

BAR BULLETIN

July 24, 2019 • Volume 58, No. 15



La Cueva, Carla Forrest

www.carlaforrest.com

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The *Bar Bulletin* (ISSN 1062-6611) is published every other week 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.

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Meetings

July

26

Natural Resources, Energy and Environmental Law Section Board
Noon, teleconference

28

Cannabis Law Section Board
9 a.m., State Bar Center

28

Immigration Law Section Board
Noon, teleconference

28

Intellectual Property Law Section Board
Noon, JAlbright Law LLC, Albuquerque

August

2

Health Law Section Board
9 a.m., teleconference

3

Employment and Labor Law Section Board
Noon, State Bar Center

3

Real Property, Trust and Estate Section Board
Noon, State Bar Center

9

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

Workshops and Legal Clinics

July

24

Consumer Debt/Bankruptcy Workshop
6–8 p.m., State Bar Center, Albuquerque,
505-797-6000

August

5

Legal Workshop for Seniors
Catron County Commission on Aging,
Reserve, 10-11:15 a.m., presentation;
11:30 a.m.-1 p.m., POA/AHCD Workshop,
800-876-6657

6

Legal Workshop for Seniors
Silver City Senior Center, Silver City,
10-11:15 a.m., presentation;
11:30 a.m.-1 p.m., POA/AHCD Workshop,
800-876-6657

7

Divorce Options Workshop
6–8 p.m., State Bar Center, Albuquerque,
505-797-6000

7

Legal Workshop for Seniors
Ena Mitchell Senior Center, Lordsburg,
10-11:15 a.m., presentation;
11:30 a.m.-1 p.m., POA/AHCD Workshop,
800-876-6657

About Cover Image and Artist: New Mexico artist Carla Forrest provides an exciting vision of the Southwest through her spectral luminescent works, inspired by direct observation of nature and life. Forrest's pieces have tiles of color and incised lines one might expect from a palette knife painting, but reveal an even more complex painting process. Forrest, who attributes her love of palette knife painting to her study of sculpture, is inspired by the Pointillists' method of placing two colors side by side to let the eye blend them into another color. Forrest obtained her Bachelor in Studio Art from State University of New York, Master of Science in Teaching Visual Arts from Rochester Institute of Technology and Doctor of Philosophy in Organization, Information, and Learning Sciences from University of New Mexico. View more at carlaforrest.com.

Notices

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

To view recent Supreme Court rule-making activity, visit the Court's website at <https://supremecourt.nmcourts.gov/>. To view all New Mexico Rules Annotated, visit New Mexico OneSource at <https://nmonesource.com/nmos/en/nav.do>

Supreme Court Law Library

The Supreme Court Law Library is open to the legal community and public at large. The Library has an extensive legal research collection of print and online resources, including Westlaw, LexisNexis and HeinOnline. The Law Library is located in the Supreme Court Building at 237 Don Gaspar in Santa Fe. Building Hours: Monday-Friday 8 a.m.-5 p.m. Reference and Circulation Hours: Monday-Friday 8 a.m.-4:45 p.m. For more information, call 505-827-4850, email libref@nmcourts.gov or visit <https://lawlibrary.nmcourts.gov>.

Administrative Office of the Courts Notice of Online Dispute Resolution

The New Mexico Judiciary implemented online dispute resolution in debt and money due cases in early June in district and magistrate courts in the Sixth and Ninth judicial districts. The pilot program will expand to the Second Judicial District Court and the Bernalillo County Metropolitan Court later in June. The free service allows the parties to negotiate online to quickly resolve debt and money due cases without appearing in court. If a resolution is reached, the ODR system will prepare a stipulated settlement agreement and electronically file it in court. The plaintiff's attorney or a self-represented plaintiff will receive an email notification to begin ODR after the defendant files an answer to the complaint. Once the plaintiff makes an offer for possibly settling the dispute, an email goes to the defendant with an opportunity to respond. During the first two weeks of negotiations, the parties can request the help of a trained online mediator. If no agreement is reached after 30 days, the case will move forward in court. ODR notices will be emailed to the parties from no-reply@newmexicocourtsdmd.modria.com. The parties should check their inbox, spam and junk mailboxes to ensure they receive the ODR notices.

Professionalism Tip

With respect to my clients:

I will work to achieve lawful objectives in all other matters, as expeditiously and economically as possible.

Third Judicial District Court Investiture Ceremony for Judge Amanda Sanchez Villalobos

The judges and employees of the Thirteenth Judicial District Court cordially invite members of the State Bar to attend the investiture ceremony of Hon. Amanda Sanchez Villalobos at 3 p.m., Aug. 15, Cibola County District Courthouse, Courtroom Two, 700 E. Roosevelt Ave, Suite 60, Grants, NM. A reception will follow. Judges who would like to participate in the ceremony should bring their robes and report to Courtroom Two by 2:45 p.m.

Bernalillo County Metropolitan Court Volunteers are Needed for Legal Clinics

The Legal Services and Programs Committee of the State Bar and the Bernalillo County Metropolitan Court hold a free legal clinic the second Friday of every month from 10 a.m. until 1 p.m. Attorneys answer legal questions and provide free consultations at the Bernalillo County Metropolitan Court, 9th Floor, 401 Lomas Blvd NW, Albuquerque, in the following areas of law: landlord/tenant, consumer rights, employee wage disputes, debts/bankruptcy, trial discovery preparation. Clients will be seen on a first come, first served basis and attendance is limited to the first 25 persons.

U.S. District Court for the District of New Mexico Investiture of U.S. Magistrate Judge John F. Robbenhaar

The Hon. John F. Robbenhaar will be sworn in as U.S. Magistrate Judge for the United States District Court for the District of New Mexico at 4 p.m. on Aug. 16 at the Pete V. Domenici U.S. Courthouse, 333 Lomas Boulevard NW. A reception will follow from 6-8:30 p.m. All members of the bench and bar are cordially invited to attend; however, reservations will be requested. Additional information, including how to R.S.V.P., will be announced at a later date.

