

# BAR BULLETIN

January 9, 2019 • Volume 58, No. 1



*Like a Wildflower She Bloomed*, by Taylor Farinelli (see page 3) [www.traynephoto.com](http://www.traynephoto.com)

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# MODRALL SPERLING IS PLEASED TO ANNOUNCE OUR NEWEST SHAREHOLDER.



**Elizabeth Martinez**  
Shareholder

Betsy is a member of the firm's Litigation Department. Her practice focuses on complex briefing and appeals in a wide variety of areas, including malpractice and other torts, contracts, statutory interpretation, and employment law. She has been named a Southwest Rising Star by *Southwest Super Lawyers*® since 2016.

Prior to joining Modrall Sperling, Betsy clerked for the Honorable Raymond M. Kethledge on the U.S. Court of Appeals for the Sixth Circuit and taught undergraduate writing courses at the University of Michigan. She earned her J.D. from the University of Michigan Law School and her A.B. in English, *magna cum laude*, from Harvard University.

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## Meetings

### January

- 11**  
**Prosecutors Section Board**  
Noon, State Bar Center
- 14**  
**Solo and Small Firm Section Board**  
11 a.m., State Bar Center
- 15**  
**Real Property, Trust and Estate Section Board**  
Noon, teleconference
- 15**  
**Senior Lawyers Division**  
4 p.m., State Bar Center
- 18**  
**Family Law Section Board**  
9 a.m., teleconference
- 18**  
**Indian Law Section Board**  
Noon, State Bar Center
- 22**  
**Intellectual Property Law Section Board**  
Noon, Lewis Roca Rothgerber Christie LLP
- 23**  
**Natural Resources, Energy and Environmental Section**  
Noon, teleconference
- 25**  
**Criminal Law Section Board**  
Noon, Law Offices of Jonathan Hill
- 25**  
**Immigration Law Section Board**  
Noon, teleconference

## Workshops and Legal Clinics

### January

- 11**  
**Civil Legal Clinic**  
10 a.m.–1 p.m., Bernalillo County Metropolitan Court, Albuquerque, 505-841-9817
- 16**  
**Family Law Clinic**  
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861
- 23**  
**Consumer Debt/Bankruptcy Workshop**  
6–9 p.m., State Bar Center, Albuquerque, 505-797-6094

### February

- 6**  
**Divorce Options Workshop**  
6–8 p.m., State Bar Center, Albuquerque, 505-797-6022
- 6**  
**Civil Legal Clinic**  
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861
- 8**  
**Civil Legal Clinic**  
10 a.m.–1 p.m., Bernalillo County Metropolitan Court, Albuquerque, 505-841-9817
- 20**  
**Family Law Clinic**  
10 a.m.–1 p.m., Second Judicial District Court, Albuquerque, 1-877-266-9861

**About Cover Image and Artist:** Taylor Farinelli is an aspiring photographer in Albuquerque. She fell in love with freezing time and capturing memories and her love for photography continues to grow with each shot she gets. Although she focuses on portraits and live subjects, Farinelli will occasionally take her camera on a nature stroll to capture the beauty of the world. Never one to miss a photo opportunity, she can be found laying in the rocks or water or somewhere in the mountains. For more of her photography, visit [www.traynephotography.com](http://www.traynephotography.com).

# 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, 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, 2018, for the one vacancy on the New Mexico Court of Appeals, which exists as of Jan. 1 to fill the seat of Judge Michael Vigil. The New Mexico Court of Appeals Judicial Nominating Commission will meet on Jan. 11 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 are:

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 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 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.

## Professionalism Tip

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

I will make all reasonable efforts to decide cases promptly.

### Second Judicial District Court 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](mailto:albddiv19proposedtxt@nmcourts.gov) instead of [albddiv15proposedtxt@nmcourts.gov](mailto: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.

### Notice to Attorneys and Public

The Second Judicial District Court Children's Court Abuse and Neglect Brown Bag will be held at noon on Jan. 19, in the Chama Conference Room at the Juvenile Justice Center, 5100 2nd Street NW, Albuquerque. Attorneys and practitioners working with families involved in child protective custody are welcome to attend. Call 505-841-7644 for more information.

### Sixth Judicial District Court Announcement of Vacancy

A vacancy on the Sixth Judicial District Court exists as of Jan. 2 due to the retirement of the Hon. Judge J.C. Robinson effective Jan. 1. 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 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 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. 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 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

## STATE BAR NEWS

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

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/licenser renewal](http://www.nmbar.org/licenser renewal). 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

### Deadline to Report Credits

CLE credits taken in 2018 must be reported to Minimum Continuing Legal Education by Jan. 31. If you took an MCLE approved course, the course provider will report and pay for your credits for you. Please note that, due to a high volume of CLE credit reporting, there is a several week delay in CLE credits appearing in attorney on-line MCLE transcripts. Please be assured that all CLE credits taken in 2018 will be applied to your 2018 record.

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

- 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#.
- Feb. 4, 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.)

