. Johnson Vigil LLC., a Las Cruces based family law practice, is seeking to add an attorney to our team. Preferably applicants should have 2-3 years experience in family law. All applicants should be highly motivated, able to multi-task and manage a full caseload. The Law Office of Jill V. Johnson Vigil LLC. offers a comfortable and friendly work environment with benefits and competitive salary commensurate with your qualifications and experience. Applicants must be in good standing with NM Bar and willing to relocate to Las Cruces. Spanish speaking is preferred, but not required. If you are ready for the next step in your career, please send your cover letter, resume, writing sample, and three references via email to careers@jvjlw.com before January 31, 2019. Please visit us online at [www.jvjlw.com](http://www.jvjlw.com).

### Full-time & Part-time Attorney

The offices of Lightning Legal Group, PC are seeking one full-time and one part-time attorney to represent clients at our Albuquerque and Santa Fe Offices. Candidates must be licensed in New Mexico and have 4 or more years' experience with Family Law and Civil Litigation. Additionally, ideal applicants will have the following skills: Strong client communication, organizational, problem solving, writing, research, computer and litigation experience; Ability to work in a vibrant growth orientated firm; Understand and integrate with the business protocols of a law firm; Ability to contemporaneously enter time in computer time-keeping system; Ability to work in a very laid-back atmosphere while maintaining the highest professional standards; Bilingual (Spanish & English) is valuable but not necessary. We are an equal opportunity employer and do not tolerate discrimination against anyone. All replies will be maintained as confidential. Please email references and resumes to xc87505@gmail.com.

### Attorney Supervisor

The Third Judicial District Court in Las Cruces is accepting applications for an At-Will, full-time Attorney Supervisor. Requirements include admission to the NM State Bar plus a minimum of five years experience in the practice of applicable law, of which two years must have been as a supervisor. Under administrative direction, as assigned by a judge or supervising attorney, review cases, analyze legal issues, perform legal research and writing, provide legal advice and make recommendations concerning the work of the Court. For a detailed job description, requirements and application/resume procedure please refer to <https://www.nmcourts.gov/careers.aspx> or contact Briggett Becerra, HR Administrator Senior at 575-528-8310. Deadline for submission is: January 31, 2019

### Second Judicial District Court

#### Contract Attorney

#### Residential Mortgage Foreclosure Settlement Facilitation Project

The Second Judicial District Court is accepting applications for Contract Attorneys for the Residential Mortgage Foreclosure Settlement Facilitation Project ("RMFSF"). RMFSF will operate under the direction of the Chief Judge and the Presiding Civil Judge. Attorney will conduct settlement facilitation conferences in residential foreclosures pending before the court between lenders and borrowers. Attorney is independent and impartial and shall be governed by the Rules of Professional Conduct, Mediation Procedures Act, NMSA 1978, § 44-7B-1 to 44-7B-6, and Mediation Ethics and Standards of Practice. Attorney will be responsible for memorializing settlement agreements and meeting with the designated supervising judge to receive case assignments and discuss RMFSF progress. Attorney agrees to twenty hours of work per week, which is anticipated to be a minimum of eleven settlement conferences per month, subject to adjustment for complex case assignments, maintain records for payment and reporting and statistical purposes as defined by the Court. Attorney will coordinate with assigned Court staff who provide administrative support to RMFSF. Qualifications: Must be a graduate of an ABA accredited law school; possess and maintain a license to practice law in the State of New Mexico; must have experience in settlement facilitation. Experience with residential mortgage foreclosure matters and loss mitigation is a plus. Compensation will be at a rate of \$50.00 per hour, inclusive of gross receipts tax. Send letter of interest, resume, proof of education and writing sample to the Second Judicial District Court, Court Administration, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM, 87102. Letters of interest without required material will be rejected. Letters must be received by court administration no later than 5:00 P.M. Friday, January 11, 2019. More information about the contract can be found on the SJDC's website: <http://www/2nddistrictcourtnm.com>.