U.S. District Court, District of New Mexico

U.S. Magistrate Judge Vacancy

The President of the U.S. has nominated current U.S. Magistrate Judge Kevin R. Sweazea to fill a vacancy on the U.S. District Court in Las Cruces. Upon the anticipated confirmation of Judge Sweazea's nomination to be a district judge, the District of New Mexico will have a full-time magistrate judge vacancy in Las Cruces. In order to begin the process of filling the anticipated magistrate judge vacancy, the U.S. District Court for the District of New Mexico announces this notice of availability for a full-time U.S. Magistrate Judge for the District of New Mexico at Las Cruces, New Mexico. This authorization is contingent upon the appointment of incumbent U.S. Magistrate Judge Kevin Sweazea as a District Judge for the District of New Mexico and is contingent upon approval to fill this anticipated magistrate judge vacancy by the Judicial Conference of the U.S. The current annual salary for this position is \$194,028. The term of office is eight years. The U.S. Magistrate Judge Application form and the full public notice with application instructions are available from the Court's website at www.nmd.uscourts.gov/employment or by calling 575-528-1439. Applications must be submitted no later than Aug. 9.

STATE BAR NEWS Board of Bar Commissioners Aug. 1 Meeting Agenda

The next meeting of the Board of Bar Commissioners will be held on Aug. 1 at Hotel Albuquerque at Old Town. For a copy of the agenda, visit www.nmbar.org/nmbardocs/aboutus/governance/meetings/BBCAgenda-0819.pdf. For more information, contact Kris Becker at 505-797-6038 or kbecker@nmbar.org.

New Mexico Judges and Lawyers Assistance Program Attorney Support Groups

- Aug. 5, 5:30 p.m.
UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the

Law Library (the Group meets the first Monday of the month.)

- Aug. 12, 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#.
- Aug. 19, 5:30 p.m.
UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the Law Library (Group meets the third Monday of the month.) Teleconference participation is available. Dial 1-866-640-4044 and enter code 7976003#.

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

Employee Assistance Program: Managing Stress Tool for Members

The Solutions Group, the State Bar's free Employee Assistance Program, announces a new platform for managing stress. My Stress Tools is an online suite of stress management and resilience-building resources which includes: training videos, relaxation music, meditation, stress tests, a journaling feature and much more. My Stress Tools helps you understand the root causes of your stress and gives you the help you need to dramatically reduce your stress and build your resilience. Your Employee Assistance Program is available to help you, 24/7. Call at 866-254-3555.

Prosecutors Section Annual Prosecutor Section Awards

The State Bar Prosecutors Section is seeking nominations for a rookie prosecutor of the year from each of the following jurisdiction groupings: 1) Third and Sixth; 2) Seventh and Thirteenth; 3) Eleventh and Fourth; 4) First and Eighth; 5) Second and Attorney General; 6) Tenth and Fifth; 7) Twelfth and Ninth. For the purposes of these awards, the prosecutor must have been practicing law for less than three years and exhibit the following criteria: impact of the prosecution on the community; coordination with law enforcement, including training, in the prosecution of the case(s); best litigated case(s) (refers to the quality of the presentation); new approach or legal theory used in the prosecution; case management (refers to process used to manage a large quantity of cases); or any other exhibition of excellence in that category of cases. In addition, the State

Bar Prosecutors Section will recognize the 2019 Prosecutor of the Year. For this award, we are accepting nominations from the entire state of New Mexico. Nominations should be for individuals with over three years of experience as a prosecutor and should exhibit the same criteria listed above. Send a letter with the name and contact information of the nominee, the case category and the reasons why you believe the individual should receive the award to: Devin Chapman at devin.chapman@state.nm.us. Nominations may be made by anyone and additional letters of support are welcome. The deadline for nominations is Aug. 30. The awards will be presented at the AODA Fall Conference.

UNM SCHOOL OF LAW Alumni/ae Association UNM Law School Santa Fe Area Alumni and Friends Gathering

Join UNM School of Law alumni and friends for a gathering from 5:30–7 p.m., July 19, at the Rio Chama Steakhouse in Santa Fe. There will be food, beer and wine and a silent auction featuring local artists Jesse Blanchard, Elizabeth Henry, Peter Ogilvie, Barbara Shapiro & Kate Joyce. Register at https://forms.unm.edu/forms/santa_fe_gathering. Contact Melissa Lobato at lobato@law.unm.edu for more information.

Spanish for Lawyers I

The UNM School of Law presents "Spanish for Lawyers I" (20.0 G CLE credits) this fall. This course will teach the basic legal terminology that is used in our judicial system in a variety of practice settings, including criminal law, domestic relations, and minor civil disputes. Practical aspects of language usage will be emphasized, and active participation is required. Lawyers must be conversant in Spanish, as the course is taught entirely in Spanish. All students will be tested prior to the start of class. Classes will be 4:30–6:30 p.m. on Thursdays, from Aug. 22–Nov. 21. To register or for more information, visit <http://lawschool.unm.edu/spanishforlawyers/>.

Law Library Hours Summer 2019

Through Aug. 18

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.

—Featured— Member Benefit



Defined Fitness offers State Bar members, their employees and immediate family members a discounted rate. Memberships include access to all five club locations, group fitness classes and free supervised child care. All locations offer aquatics complex (indoor pool, steam room, sauna and hot tub), state-of-the-art equipment, and personal training services. Bring proof of State Bar membership to any Defined Fitness location to sign up.
www.defined.com

Sunday	Closed.
Reference	
Monday–Friday	9 a.m.–6 p.m.
Closures	

OTHER BARS Colorado Bar Association 11th Annual Rocky Mountain Regional Elder Law Retreat

The Colorado Bar Association, Elder Law Section of the CBA and the Colorado Chapter of National Academy of Elder Law Attorneys present the 11th Annual Rocky Mountain Regional Elder Law Retreat (13.0 G) from Aug. 22–24 in at the Vail Marriott Resort in Vail, Colo. Visit <https://cle.cobar.org/> to register.

National Association of Patent Practitioners Annual Membership Conference in Seattle

The National Association of Patent Practitioners will be holding their Annual Conference at the University of

Washington School of Law in Seattle on July 21–24. This is a great opportunity to gain insight on current issues from IP leaders, including William LaMarca, Prof. Martin Adelman, Robert Stall, Christopher Carani, Marc Scott, Carl Hermanns, Lindsay Calkins, Tom Wong, Priya Cloutier, Louis Hoffman, John Whitaker, and others. On Monday, July 22, NAPP and University of Washington School of Law will hold a joint program on global IP issues, focusing on cross-border strategies with Asia. Networking breaks and social events enable attendees to interact with other patent professionals within NAPP and Seattle IP community. More than 17 hours of Continuing Legal Education (CLE) credit, including 1 hour of Ethics, is available. View the agenda, find more information and register at napp.org.