- 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@mcbydelaw.com](mailto:deian@mcbydelaw.com) or 505-465-9086. Thank you to 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, at the State Bar Center, simply by contacting Breanna Henley at [bhenley@nmbar.org](mailto:bhenley@nmbar.org).

## UNM SCHOOL OF LAW

### Law Library Hours

#### 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 New Mexico Court of Appeals. Judge Miles Hanisee will introduce Judges Kristina Bogardus, Megan Duffy, Jacqueline R. Medina and Briana H. Zamora. The lunch meeting will be held at noon, Jan. 9, at Seasons Rotisserie and Grill, 2031 Mountain Road, NW, Albuquerque. The cost free to members and \$30 for non-members. For more information, email [ydenning@Sandia.gov](mailto:ydenning@Sandia.gov).

## OTHER NEWS

### Gene Franchini High School Mock Trial Competition Judges Needed for the Qualifier Rounds

The Gene Franchini New Mexico High School Mock Trial Competition needs judges for the qualifier rounds. The qualifier competition will be held Feb. 8-9, 2019. It will be hosted by the Bernalillo County Metropolitan Court. Mock trial is an innovative, hands-on experience in the law for high school students of all ages and abilities. Sign up at <http://www.civicvalues.org/index.php> by Jan. 20. If you have any questions, contact Kristen at the Center for Civic Values at 764-9417 or [Kristen@civicvalues.org](mailto:Kristen@civicvalues.org).

## BOARD OF BAR COMMISSIONERS

### MEETING SUMMARY

The Board of Bar Commissioners met at the New Mexico Supreme Court in Santa Fe on Dec. 13, 2018. Action taken at the meeting follows:

- Approved the Oct. 12, 2018, meeting minutes as submitted;
- Accepted the October 2018 financials for the State Bar and the New Mexico State Bar Foundation;
- Approved revisions to the financial policies for the State Bar and New Mexico State Bar Foundation;
- Reported that 30 days' notice was provided for the 2019 Budget Disclosure and no challenges were received;
- Received a contribution/donation request for a court video project and approved \$3,500 for the project from the Board's outreach line item and donations made to the Judge Elizabeth Whitefield Memorial Fund;
- Approved a resolution for a credit card for the new Judges and Lawyers Assistance Program Director;
- Approved a resolution to update the signers on all State Bar and New Mexico State Bar Foundation bank accounts;
- Reviewed third quarter financials for the Client Protection Fund, Access to Justice Fund and the Judges and Lawyers Assistance Program as well as the 2019 JLAP Budget;
- Received a dues and licensing report;
- Approved a carryover request from the Appellate Practice Section;
- Received the *Bar Bulletin* transition timeline and a presentation on the online publication and its new features;
- Received a report from the Executive Committee;
- Received a report from the Secure Online Public Access Committee;
- Received an update on the Appellate Practice Section;
- Held an executive session and received a report from the executive director evaluation and compensation committee;
- Appointed Erin Anderson and John M. Caraway to the Client Protection Fund Commission for three-year terms;
- Appointed Kenneth (Kip) Bobroff to the Access to Justice Commission for a three-year term;
- Appointed Parker B. Folse to the vacancy on the Board of Bar Commissioners in the Sixth Bar Commissioner District;
- Appointed liaisons to the Supreme Court Boards, Committees and Commissions for 2019;
- Received petitions of continuance from the Committee on Diversity in the Legal Profession, the Bankruptcy Law Section, the Employment and Labor Law Section, the Family Law Section, and the Tax Section and approved continuing all of them;
- Discussed Board representation on the ATJ Commission;
- Received an update on the Supreme Court's Innovation Team and the LLLT Task Force;
- Received the 2019 Board meeting schedule as follows: Feb. 22, May 17, Aug. 1, Oct. 4, and Dec. 11;
- Appointed the 2019 Internal Committees of the Board;
- Received a report on the Executive Committee and Senior Staff Retreat;
- Reported that the CLE Trip will be a five-day trip to Cuba in November 2019 and details regarding that will be forthcoming;
- Received the Legal Specialization Order withdrawing the rules of legal specialization, permitting the State Bar to assist in the wind down of the current program and amending Rule 16-704 NMRA to permit the State Bar of New Mexico to administer a legal specialization program, if established by the Board;
- Reported on the recent decision of the U.S. Supreme Court *Fleck* case;
- Presented awards to commissioners whose terms expired this year, including Sean M. FitzPatrick, the Young Lawyers Division Chair; Christina G. Babcock, the Paralegal Division Liaison; and Scotty A. Holloman from the Sixth Bar Commissioner District; also presented President Wesley O. Pool with a gift for his service as president this year.

**Note:** The minutes in their entirety will be available on the State Bar's website following approval by the Board at the Feb. 22 meeting.