### Personal Injury Law Attorneys

Franklin D. Azar & Associates, P.C., a large and growing Colorado personal injury law firm, is seeking experienced Personal Injury Law attorneys to join its practice in Colorado. Qualified candidate will be able to demonstrate strong dedication to personal injury law and a passion for helping people; will possess strong organizational and writing skills; is energetic, hard-working, and a team-player. Complex litigation experience is preferred. Please submit your resume and cover letter to [malcolmo@fdazar.com](mailto:malcolmo@fdazar.com)



### Assistant City Attorney

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

### Associate Attorney

Dixon•Scholl•Carrillo•P.A is seeking an associate attorney with 3 or more years of experience to join them in their thriving civil litigation practice. We seek a candidate with excellent writing and oral advocacy skills and a strong academic background who is ready to be part of a hard-working team in a fun and friendly office. For consideration, please email a resume to [lcarrillo@dsc-law.com](mailto:lcarrillo@dsc-law.com) or via U.S. mail to Lisa J. Carrillo, P.O. Box 94147, Albuquerque, New Mexico 87199-4147.

### Keller & Keller Pre-Litigation Attorney

Keller & Keller is an award winning personal injury law firm located in Albuquerque. Seeking an attorney with 2+ years of experience to join our pre-litigation team. We are proud to offer an attractive compensation and benefits package, including a salary commensurate with experience, medical insurance, 401(k) retirement plan and paid time off. The Pre-Litigation Attorney will work directly with the Managing Attorney and 10-15 Pre-Litigation Case Managers on a daily basis. Responsibilities include: daily client contact; writing and editing demand letters; insurance coverage analysis for auto insurance policies; obtaining settlement authority; negotiating subrogation and lien reductions; handling minors' settlement approval actions; and, handling wrongful death estate actions. We are looking for a person with critical thinking skills and the ability to apply those skills in a fast-paced environment. Excellent interpersonal communication skills with clients and coworkers is a must. Prior management experience is a plus, but is not required. Additionally, the candidate must be able to apply their knowledge and skills to make decisions and take action on cases. Interested candidates should forward cover letter and resume to Zachary Farmer at [zfarmer@2keller.com](mailto:zfarmer@2keller.com). No phone calls, please. All inquiries will be confidential.

### Helpline Staff Attorney

The New Mexico State Bar Foundation seeks a helpline staff attorney for the Legal Resources for the Elderly Program (LREP). This position is for 30 hours/week and includes an excellent benefits package. Duties include providing legal information, legal advice and brief services related to civil matters to low-income New Mexican Seniors in accordance with the helpline policies and procedures. Additionally, the staff attorney will conduct legal workshops and clinics throughout NM (travel and overnight stays are required). The successful applicant must be able to work as part of a busy team in a fast-paced environment. Excellent customer service and computer skills are required. Bilingual in Spanish is a plus. Salary dependent on experience. Please email letter of interest and resume to [hr@nmbar.org](mailto:hr@nmbar.org). In your letter of interest, please explain why you are interested in working as a helpline attorney. EOE.

### Assistant General Counsel

The New Mexico State University seeks a highly efficient, organized and productive attorney to serve as Assistant General Counsel. The selected candidate will report to the General Counsel and work with other university attorneys, outside counsel and university administrators providing legal services relating to public entity law, policy development, academic and student affairs, athletics, contracts, litigation support, civil rights, international programs, real estate, water rights, employment matters and other legal issues in higher education, as well as the regulatory activities of the New Mexico Department of Agriculture. The attorney will assist in coordinating the University's responses to subpoenas and public records requests. Proficient writing skills and good business judgment are essential. All applications must be submitted online. The full position posting is available online <http://jobs.nmsu.edu/postings/33534>; Requisition No. 1801332S. Call 575-646-2446 with questions.

### Executive Director

The Southwest Women's Law Center is looking for its next Executive Director. The organization works to support the needs of women and girls in New Mexico around issues of fair pay, workers' rights, reproductive health and domestic violence. Please visit our website at [swwomenslaw.org](http://swwomenslaw.org) for details of the position requirements. Send resume and letter of interest to [jgetz@swwomenslaw.org](mailto:jgetz@swwomenslaw.org). Applications will receive the best consideration if submitted by 12-31-18

### 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.

### Divorce Paralegal – Incredible Opportunity w/ New Mexico Legal Group

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

### Law Firm Manager

Law firm seeking a Firm Manager. Must be a dynamic individual with strong interpersonal and leadership skills who will build rapport with clients and team members. This duties include: managing staff, day-to-day office functions, HR functions, office operations, vendor management, facilities management, & financial management responsibilities. Must have great organizational skills, ability to work independently, and be detailed oriented. Prefer 3-5 years of law office management experience. Please email resume, references, and salary requirements to [ewideman@pbwslaw.com](mailto:ewideman@pbwslaw.com).

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### **Office Space—Santa Fe**

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# Happy New Year!



From all of us at the State Bar of New Mexico,  
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