National Conference of Bar Examiners

Nationwide Practice Analysis Survey by the Testing Task Force

Starting Aug. 1, attorneys across the country have the opportunity to participate in the NCBE Testing Task Force 2019 practice analysis survey, which will gather current data on the knowledge, skills, abilities, other characteristics and technology newly licensed lawyers use to accomplish the job tasks they perform. This survey is part of the Task Force's three-year study to consider the content, format, timing and delivery methods for the bar exam to ensure it keeps pace with a changing legal profession. The results of the practice analysis, which will be published at the beginning of next year, will be used by NCBE to develop the next generation of the bar exam and will benefit the profession as a whole. To participate in the survey on behalf of New Mexico and learn more about the study, visit <https://www.testingtaskforce.org/2019PASurvey>.

New Mexico Black Lawyers Association

Annual Poolside Brunch

The New Mexico Black Lawyers Association invites members of the legal community to attend its annual poolside brunch on from 11 a.m.-2 p.m., on Aug. 17, at 1605 Los Alamos Ave. SW, Albuquerque, NM 87104. Join us for food, drinks and fun! Tickets are only \$35 and can be pur-

chased on our New Mexico Black Lawyers Association Facebook page or by emailing us at nmblacklawyers@gmail.com. Each brunch ticket comes with an entry into our raffle for \$500. There will only be 100 tickets sold, so get yours today. We are also accepting sponsorships for this event. If you are interested in sponsoring, please email us at nmblacklawyers@gmail.com.

New Mexico Criminal Defense Lawyers Association

Are You Really Going to Go to Trial?: The Arts of Avoidance and Brinkmanship

The New Mexico Criminal Defense Lawyers Association presents "Are You Really Going to Go to Trial?: The Arts of Avoidance and Brinkmanship" (6.5 G) on Aug. 23 in Las Cruces. What can you do from the very beginnings of a case to prevent it from going to trial? Come learn from the experts all their best tools for plea negotiations, obtaining hard-to-get witnesses, wearing down the prosecution, staying ahead of bias, litigating search warrants, and more. This CLE will feature two breakout sessions to give you a chance to practice these skills so you feel confident in your grasp of the material. PLUS, join us for a special lunch discussion on how to prepare your client and yourself for the mental battles that lie ahead in trial. Members and their friends and family are invited to join us after the CLE for our annual membership party! Visit www.nmcdla.org to register today.

How to Bring Systemic Change Through Large Scale Verdicts in Civil Rights Cases

The New Mexico Criminal Defense Lawyers Association presents "How to Bring Systemic Change Through Large Scale Verdicts in Civil Rights Cases" (6.0 G) on Aug. 9 in Albuquerque. Criminal defense lawyers: Learn how to get immediate care for your client, regardless of whether a civil suit comes of it. Civil rights plaintiff's attorneys: Learn how to triage, select and shift your thinking on damages so they help beyond one client. Presenters include Shannon Kennedy and Matt Coyte civil attorneys who've won multi-million dollar verdicts in prison, jail, sexual assault and police excess force cases. Sponsored by the New Mexico Criminal

Defense Lawyers Association and open to civil rights plaintiffs' attorneys. Visit www.nmcdla.org to register today to attend in person or via webcast.

New Mexico Defense Lawyers Association

Insurance Bad Faith Seminar

Join the New Mexico Defense Lawyers Association for "Insurance Bad Faith Seminar" on Aug. 23. This full-day seminar will cover the latest trends and developments in bad faith litigation including post-litigation "continuing" bad faith, "defense within limits" ("burning limits" policies), bad faith from the policyholder's perspective, responding to time-limited policy limit demands, and effective trial strategies for defending insurers. This program is designed to benefit practitioners who represent insurers in bad faith litigation as well as insurance claims professionals, in-house counsel, and outside defense counsel who defend policyholders. A solid understanding of extra-contractual liability is essential for all who work in the insurance defense arena.

The Federalist Society

U.S. Supreme Court Round Up

The Federalist Society, New Mexico Lawyers Chapter, will be hosting a "U.S. Supreme Court Round Up (2018-2019)" presented by Prof. John Eastman of Chapman University School of Law. The talk will begin at noon on July 11, at Seasons Rotisserie & Grill, 2031 Mountain Road NW, Albuquerque. The event, which includes lunch, is free for members of the Federalist Society, and \$20 for non-members. Space is limited. To R.S.V.P., contact Emil J. Kiehne at ejk@modrall.com.

OTHER NEWS

New Mexico Society of CPAs Women's Leadership Summit

The New Mexico Society of CPAs presents a Women's Leadership Summit on Aug. 16 at Sandia Resort & Casino in Albuquerque. The event is approved for 7.0 CPE credits and 0.8 CLE credits. The summit will provide women at all stages in their careers the opportunity to network, learn and enhance their leadership skills. For more information and to register, visit www.nmscpa.org/cpe/catalog.

REPORT BY DISCIPLINARY COUNSEL

DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1, 2019 – June 30, 2019

Final Decisions

Final Decisions of the NM Supreme Court 2
Matter of Daniel M. Salazar, Esq., (No. S-1-SC-37306). The New Mexico Supreme Court issued an Opinion on May 16, 2019 in connection with its December 19, 2018 Order.
Matter of R. Nathan Gonzales, Esq., (No. S-1-SC-37581). The New Mexico Supreme Court issued an order on May 17, 2019 suspending Respondent from the practice of law, which was deferred, and Respondent was placed on probation for two (2) years for violations of Rules 16-115 and 17-204.

Summary Suspensions

Total number of attorneys summarily suspended 0

Administrative Suspensions

Total number of attorneys administratively suspended 0

Disability Inactive Status

Total number of attorneys removed from disability inactive states 1
Matter of (Sealed matter) New Mexico Supreme Court entered an order removing Respondent from disability inactive status and reinstating Respondent to active status.

Charges Filed

Charges were filed against an attorney for allegedly failing to provide competent representation; failing to act with reasonable diligence and promptness; failing to fully keep the client informed of the status of the matter; charging an unreasonable fee; failing to ensure an orderly termination of representation during the period when Respondent was no longer representing the client; and engaging in conduct prejudicial to the administration of justice.