## NEW FEATURE

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# Legal Education

## January

- |  |  |  |
|--|--|--|
| <p><b>11 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><b>18 What Drug Dealers and Celebrities Teach Lawyers about Professional Responsibility (2018)</b><br/>3.0 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><b>25 The Fear Factor: How Good Lawyers Get Into Ethical Trouble (2018)</b><br/>5.0 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><b>11 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><b>18 Criminal Rules Hot Topics (2018)</b><br/>2.5 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><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/><a href="http://www.nmbar.org">www.nmbar.org</a></p>          |
| <p><b>11 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><b>18 2019 Legislative Preview with Richard (Dick) Minzner</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><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/><a href="http://www.nmbar.org">www.nmbar.org</a></p>                                |
| <p><b>16 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>  | <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/><a href="http://www.nmbar.org">www.nmbar.org</a></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/><a href="http://www.nmbar.org">www.nmbar.org</a></p>                                |
| <p><b>18 Ethical Issues When Representing the Elderly</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></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/><a href="http://www.nmbar.org">www.nmbar.org</a></p>   |  |
| <p><b>18 Pretrial Practice in Federal Court (2018)</b><br/>2.5 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><b>25 2018 Business Law Institute</b><br/>5.0 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>   |  |



## 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/><a href="http://www.nmbar.org">www.nmbar.org</a></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/><a href="http://www.nmbar.org">www.nmbar.org</a></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/><a href="http://www.nmbar.org">www.nmbar.org</a></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/><a href="http://www.nmbar.org">www.nmbar.org</a></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/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p><b>22 Estate Planning for Digital Assests</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><b>7 2019 Ethics Update, Part 1</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>  | <p><b>22 Lawyer Ethics and Texting</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>                         |  |
| <p><b>8 2019 Ethics Update, Part 2</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></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>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/><a href="http://alaskabar.org/cle-mcle/cle-by-the-sea/">alaskabar.org/cle-mcle/cle-by-the-sea/</a></p> |  |  |

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

# 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 21, 2018**

## **PUBLISHED OPINIONS**

A-1-CA-36402	M Rodriguez v. Ford Motor	Affirm	12/20/2018
A-1-CA-34744	Lasen v. B Tadjikov	Affirm/Reverse	12/21/2018

## **UNPUBLISHED OPINIONS**

A-1-CA-33761	State v. R Chavez	Affirm	12/17/2018
A-1-CA-35475	J Monroe v. G Fallick	Affirm	12/17/2018
A-1-CA-36115	Saylor Family v. Bern Co Valuation	Affirm	12/17/2018
A-1-CA-35511	State v. C Anderson	Affirm	12/18/2018
A-1-CA-35538	R Stuckey v. T Lamprell	Affirm/Remand	12/18/2018
A-1-CA-35401	State v. R Palma	Affirm	12/19/2018
A-1-CA-34670	State v. J Chavez	Affirm/Remand	12/20/2018
A-1-CA-36893	State v. S Huls	Affirm	12/20/2018
A-1-CA-36994	CYFD v. Edward A	Reverse/Remand	12/20/2018
A-1-CA-37104	R Orozco v. City of Belen	Affirm	12/20/2018
A-1-CA-35910	G. Rodriguez v. Ford Motor Company	Affirm	12/21/2018
A-1-CA-36442	A Chavez v. Bridgestone Tire	Affirm	12/21/2018

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

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

## Effective December 28, 2018

### PUBLISHED OPINIONS

A-1-CA-35800	M Cummings v. Board of Regents	Reverse	12/28/2018
A-1-CA-35816	C Hopkins v. A Wollaber	Affirm/Remand	12/28/2018
A-1-CA-36014	LSF9 Master Part. Trust v. J Sanchez	Reverse/Remand	12/28/2018

### UNPUBLISHED OPINIONS

A-1-CA-33798	State v. C Fox	Affirm/Vacate/Remand	12/26/2018
A-1-CA-34667	State v. A Navarro-Calzadillas	Affirm	12/26/2018
A-1-CA-35726	State v. J Ruiz	Affirm	12/26/2018
A-1-CA-34758	State v. R Jaramillo	Affirm/Remand	12/28/2018
A-1-CA-35114	State v. T Dolphus	Affirm	12/28/2018
A-1-CA-36843	“State v. A Perez“	Affirm	12/28/2018
A-1-CA-37323	State v. J Rendon	Affirm	12/28/2018
A-1-CA-37435	USA v. V Otero	Affirm	12/28/2018

# 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 Jan. 9, 2019

## PENDING PROPOSED RULE CHANGES OPEN FOR COMMENT:

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
1-047	Jurors	12/31/2018
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

### Rules of Procedure for the Probate Courts

1B-101	Scope of rules; probate court jurisdiction; title; citation form	12/31/2018
1B-102	Probate definitions	12/31/2018
1B-201	Commencement of a probate proceeding	12/31/2018
1B-202	Probate court pleadings; identification of party and lawyer	12/31/2018
1B-203	Notice of minors or persons under legal disability	12/31/2018
1B-204	Use of approved probate forms	12/31/2018
1B-205	Unsworn affirmations under penalty of perjury	12/31/2018
1B-301	Probate court forms; short title; limited purpose of forms; cautions regarding use of forms	12/31/2018
1B-302	General instructions for probate forms	12/31/2018
1B-303	General instructions for probates (no will)	12/31/2018
1B-304	Explanation of forms and how to complete; specific steps (no will)	12/31/2018
1B-305	General instructions for probates (will)	12/31/2018