Injunctive Relief

Total number of injunctions prohibiting the unauthorized practice of law 0

Reciprocal Discipline

Total number of attorneys reciprocally disciplined 0

Reinstatement from Probation

Petitions for reinstatement filed 0

Formal Reprimands

Total number of attorneys formally reprimanded 1
Matter of Jon C. Fredlund, Esq. (Disciplinary No. 2018-09-4415) a Formal Reprimand was issued at the Disciplinary Board meeting of April 19, 2019, for the violation of Rule 16-101, failing to provide competent representation to the client; Rule 16-103, failing to represent the client diligently; Rule 16-302, failing to expedite litigation; and Rule 16-804, engaging in conduct prejudicial to the administration of justice. The Formal Reprimand was published in the State Bar Bulletin issued May 1, 2019.

Informal Admonitions

Total number of attorneys admonished 4

An attorney was informally admonished for failing to provide competent representation; failing to provide diligent representation; failing to expedite litigation; and engaging in conduct that is prejudicial to the administration of justice in violation of Rules 16-101, 16-103, 16-302, and 16-804(D) of the Rules of Professional Conduct.

An attorney was informally admonished for engaging in communications with an unrepresented person without identifying themselves and using means that have no substantial purpose other than to embarrass, delay or burden a third person in violation of Rules 16-403 and 16-404 of the Rules of Professional Conduct.

An attorney was informally admonished for disclosing information related to the representation of a client without the client's informed consent and prohibiting the revelation of information relating to former representation of a client except as otherwise permitted in violation of Rules 16-106 and 16-109(C)(2) of the Rules of Professional Conduct.

An attorney was informally admonished for failing to maintain complete records of all client funds; failing to maintain client's fund in trust, and/or failing to hold client funds separate from the lawyers' own property; and failing to maintain a written trust account plan in violation of Rules 16-115(A), 17-204(A)(2), and 16-115(A)(C) of the Rules of Professional Conduct.

Letters of Caution

Total number of attorneys cautioned 10

Attorneys were cautioned for the following conduct: (1) criminal conduct (two letters of caution issued); (2) trust account violations; (3) failure to communicate; (4) disobey court order; (5) lack of diligence (three letters of caution issued); (6) improper means; and (7) prosecutorial misconduct.

Complaints Received

Allegations.....	No. of Complaints
Trust Account Violations.....	6
Conflict of Interest.....	5
Neglect and/or Incompetence.....	51
Misrepresentation or Fraud.....	13
Relationship with Client or Court.....	43
Fees.....	2
Improper Communications.....	1
Criminal Activity.....	2
Personal Behavior.....	4
Other.....	43
Total number of complaints received.....	170



Check out our brand new events calendar!

Events from:

- ✓ State Bar
- ✓ Courts
- ✓ UNM
- ✓ Voluntary bars
- ✓ And more!

Search by:

- ✓ Date
- ✓ Event type
- ✓ Organizer

Stay Organized– Stay Mobile!

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



www.nmbar.org/eventscalendar

Have an event to add?
Email notices@nmbar.org.



A MESSAGE FROM YOUR State Bar President



Dear Fellow State Bar Members:

It is hard to believe that we are halfway through the year. I write to provide you an update on State Bar activities and events. .

This year's Annual Meeting will be held August 1-3 at Hotel Albuquerque and Hotel Chaco at Old Town. I am excited to welcome our keynote speaker Dan Abrams, chief legal affairs anchor at ABC News and founder of Abrams Media. The Good Morning America legal analyst will give an insider's view of today's hottest cases and the media's effect on them. As a lawyer and media insider, Abrams brings a unique and dynamic perspective to this topic. In addition to a world-class line up of national speakers, we have put together special tracks on law practice management, prepping for Pro Bono and immigration. If you have not already registered, I encourage you to take advantage of some great events by registering for all or even just a portion of the Annual Meeting.

As always, we will have a variety of events for you and your guests to enjoy. This year's Annual Awards ceremony will feature recognition of the 50th anniversary practitioner awards. Each of these awards acknowledge the hard work of some of our most dedicated colleagues. We will also have a silent auction benefiting the New Mexico State Bar Foundation and a hospitality lounge hosted by my alma mater the Texas Tech University School of Law. The Young Lawyers Division and Judges and Lawyers Assistance Program are sponsoring several wellness events. Choose from meditation, poolside yoga, a guided nature/bird walk and chair massages just to name a few. Of course, we are always grateful for the support of our sponsors and exhibitors, especially our 2019 supporting sponsor Blue 360 Media, who make it possible for us to such a great event. Please visit our website at www.nmbar.org/annualmeeting to learn more about this year's event.

The Board of Bar Commissioners has been busy this year. As always, the Board is committed to the financial solvency and transparency of the State Bar. At our May meeting, the Board received the 2018 financial audit report, prepared by Clifton-LarsonAllen LLP, which issued an unqualified opinion with no deficiencies or weaknesses in internal controls. I invite you to review the audit report and the State Bar and Bar Foundation financial statements which can be found on our website.

The New Mexico Supreme Court ended the legal specialization program last year. The Supreme Court has authorized the State Bar to sponsor a specialization program. In May, the Board decided to move forward with the creation of a State Bar legal specialization program. Stay tuned for more information in the coming months as we will appreciate your input as this program is develops.

Earlier this year the State Bar's Access to Justice Fund Grant Commission awarded \$675,000 to 10 civil legal service providers in the state. ATJ funds come from IOLTA, pro hac vice and individual donations.

I am very proud to be not only your president, but a member of the State Bar of New Mexico. I invite you to reach out to me if I can be of service to you in any way.

Enthusiastically,

A handwritten signature in black ink that reads "Gerald G. Dixon". The signature is written in a cursive, flowing style.

Gerald G. Dixon,
President, State Bar of New Mexico

Legal Education

July

- | | | |
|--|---|---|
| <p>24 Employee Leave Law
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>25 Mediating the Political Divide
2.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>26 Be Qualified, Get Certified
4.7 G, 1.0 EP
Live Seminar, Albuquerque
New Mexico Guardianship Association
www.nmgaresourcecenter.org</p> |
|--|---|---|

August

- | | | |
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| <p>1–3 2019 Annual Meeting
12 credits plus 2 optional credits
Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>16 2018 Mock Meeting of the Ethics Advisory Committee
2.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22–23 12th Annual Legal Service Providers Conference: Legal Service Providers in Action (Two Day Conference)
10.0 G, 2.0 EP
Live Seminar
Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>1 Introduction to the Practice of Law in New Mexico (Reciprocity)
4.5 G, 2.5 EP
Live Seminar, Albuquerque
New Mexico Board of Bar Examiners
www.nmexam.org</p> | <p>16 Children's Code: Delinquency Rules, Procedures and the Child's Rights (2019)
1.5 G, 1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>23 Are You Really Going to Go to Trial?: The Arts of Avoidance and Brinkmanship
6.5 G
Live Seminar, Las Cruces
New Mexico Criminal Defense Lawyers Association
www.nmcdla.org</p> |
| <p>5 The Dam Burst: New Mexico State Legislative Update
1.0 G
Live Seminar
New Mexico Public Employers Labor Relations Association</p> | <p>16 Women's Leadership Summit
0.8 G
Live Seminar
New Mexico Society Of Cpas
505-246-1699</p> | <p>27 Trust and Estate Planning for Cabins, Boats and Other Family Recreational Assets
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>9 How to Bring Systemic Change Through Large Scale Verdicts in Civil Rights Cases
6.0 G
Live Seminar, Albuquerque
New Mexico Criminal Defense Lawyers Association
www.nmcdla.org</p> | <p>21 IT Sourcing Agreements: Reviewing and Drafting Cloud Agreements
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 Easements in Real Estate
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>14 Lawyer Ethics in Employment Law
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22 Spanish for Lawyers I
20.0 G
Live Seminar, Albuquerque
UNM School of Law
lawschool.unm.edu/spanishforlawyers/</p> | <p>28 Making your Case with a Better Memory (2019)
6.0 G
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>16 2019's Best Law Office Technology, Software and Tools—Improve Client Service, Increase Speed and Lower Your Costs
5.0 G, 1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22–24 11th Annual Rocky Mountain Regional Elder Law Retreat
12.0 G
Live Seminar, Vail, C.O.
Colorado Bar Association
https://cle.cobar.org/Seminars/Event-Info/sessionaltcd/EL082219L</p> | |

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

28 Advanced Mediation Skills Workshop (2018)
3.0 G
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org

28 Health Law Legislative Update (2019)
2.0 G
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org

28 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org

September

6 How to Practice Series: Parentage and Issues in Domestic Violence
5.5 G, 1.0 EP
Live Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org

17 Trust and Estate Planning for Collectibles, Art and Other Unusual Assets
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org

20 Retail Leases: Restructurings, Subleases and Insolvency
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org

6 Ethics, Disqualification and Sanctions in Litigation
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org

19 Litigation and Argument Writing in the Smartphone Age (2017)
5.0 G, 1.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org

24 The Ethics of Representing Two Parties in a Transaction
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org

9 Your Title Tool Kit
5.0 G, 1.0 EP
Live Seminar, Albuquerque
NBI Inc.
www.nbi-sems.com

19 Pretrial Practice in Federal Court (2018)
2.5 G, 0.5 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org

25 Civil Trial—Everything You Need to Know
11.0 G
Live Seminar, Albuquerque
NBI, Inc.
www.nbi-sems.com

9 The Link Between Animal Abuse and Human Violence
11.2 G
Live Seminar
Positive Links
505-410-3884

19 What Drug Dealers and Celebrities Teach Lawyers About Professional Responsibility (2018)
3.0 EP
Live Replay, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org

26 Volunteer Attorney Program Orientation
2.0 EP
Live Seminar, Albuquerque
Volunteer Attorney Program
www.lawaccess.org

13 30th Annual Appellate Practice Institute
6.7 G
Live Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org

19 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org

26 Orientation and Ethics of Pro Bono
2.0 EP
Live Seminar
Volunteer Attorney Program
505-814-5033

October

4 Complex, White Collar and Federal Death Penalty Cases
6.0 G
Live Seminar
New Mexico Criminal Defense Lawyers
www.nmcdla.org

8 Founding Documents: Drafting Articles of Incorporation & Bylaws, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org

9 Founding Documents: Drafting Articles of Incorporation & Bylaws, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org

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 June 28, 2019

PUBLISHED OPINIONS

A-1-CA-36098	State v. G Alvarado	Reverse/Remand	06/24/2019
A-1-CA-36233	State v. J Radler	Reverse/Remand	06/24/2019
A-1-CA-35234	State v. P Cain	Reverse/Remand	06/25/2019
A-1-CA-36688	Bank of NY Mellon v. Luu	Affirm	06/26/2019
A-1-CA-36478	Helmerich v. NM Tax & Rev	Affirm	06/27/2019
A-1-CA-36160	State v. D Knight	Affirm/Vacate/Remand	06/28/2019

UNPUBLISHED OPINIONS

A-1-CA-34927	State v. O Trecilio	Affirm	06/24/2019
A-1-CA-37487	State v. N Archuleta	Affirm	06/24/2019
A-1-CA-36180	G Mendoza v. L Huber	Affirm	06/25/2019
A-1-CA-36890	CYFD v. Krystal R	Affirm	06/25/2019
A-1-CA-36931	State v. J Jake	Affirm	06/25/2019
A-1-CA-37495	State v. R Marrufo	Affirm	06/25/2019
A-1-CA-37539	JTC v. New Mexico Taxation and Revenue	Dismiss	06/25/2019
A-1-CA-37811	State v. R Rees	Affirm	06/25/2019
A-1-CA-37904	J Stockstill v. State	Vacate/Remand	06/25/2019
A-1-CA-36780	State v. Z Cadena	Affirm	06/26/2019
A-1-CA-35115	State v. J Tardy	Affirm	06/27/2019
A-1-CA-35215	State v. J Vigil	Affirm	06/28/2019
A-1-CA-35233	State v. L Calvillo	Affirm/Reverse/Remand	06/28/2019
A-1-CA-36738	Bank of NY v. G Schmidt	Affirm	06/28/2019

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

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

Opinions

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

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Effective July 12, 2019

PUBLISHED OPINIONS

A-1-CA-35731	V Rodriguez v. D Sanchez	Reverse/Remand	07/11/2019
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UNPUBLISHED OPINIONS