1B-306	Explanation of forms and how to complete; specific steps (will)	12/31/2018
1B-401	Notice; filing required	12/31/2018
1B-501	Inventories and accountings	12/31/2018
1B-601	Closing probate; verified statement	12/31/2018
1B-602	Compensation	12/31/2018
1B-701	Transfer from probate court to district court	12/31/2018

### Rules of Civil Procedure for the Magistrate Courts

2-102	Conduct of court proceedings	12/31/2018
2-114	Courtroom closure	12/31/2018
2-202	Summons	12/31/2018
2-603	Jurors	12/31/2018

### Rules of Civil Procedure for the Metropolitan Courts

3-102	Conduct of court proceedings	12/31/2018
3-603	Jurors	12/31/2018

### Civil Forms

4-602D	Juror questionnaire privacy and destruction certification	12/31/2018
4-950	Tribal court order for initial involuntary commitment of an adult for mental health evaluation and treatment not to exceed 30 days	12/31/2018
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

### Probate Court Forms

4B-101	Opening and closing a probate court case (flow chart)	12/31/2018
4B-201	Affidavit of poverty and indigency	12/31/2018
4B-202	Order allowing free process	12/31/2018
4B-301	Application for informal appointment of personal representative (no will)	12/31/2018



4B-302 Application for informal probate of will and for informal appointment of personal representative (will)	12/31/2018
4B-303 Order of informal appointment of personal representative (no will)	12/31/2018
4B-304 Order of informal probate of will and appointment of personal representative	12/31/2018
4B-305 Acceptance of appointment as personal representative (no will) (will)	12/31/2018
4B-306 Letters of administration (no will)	12/31/2018
4B-307 Letters testamentary (will)	12/31/2018
4B-401 Notice of informal appointment of personal representative	12/31/2018
4B-402 Proof of notice	12/31/2018
4B-501 Notice to creditors by publication and notice to creditors by written notice (mailing or other delivery)	12/31/2018
4B-503 Withdrawn	12/31/2018
4B-504 Withdrawn	12/31/2018
4B-601 Inventory	12/31/2018
4B-602 Accounting	12/31/2018
4B-701 Verified closing statement of the personal representative	12/31/2018
4B-702 Verified small estate closing statement of the personal representative	12/31/2018
4B-801 Proof of authority	12/31/2018
4B-802 Certificate acknowledging receipt of documents related to proof of authority	12/31/2018
4B-901 Application for informal appointment of special administrator	12/31/2018
4B-902 Order appointing special administrator	12/31/2018
4B-903 Acceptance for appointment of special administrator	12/31/2018
4B-904 Letters of special administration	12/31/2018
4B-1001 Order transferring case from probate court to district court	12/31/2018

## Rules of Criminal Procedure for the District Courts

5-103.2 Electronic service and filing of pleadings and other papers	01/14/2019
5-123 Public inspection and sealing of court records	02/01/2019
5-301 Arrest without warrant; probable cause determination; first appearance	02/01/2019
5-302A Grand jury proceedings	04/23/2018
5-403 Revocation or modification of release orders	02/01/2019
5-409 Pretrial detention	02/01/2019
5-602 Insanity; lack of capacity	02/01/2019
5-602.1 Competency	02/01/2019
5-602.2 Proceedings after a finding of incompetency	02/01/2019

5-602.3 Incompetency due to mental retardation	02/01/2019
5-606 Jurors	12/31/2018

## Rules of Criminal Procedure for the Magistrate Courts

6-102 Conduct of court proceedings	12/31/2018
6-116 Courtroom closure	12/31/2018
6-203 Arrests without a warrant; probable cause determination	02/01/2019
6-302 Pleas allowed	02/01/2019
6-403 Revocation or modification of release orders	02/01/2019
6-501 Arraignment; first appearance	02/01/2019
6-507 Insanity; transfer to district court	02/01/2019
6-507.1 Competency; transfer to district court	02/01/2019
6-605 Jurors	12/31/2018

## Rules of Criminal Procedure for the Metropolitan Courts

7-102 Conduct of court proceedings	12/31/2018
7-203 Probable cause determination	02/01/2019
7-302 Pleas allowed	02/01/2019
7-403 Revocation or modification of release orders	02/01/2019
7-501 Arraignment; first appearance	02/01/2019
7-507 Insanity; transfer to district court	02/01/2019
7-507.1 Competency	02/01/2019
7-605 Jurors	12/31/2018

## Rules of Procedure for the Municipal Courts

8-202 Probable cause determination	02/01/2019
8-302 Pleas allowed	02/01/2019
8-403 Revocation or modification of release orders	02/01/2019
8-501 Arraignment; first appearance	02/01/2019
8-507 Insanity; transfer to district court	02/01/2019
8-507.1 Competency; transfer to district court	02/01/2019