A-1-CA-37393	B Franklin v. NM Department of Corrections	Affirm	07/01/2019
A-1-CA-37452	State v. L Galicia	Affirm	07/01/2019
A-1-CA-36136	S Star v. Sierra Los Pinos	Affirm	07/02/2019
A-1-CA-36948	CYFD v. Jennifer W and Keaton B	Affirm	07/03/2019
A-1-CA-37433	State v. A Lee	Affirm	07/03/2019
A-1-CA-37500	CYFD v. Donald G.	Affirm	07/03/2019
A-1-CA-37541	State v. J Moreno-Hernandez	Affirm	07/03/2019
A-1-CA-38041	CYFD v. Leandra B.	Affirm	07/03/2019
A-1-CA-37263	State v. Terra S.	Dismiss	07/09/2019
A-1-CA-36342	State v. C Chrissos	Affirm/Remand	07/10/2019
A-1-CA-37508	C Daniell v. Knox Oil Field Supply	Reverse	07/10/2019
A-1-CA-37606	State v. F Stratford	Reverse/Remand	07/10/2019
A-1-CA-37801	State v. Jayden A.	Affirm	07/10/2019
A-1-CA-35954	State v. B Sanchez	Dismiss	07/11/2019

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

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

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From the Clerk of the New Mexico Supreme Court

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CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective June 18, 2019:
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From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Supreme Court

Opinion Number: 2019-NMSC-010

No: S-1-SC-37306 (filed May 16, 2019)

IN THE MATTER OF DANIEL M. SALAZAR

An Attorney Suspended from the Practice of Law Before the Courts of the
State of New Mexico

Released for Publication July 2, 2019 Jane Gagne
Albuquerque, NM for Disciplinary Board

Debra S. Doll
Albuquerque, NM

John A. McCall
Law Works, LLC Albuquerque, NM
for Respondent

Barbara J. Vigil, Justice

I. INTRODUCTION

{1} In this disciplinary case the Court addresses the flagrant and intentional failure of Daniel M. Salazar (Salazar) to comply with the Rules of Appellate Procedure, among other rules and orders of this Court. This case came before the Court upon the recommendation of the Disciplinary Board (the Board) to sustain charges and impose discipline against Salazar for multiple violations of the Rules of Professional Conduct. The Board's request centers on its conclusion that Salazar repeatedly failed to comply with certain Rules of Appellate Procedure relating to the timely filing of appellate pleadings. The Board concluded that Salazar violated Rule 16-101 NMRA (competence), Rule 16-103 NMRA (diligence), Rule 16-302 NMRA (failure to expedite litigation), and Rule 16-804(D) NMRA (engaging in conduct prejudicial to the administration of justice). The Board recommended a one-year deferred suspension of Salazar, during which time Salazar would be supervised on all appellate matters.

{2} This Court adopted the Board's findings and conclusions with one exception and modified the Board's recommended discipline, indefinitely suspending Salazar for a period of no less than one year, effective thirty days from November 9, 2018. Salazar's history of disciplinary offenses

relating to similar intentional misconduct and his refusal to acknowledge the wrongfulness of his conduct justified his prompt suspension. When Salazar failed to comply with both our order of suspension and the requirements for suspended attorneys under the Rules Governing Discipline, we held Salazar in contempt of court and increased his indefinite suspension to a period of no less than eighteen months.

{3} We begin by explaining that attorneys must adhere to the rules of this Court as those rules serve to protect the interests of all clients and the equal administration of justice under the law. If one disagrees with the rules, there is a process by which court rules are amended. Ignoring them is not an option. Procedural gamesmanship in an effort to skirt the requirements of our rules cannot and will not be tolerated.

II. BACKGROUND

{4} Salazar has been practicing law in New Mexico for nearly twenty years with a focus on criminal defense. Since 2000, Salazar has been a contract attorney with the Law Office of the Public Defender (LOPD). This is not the first time Salazar has been subject to attorney discipline. Outside of these proceedings, Salazar has twice been admonished by the Board for his mismanagement of post-trial procedure.

{5} Two Rules of Appellate Procedure are essential to understanding Salazar's misconduct in the instant proceedings, as well as his misconduct in the past: Rule

12-201 NMRA and Rule 12-208 NMRA. First, under Rule 12-201(A)(1)(b), a party must file a notice of appeal within thirty days of the judgment or order it wishes to appeal. Second, under Rule 12-208, for most types of appeals, trial counsel is responsible for "preparing and filing a docketing statement in the Court of Appeals or a statement of the issues in the Supreme Court" within thirty days of the filing of the notice of appeal. Rule 12-208(A)-(B). The docketing statement must meet certain requirements, all of which are outlined in Rule 12-208(D). Among those is the requirement that the docketing statement include "a statement of the issues presented by the appeal, including a statement of how they arose and how they were preserved in the trial court[.]" Rule 12-208(D)(4). At the crux of Salazar's professional misconduct is his refusal to comply with Rules 12-201 and 12-208. To provide context and additional support for the ultimate discipline we impose upon him, we first address Salazar's prior misconduct.

A. Prior Professional Misconduct

{6} In April 2015, Salazar accepted an informal admonition for failure to timely file a docketing statement in a client's appeal despite the Court of Appeals' order to do so.¹ As the contract public defender at trial, Salazar was responsible for filing a docketing statement with the Court of Appeals after his client filed a *pro se* notice of appeal. See Rule 12-208(A). Salazar did not file the docketing statement within the thirty-day deadline imposed by Rule 12-208(B). Only after a hearing to show cause before the Court of Appeals—at which Salazar argued that he did not believe an appeal was necessary—did he eventually file the docketing statement, six months after his client filed the notice of appeal. Because Salazar failed to comply with his client's wishes to appeal and ignored for some time an order from the Court of Appeals to file the docketing statement, Salazar was informally admonished by the Board for violating four Rules of Professional Conduct: Rule 16-101; Rule 16-102(A) NMRA (settlement authority); Rule 16-103; and Rule 16-804(D).

{7} Salazar was again before the Board in May 2017. The Board issued a formal

¹Though informal admonitions from the Board typically remain confidential, the admonition and underlying investigation may become public record should the Board later file a formal specification of charges against the same attorney. See Rule 17-304(A)(1) (a) NMRA.

reprimand of Salazar for dilatory and incompetent post-trial practice related to another client's petition for writ of habeas corpus. *See In re Salazar*, Disciplinary No. 01-2016-733, *Bar Bulletin*, N.M. State Bar, June 7, 2017, at 15 (Formal Reprimand dated May 19, 2017). Salazar served as the contract public defender for purposes of his client's post-conviction habeas corpus proceedings. *Id.* Salazar entered his appearance on behalf of his client on March 28, 2002. *Id.* By that time, the client had already filed a petition for writ of habeas corpus and the State had filed its response. *Id.* Salazar failed to file his client's reply to the State's response for over four years. *See id.* In May 2006, the district court denied the petition for writ of habeas corpus. *Id.* One month after the district court's denial of the petition, Salazar filed his client's reply and a motion to reconsider the order denying the petition. *Id.* Over a period of two years, Salazar requested no less than six continuances of the hearing on his motion to reconsider. *Id.* He claimed that he needed more time to conduct discovery, yet as the Board found, he took no action to compel discovery from the State. *Id.* In December 2014, eight years after the district court's denial of the petition for writ of habeas corpus, Salazar stipulated on behalf of his client to a dismissal of the petition without prejudice. *Id.*

{8} Six months later, Salazar's client filed a complaint with the Board alleging that Salazar had not communicated with him since January 2009. *Id.* Salazar claimed that he had withdrawn from representation "in or about January 2009." *Id.* However, the Board found that Salazar failed to inform his client of his withdrawal, never filed a motion to withdraw, and continued to act as defense counsel when he stipulated to the dismissal of the petition in 2014—five years after his claimed withdrawal. *See id.* The Board formally reprimanded Salazar for violations of Rule 16-101, 16-103, Rule 16-104 NMRA (failure to communicate), Rule 16-116(A) NMRA (failure to withdraw from representation), Rule 16-302, and Rule 16-804(D). *In re Salazar*, *Bar Bulletin*, N.M. State Bar, June 7, 2017, at 15.

{9} Between the two instances of prior misconduct described, Salazar violated the same four Rules of Professional Conduct at issue in these proceedings: Rules 16-101,

16-103, 16-302, and 16-804(D). We determine that Salazar has shown an inability to learn from his past misconduct and the discipline imposed for such misconduct. This is evidenced by his continued failure, directly at issue in the instant proceedings, to manage his clients' appeals in a competent, diligent, and expeditious manner. As we will explain, his lack of respect for the Rules of Appellate Procedure, the Rules of Professional Conduct, and the Rules Governing Discipline is no longer tolerable. We now address Salazar's misconduct as it applies to the instant case: his representation of Jason Nowicki and Sean Godkin.²

B. Misconduct at Issue

1. Nowicki appeal

{10} Salazar was Nowicki's attorney at his trial in February 2015. Nowicki was convicted of first-degree murder and other offenses. On February 1, 2016, the district court entered its judgment and sentenced Nowicki to life imprisonment plus eighteen years. Salazar did not file a notice of appeal on behalf of Nowicki within thirty days of the entry of judgment as required under Rule 12-201(A)(1)(b). In fact, Salazar did not file a notice of appeal until November 9, 2018, the day after this Court conducted oral argument in the instant proceedings. As such, the notice of appeal was filed nearly three years after Nowicki was sentenced.

{11} In September 2017, Nowicki filed a complaint with the Board stating that he had not been able to contact Salazar and was concerned that no appellate motions had been filed on his behalf. The Board initiated an investigation as a result of Nowicki's complaint. In the course of its investigation of the Nowicki matter, disciplinary counsel discovered that Salazar had failed to comply with the Rules of Appellate Procedure in his representation of yet another client.

2. Godkin appeal

{12} Salazar represented Godkin at his trial in June 2016. That trial resulted in a mistrial, and a new trial was set for August 2, 2016. Salazar did not object to the new trial setting and did not obtain transcripts from the first trial to use at the new trial. Godkin was convicted of drug trafficking and possession charges at the second trial. Salazar timely moved for a new trial based on the expeditious setting of the second trial date, his inability to obtain transcripts

from the first trial, and an alleged relationship between the trial judge and Godkin's mother. The motion for new trial was denied, and the district court notified Salazar of its entry of judgment and sentence on November 4, 2016.

{13} Once again, Salazar failed to file a notice of appeal within thirty days of the entry of judgment as required by Rule 12-201(A)(1)(b). Instead, he filed a renewed motion for new trial in April 2017 after a new judge was assigned to Godkin's case. The renewed motion was identical to the original motion, was untimely, and was denied. In its denial of the renewed motion for new trial, the district court ordered Salazar to file a notice of appeal and docketing statement.

{14} Salazar filed the untimely notice of appeal in June 2017. One month later, he filed a docketing statement that was nearly identical to his motions for new trial. The docketing statement also did not comply with Rule 12-208(D) as it did not properly address the issues on appeal and how those issues were preserved at trial. In addition, Salazar failed to timely serve upon the district court a copy of the docketing statement as required by Rule 12-208(C). In an apparent effort to remedy this error, Salazar refiled the docketing statement in the Court of Appeals and then served a copy upon the district court in October 2017.

{15} On December 11, 2017, the Court of Appeals rejected the docketing statement and ordered Salazar to file an amended docketing statement within twenty days. The order explained that the original docketing statement did not meet the requirements of Rule 12-208 because it failed to provide sufficient facts for the Court to adequately review the appellate issues raised. The order also noted the "striking similarities" between the docketing statement and the motions for new trial. For example, the docketing statement stated that opposition to the "present motion" was presumed and requested that the Court of Appeals enter an order granting a new trial. On January 3, 2018, Salazar filed an amended docketing statement. This docketing statement was accepted by the Court of Appeals though the Court noted it "remain[ed] deficient" and alerted Salazar that by neglecting to produce an adequate docketing statement "counsel

²The events underlying this disciplinary proceeding are the subject of appeals pending before this Court and the Court of Appeals. *See State v. Nowicki*, S-1-SC-37388; *State v. Godkin*, A-1-CA-36509. We discuss the facts of those cases based on the Board's findings of fact. Our analysis and conclusions in this proceeding are not intended to influence the legal merits of the pending appeals.

runs the risk of prejudicing Defendant's appeal by failing to provide this Court with sufficient information."