## Criminal Forms

9-404 Transfer order; insanity defense	02/01/2019
9-404A Order on motion for competency evaluation; transfer	02/01/2019
9-513D Juror questionnaire privacy and destruction certification	12/31/2018
9-514 Order on motion for a competency evaluation	02/01/2019
9-514A Defendant information sheet	02/01/2019

## Children's Court Rules and Forms

10-103 Service of process	12/31/2018
10-166 Public inspection and sealing of court records	12/31/2018

10-261	Probation	12/31/2018
10-324	Conduct of hearings	12/31/2018
10-515	Notice of pendency of action by publication	12/31/2018
10-605	Tribal court order for involuntary placement for treatment or habilitation of a child not to exceed 60 days	12/31/2018
10-719	Probation order and agreement	12/31/2018

## Rules of Appellate Procedure

12-201	Appeal as of right; when taken	12/31/2018
12-318	Briefs	12/31/2018
12-505	Certiorari from the Court of Appeals regarding district court review of administrative decisions	12/31/2018
12-601	Direct appeals from administrative decisions where the right to appeal is provided by statute	12/31/2018

## Uniform Jury Instructions – Civil

Chapter 8	Introduction	12/31/2018
13-807	Acceptance; definition	12/31/2018
13-808	Acceptance; terms of the offer	12/31/2018
13-809	Withdrawn	12/31/2018
13-812	Acceptance; performance as acceptance; notification of the offeror; partial performance	12/31/2018
13-817	Modification of contract; definition	12/31/2018
13-824	Breach of contract; repudiation of contractual obligation	12/31/2018
13-826	Custom in the trade	12/31/2018
13-827	Course of dealing	12/31/2018
13-828	Course of performance	12/31/2018
13-831	Reasonable time	12/31/2018
13-832	Good faith and fair dealing	12/31/2018
13-840	Impossibility or impracticability of performance	12/31/2018
13-843	Contracts; measure of damages; general instruction	12/31/2018
13-843A	Special or consequential damages	12/31/2018
13-844	Withdrawn	12/31/2018
13-845	Withdrawn	12/31/2018
13-846	Withdrawn	12/31/2018
13-847	Withdrawn	12/31/2018
13-848	Withdrawn	12/31/2018
13-849	Withdrawn	12/31/2018
13-860	Mitigation of damages	12/31/2018

## Uniform Jury Instructions – Criminal

14-141	General criminal intent	12/31/2018
14-210	Second-degree murder; voluntary manslaughter lesser included offense; essential elements	12/31/2018

14-211	Second-degree murder; voluntary manslaughter not lesser included offense; essential elements	12/31/2018
14-301	Assault; attempted battery; essential elements	12/31/2018
14-606	Abandonment of a child resulting in great bodily harm or death	12/31/2018
14-607	Abandonment of a child without great bodily harm or death	12/31/2018
14-623	Child abuse resulting in death; intentional act; child under 12; essential elements	12/31/2018
14-626	Intentionally, defined for crimes against children	12/31/2018
14-902	Criminal sexual contact; use of physical force or physical violence; essential elements	12/31/2018
14-903	Criminal sexual contact; threats of force or coercion; essential elements	12/31/2018
14-904	Criminal sexual contact; victim unconscious, asleep, physically or mentally helpless; essential elements	12/31/2018
14-905	Criminal sexual contact; force or coercion; essential elements	12/31/2018
14-906	Criminal sexual contact; use of physical force or physical violence; personal injury; essential elements	12/31/2018
14-907	Criminal sexual contact; threats of force or coercion; personal injury; essential elements	12/31/2018
14-908	Criminal sexual contact; victim unconscious, asleep, physically or mentally helpless; personal injury; essential elements	12/31/2018
14-909	Criminal sexual contact; force or coercion; personal injury; essential elements	12/31/2018
14-910	Criminal sexual contact; use of physical force or physical violence; aided or abetted by another; essential elements	12/31/2018
14-911	Criminal sexual contact; threats of force or coercion; aided or abetted by another; essential elements	12/31/2018
14-912	Criminal sexual contact; victim unconscious, asleep, physically or mentally helpless; aided or abetted by another; essential elements	12/31/2018
14-913	Criminal sexual contact; force or coercion; aided or abetted by another; essential elements	12/31/2018
14-914	Criminal sexual contact; deadly weapon; essential elements	12/31/2018
14-915	Criminal sexual contact in the fourth degree; force or coercion; essential elements	12/31/2018
14-921	Criminal sexual contact of a minor in the fourth degree; use of physical force or physical violence; essential elements	12/31/2018
14-922	Criminal sexual contact of a minor in the fourth degree; threats of force or coercion; essential elements	12/31/2018
14-923	Criminal sexual contact of a minor in the fourth degree; victim unconscious, asleep, physically or mentally helpless; essential elements	12/31/2018
14-924	Criminal sexual contact of a minor in the fourth degree; force or coercion; essential elements	12/31/2018

14-925 Criminal sexual contact of a minor in the [third] [second] degree; child under thirteen (13); essential elements 12/31/2018	14-5035 Impeachment of defendant by inadmissible evidence 12/31/2018
14-926 Criminal sexual contact of a minor in the [third] [second] degree; use of coercion by person in position of authority; essential elements 12/31/2018	14-5132 Escape from jail or penitentiary; duress defined 12/31/2018
14-927 Criminal sexual contact of a minor in the [third] [second] degree; use of physical force or physical violence; personal injury; essential elements 12/31/2018	14-5160 Entrapment; unfair inducement; not predisposed 12/31/2018
14-928 Criminal sexual contact of a minor in the third degree; threats of force or coercion; personal injury; essential elements 12/31/2018	14-5161 Entrapment; law enforcement unconscionable methods and illegitimate purposes 12/31/2018
14-929 Criminal sexual contact of a minor in the third degree; victim unconscious, asleep, or physically or mentally helpless; personal injury; essential elements 12/31/2018	14-5180 Defense of property 12/31/2018
14-930 Criminal sexual contact of a minor in the [third] [second] degree; force or coercion; personal injury; essential elements 12/31/2018	14-5181 Self defense; nondeadly force by defendant 12/31/2018
14-931 Criminal sexual contact of a minor in the [third] [second] degree; use of physical force or physical violence; aided or abetted by another; essential elements 12/31/2018	14-5182 Defense of another; nondeadly force by defendant 12/31/2018
14-932 Criminal sexual contact of a minor in the [third] [second] degree; threats of force or coercion; aided or abetted by another; essential elements 12/31/2018	14-5183 Self defense; deadly force by defendant 12/31/2018
14-933 Criminal sexual contact of a minor in the [third] [second] degree; victim unconscious, asleep, physically or mentally helpless; aided or abetted by another; essential elements 12/31/2018	14-5184 Defense of another; deadly force by defendant 12/31/2018
14-934 Criminal sexual contact of a minor in the [third] [second] degree; force or coercion; aided or abetted by another; essential elements 12/31/2018	14-5185 Self defense against excessive force by a peace officer; nondeadly force by defendant 12/31/2018
14-935 Criminal sexual contact of a minor in the [third] [second] degree; deadly weapon; essential elements 12/31/2018	14-5186 Self defense against excessive force by a peace officer; deadly force by defendant 12/31/2018
14-936 Criminal sexual contact of a minor in the third degree; force or coercion; essential elements 12/31/2018	14-5190 Self defense; assailed person need not retreat 12/31/2018
14-945 Criminal sexual penetration of a 13 to 18 year old in the second degree; use of coercion by person in position of authority; essential elements 12/31/2018	14-6019B Conspiracy; multiple objectives; special verdict 12/31/2018
14-1673 Defense of notice to payee that check is worthless 12/31/2018	
14-2810 Conspiracy; single or multiple objectives; essential elements 12/31/2018	
14-2810A Conspiracy; multiple objectives; unanimity 12/31/2018	
14-2810B Multiple conspiracies; distinct agreements 12/31/2018	
14-3107 Drug paraphernalia; possession; essential elements 12/31/2018	
14-5022 Impeachment of defendant; wrongs; acts or conviction of a crime 12/31/2018	
14-5028 Evidence of other wrongs or offenses 12/31/2018	
14-5034 Admission or confession used for impeachment 12/31/2018	
	<b>Rules Governing Admission to the Bar</b>
	15-401 Board of Bar Examiners 12/31/2018
	<b>Rules of Professional Conduct</b>
	16-501 Responsibilities of partners, managers, and supervisory lawyers 12/31/2018
	16-704 Communication of fields of practice and specialization 12/31/2018
	<b>Rules Governing Discipline</b>
	17-203 Assessment of attorneys; child support compliance 12/31/2018
	17-206 Types of discipline 12/31/2018
	17-210 Reciprocal discipline 12/31/2018
	17-214 Reinstatement 12/31/2018
	17-313 Hearings 12/31/2018
	17-315 Disciplinary Board decision 12/31/2018
	<b>Rules Governing the Client Protection Fund</b>
	17A-006 Commission meetings 12/31/2018
	17A-010 Eligible claims 12/31/2018
	<b>Rules for Minimum Continuing Legal Education</b>
	18-102 Minimum continuing legal education board 12/31/2018
	<b>Rules of Legal Specialization (Withdrawn)</b>
	Rule Set 19 Withdrawn 12/31/2018

## Supreme Court General Rules

23-107 Broadcasting, televising, photographing, and recording of court proceedings; guidelines 12/31/2018

### 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

LR2-203 Electronic filing authorized 01/14/2019

LR2-309 Electronic filing authorized 01/14/2019

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

### Local Rules for the Fourth Judicial District Court

LR4-401 Safe exchange and supervised visitation, and domestic relations mediation 09/01/2018

### Local Rules for the Fifth Judicial District Court

LR5-401 Safe exchange and supervised visitation; domestic relations mediation 09/01/2018

## 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

### 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

LR12-201 Electronic filing authorized 01/14/2019

LR12-301 Electronic filing authorized 01/14/2019

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

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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>.



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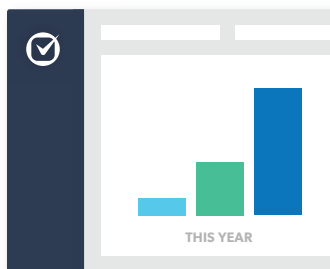
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### MEGAN L. KUHLMANN

has become a partner at YLaw, P.C. Megan joined our firm immediately after graduating from the University of North Dakota School of Law and has become an integral part of our team. Megan will continue her busy practice focused on workers' compensation and medical malpractice defense. We are delighted she has chosen to share her future with us.

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## THANK YOU FROM THE METROPOLITAN COURT

The State Bar Legal Services & Programs Committee along with the Bernalillo County Metropolitan Court would like to **recognize** and **thank** the following volunteers for helping to make the 2018 Legal Clinics a success:

Susan Page, Juan Flores, Rusch Gathings, MJ Keefe, Thomas Allison, Daniel Apodaca  
Ernest Rudolfo, Cristina Chavez Reyes, Steve Long,  
Allison Black-Chavez, Morris J. Chavez, Kathryn E. Rubi, Andrew Ortiz,  
Clayton Crowley, Rosa Valencia, Annette DeBois, Diane Albert, Edward Roibal, Leslie D. Maxwell, Stefanie Beninato, Corbin  
Hilderbrandt, Ronald Segel, Eleanor K. Bratton, Wayne Mc Cook, Diana Llewellyn, Dennis Feld, Marianne Bowers, the Senior  
Lawyers Division and the Young Lawyers Division.

A special thanks to the UNM Law Clinic students and Professors Serge Martinez and John Whitlow and to the  
State Bar of New Mexico for its support & sponsorship.



The free legal clinics are held on the **second Friday of each month** from  
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[http://lawschool.unm.edu/cle/live\\_programs/depositions.php](http://lawschool.unm.edu/cle/live_programs/depositions.php)

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This course has been approved by NM MCLE for 30 general and 2 ethics/professionalism CLE credits. We will report a maximum of 22 credits (20 general, 2 ethics/professionalism) from this course to NM MCLE, which MCLE will apply to your 2019 and 2020 requirements, as provided by MCLE Rule 18-201.

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#### 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.

#### 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.

#### 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.

#### 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@nmba.org](mailto:hr@nmba.org). In your letter of interest, please explain why you are interested in working as a helpline attorney. EOE.

#### 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](mailto:careers@jvjlw.com) before January 31, 2019. Please visit us online at [www.jvjlw.com](http://www.jvjlw.com).



## **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>.

## **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).

## **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

## **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).

## **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.

## **First Judicial District Court Contract Attorney Residential Mortgage Foreclosure Settlement Facilitation Project**

The First Judicial District Court is accepting applications for a Contract Attorney for the Residential Mortgage Foreclosure Settlement Facilitation Project (RMFSFP). RMFSFP will operate under the direction of the Chief Judge and the supervising Civil Judge. Attorney will conduct settlement facilitation conferences in owner occupied residential foreclosures pending before the Court. The Court will provide a conference room and limited office space. 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 RMFSFP progress. Attorney agrees to maintain records for payment and reporting and for statistical purposes as defined by the Court. Attorney will coordinate with assigned Court staff who provide limited administrative support to RMFSFP. Qualifications: Attorney must 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 on an hourly basis charged against a Contract not to exceed \$37,500.00. Send letters of interest and resumes to the First Judicial District Court, Judge Francis J. Mathew, Post Office Box 2268, Santa Fe, NM 87504. Letters must be received no later than February 1, 2019.

## **Associate Attorney**

Chapman and Priest, P.C. seeks an associate attorney to assist with increasing litigation case load. Candidates should have 1 to 5 years civil defense experience and good research and writing skills, excellent oral speaking ability, and be a self-starter. Send resume, references, writing sample and salary requirements to [Tonnice@cplawnm.com](mailto:Tonnice@cplawnm.com).



### Domestic Relations Hearing Officer Family Court

The Second Judicial District Court is accepting applications for a full-time At-Will Domestic Relations Hearing Officer in Family Court (position #00054600). This position is under the supervision of the Presiding Family Court Judge. Applicant will be assigned a domestic violence caseload. May also be assigned caseloads to include domestic relations and child support matters consistent with Rule 1-053.2. Qualifications: J.D. from an accredited law school, New Mexico licensed attorney in good standing, minimum of (5) years of experience in the practice of law with at least 20% of practice having been in family law or domestic relations matters, ability to establish effective working relationships with judges, the legal community, and staff; and to communicate complex rules clearly and concisely, respond with tact and courtesy both orally and in writing, extensive knowledge of New Mexico and federal case law, constitution and statutes; court rules, policies and procedures; manual and computer legal research and analysis, a work record of dependability and reliability, attention to detail, accuracy, confidentiality, and effective organizational skills and the ability to pass a background check. SALARY: \$48.53 hourly, plus benefits. Send application or resume supplemental form with proof of education and writing sample to the Second Judicial District Court, Human Resource Office, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM 87102. Applications without copies of information requested on the employment application will be rejected. Application and resume supplemental form may be obtained on the NM Judicial Branch web page at [www.nmcourts.gov](http://www.nmcourts.gov). CLOSES: February 1, 2019 at 5:00 p.m. EOE

### 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: [kfajardo@da.state.nm.us](mailto:kfajardo@da.state.nm.us). Deadline for submission of resumes: Open until filled.

### Associate Attorney

For more than 25 years, the Titus & Murphy Law Firm has provided clients of San Juan County, New Mexico with premier legal representation. We are seasoned trial attorneys who practice in many areas of the law and have a solid reputation for results. Once again, we have expanded our services and have an incredible opportunity for an Associate Attorney. We are seeking a motivated attorney, with excellent research and writing skills to join our team. This position will provide the right person with all the necessary mentorship to achieve success, as well as unlimited advancement opportunities. If you are looking for a challenge, send your resume and writing sample to [hsmurphy@titusmurphyfirm.com](mailto:hsmurphy@titusmurphyfirm.com).

### 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.

### Civil Legal Attorney (Contract)

POSITION: Civil Legal Attorney (Contract); PROGRAM: Peacekeepers, Espanola NM; STATUS: Contract/ Part Time; RATE OF PAY: DOE; EDUCATION: Juris Doctorate; EXPERIENCE: Ten years' experience in family law. PREFERRED CERTIFICATES: none. Practice civil and family law with an emphasis on domestic violence orders of protection within the Eight Northern Pueblos. Submit applications to: Desiree Hall/HR Specialist; [Desiree@enipc.org](mailto:Desiree@enipc.org); 505-753-6998 (Fax); Or call 505-747-1593 ext. 110 for information

### 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 Advanced (NMDOT)

The NMDOT seeks to fill a Paralegal & Legal Assistant - Advanced position. The position provides assistance to the attorneys by conducting legal research, investigating facts, interviewing witnesses, reviewing document production for Inspection of Public Records requests and discovery requests, preparing legal documents and exhibits, and overseeing the maintenance of reference files. Direct experience providing support in construction, governmental entity defense or complex civil litigation matters is highly desirable. Candidate is required become &/or maintain a current New Mexico Notary Public Commission. The minimum qualifications for this position require an Associate's Degree in Paralegal Studies and two (2) years of work experience drafting and preparing legal correspondence, conducting legal research and maintaining a case management/tracking system. A combination of education from an accredited college or university in a related field and direct experience in this occupation totaling four (4) years may substitute for the required minimum qualifications. Position is a Pay Band 60, hourly salary range from \$13.83 to \$24.06, depending on qualifications and experience, with all state benefits to apply. Overnight travel throughout the state is required. A valid New Mexico driver's license must be maintained at all times during employment. Working conditions: Primarily in an office setting requiring extensive personal computer and phone use, with occasional high pressure situations. Applicants must apply through the State Personnel Office: <http://www.spo.state.nm.us>. The New Mexico Department of Transportation is an equal opportunity employer.

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### Legal Assistant - Litigation

Dynamic legal assistant needed for our busy Uptown law offices. Assistant must be organized, efficient, accurate and flexible. Should have 18-24 months' experience, including in a litigation environment. Knowledge of Microsoft Office and ProLaw preferred. Fulltime position with benefits. Send resume to [glw@sutinfirm.com](mailto:glw@sutinfirm.com)

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# BAR BULLETIN

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**Starting in January, the *Bar Bulletin* will publish every other week on Wednesdays.**

Submission deadlines are also on Wednesdays, two weeks prior to publishing by 4 p.m. Advertising will be accepted for publication in the Bar Bulletin in accordance with standards and ad rates set by publisher and subject to the availability of space. No guarantees can be given as to advertising publication dates or placement although every effort will be made to comply with publication request. The publisher reserves the right to review and edit ads, to request that an ad be revised prior to publication or to reject any ad. Cancellations must be received by 10 a.m. on Thursday, 13 days prior to publication.

**For more advertising information, contact: Marcia C. Ulibarri at 505-797-6058 or email [mulibarri@nmbar.org](mailto:mulibarri@nmbar.org)**

The 2019 publication schedule can be found at [www.nmbar.org/BarBulletin](http://www.nmbar.org/BarBulletin).

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*For Your Generous Support of the Civil Legal Clinic!*

The Second Judicial District Pro Bono Committee and the Volunteer Attorney Program would like to thank the law firms, attorneys, staff and organizations that volunteered to sponsor our 2018 Civil Legal Clinics. The Clinic is held on the first Wednesday of every month at the Second Judicial District Courthouse in the 3rd floor conference room from 10 a.m. until 1 p.m. 325 individuals received assistance at our 2018 clinics thanks to the dedication of the following sponsors and volunteers:

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- ✓ Organizer

### Stay Organized– Stay Mobile!

Import your favorite events to your preferred calendar tool  
(Google, Apple Calendar or Outlook).



[www.nmbar.org/eventscalendar](http://www.nmbar.org/eventscalendar)

Have an event to add?  
Email [notices@nmbar.org](mailto:notices@nmbar.org).