C. The Disciplinary Proceedings

{16} After completing its investigation into the Nowicki and Godkin appeals, the Board filed a specification of charges against Salazar in January 2018. In the course of the subsequent proceedings, including his hearing before this Court, Salazar asserted that Rules 12-201 and 12-208 do not apply with full force to criminal defense trial attorneys.

{17} Salazar's contention that he need not adhere to the thirty-day deadline imposed by Rule 12-201 first arose in his amended response to disciplinary counsel's initial inquiry based on Nowicki's complaint. In that response, Salazar explained that Nowicki's appeal "'as of right' cannot be lost simply because the court imposed time table has been exceeded." Salazar continued that "Nowicki's appeal will likely begin in earnest within the next several month's [sic]." The response letter was dated December 11, 2017—nearly two years after Nowicki was sentenced to life imprisonment.

{18} Salazar maintained his argument that criminal defense trial attorneys need not comply with the filing deadlines set forth in the Rules of Appellate Procedure at his hearing before the Board in June 2018. When asked by disciplinary counsel whether he disputed that a notice of appeal is due thirty days after a judgment is entered, Salazar stated, "Yes and no. According to the rules, it's due 30 days after the judgment, but according to case law, it's not." He continued:

[W]e have a little bit of wiggle room. There are cases that tell us that the appeal from a conviction is a matter of right, and it can't be lost simply because the defence [sic] attorney misses a deadline . . . [I]n reality, it matters almost zero if a deadline is missed on a docketing statement, things of that nature, as far as the criminal law goes. . . . [A]lthough it's due under the rules, it's not necessarily due under the case law.

Throughout the hearing, Salazar was not able to provide legal authority by way of a citation to case law that would permit defense counsel to skirt the Rules of Appellate Procedure. In his briefing to this Court, Salazar identified *State v. Duran*, 1986-NMCA-125, 105 N.M. 231, 731 P.2d 374, as authority to support his contention

that criminal defense attorneys need not comply with the deadlines of Rule 12-201 because "[t]he practical translation [of *Duran*] is that the higher courts will address an appeal irrespective of the deadlines." We disagree with Salazar's interpretation of *Duran*. As we will discuss, *Duran* does not stand for the proposition that criminal defense attorneys may ignore the Rules of Appellate Procedure.

{19} Further, Salazar admitted at the hearing before the Board that the docketing statement he filed on behalf of Godkin did not contain a statement of how the appellate issues arose or were preserved at trial, despite the requirements of Rule 12-208(D)(4). Yet, he did not agree that the docketing statement did not comply with Rule 12-208, arguing that the docketing statement was in compliance because it "was accepted by the Court of Appeals." When confronted with the Court of Appeals' admonition that Salazar "runs the risk of prejudicing [his client's] appeal by failing to provide this Court with sufficient information," Salazar incorrectly responded that it is the job of *appellate* counsel to ensure that the docketing statements are correct. He further justified his actions by testifying that criminal defense trial attorneys "do the best we can" in drafting docketing statements to the standards required by Rule 12-208(D). We underscore in this opinion that the Rules of Professional Conduct require a much more competent and diligent effort to comply with the rules of procedure and to expeditiously serve the client than was demonstrated by Salazar in this case. The Board concluded that Salazar violated Rules 16-101, 16-103, 16-302, and 16-804(D).

III. DISCUSSION

{20} In reviewing the proceedings and determining the proper course of discipline, we draw from the Board's findings of fact and view the evidence in the light most favorable to those findings. *See In re Bristol*, 2006-NMSC-041, ¶ 28, 140 N.M. 317, 142 P.3d 905 (per curiam). We review the Board's conclusions of law *de novo*. *See id.* ¶ 18. As such, we adopt the Board's findings of fact and conclusions of law with one exception. We disagree with the Board that Salazar's "deficiencies" can be attributed "to his infrequent appellate work," as the Rules of Appellate Procedure at issue here apply to *trial* counsel, not appellate counsel. *See* Rules 12-201, -208.

A. Professional Misconduct

{21} In our view, Salazar's pattern of practice over many years demonstrates

an intentional and flagrant disregard for the Rules of Appellate Procedure. Such disregard constitutes a failure to comply with the standards imposed on the legal profession under the Rules of Professional Conduct. "A lawyer's conduct should conform to the requirements of the law . . . in professional service to clients[.] . . . [I]t is . . . a lawyer's duty to uphold legal process." Rule 16-Preamble NMRA. We conclude that Salazar's failure to conform his conduct to the requirements of Rules 12-201 and 12-208 was a violation of Rules 16-101, 16-103, 16-302, and 16-804(D). Accordingly, we indefinitely suspended Salazar from the practice of law for one year pursuant to Rule 17-206(A)(3) NMRA and imposed certain conditions on his reinstatement. As we explain, Salazar's failure to comply with the Rules Governing Discipline and his failure to comply with certain conditions we imposed relating to his initial suspension warranted an extension of his period of suspension to eighteen months.

1. Competence and diligence

{22} Lawyers are bound by the Rules of Professional Conduct to act with competence and diligence in the representation of their clients. *See* Rules 16-101, 16-103. "Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation." Rule 16-101. A diligent attorney is one who "act[s] with reasonable diligence and promptness in presenting a client." Rule 16-103. Diligence in legal practice is crucial as "[p]erhaps no professional shortcoming is more widely resented than procrastination." Rule 16-103 Comm. commentary note [3]. Not only may a client grow frustrated at a lack of diligence, "unreasonable delay" may also adversely affect a client's interests, "cause a client needless anxiety[.] and undermine confidence in the lawyer's trustworthiness." *Id.*

{23} Client frustration resulting from a failure to comply with Rules 16-101 and 16-103 is on full display in this case. It was Nowicki's exasperation with Salazar's failure to file the notice of appeal and docketing statement that led him to complain to the Board, which in turn led disciplinary counsel to investigate Salazar's representation of both Nowicki and Godkin. Though Nowicki later wrote that he consented to the delay in filing his notice of appeal, this does not excuse Salazar's blatant failure to comply with required appellate deadlines in the first place.

{24} Nor is Salazar's conduct excused by his misreading of the Court of Appeals' holding in *Duran*. In *Duran*, the Court held that "an attorney who fails to do anything within the time allowed for appeal can be said to have neglected his duty and a conclusive presumption of ineffective assistance arises." 1986-NMCA-125, ¶ 4. Because the defendant in *Duran* was afforded ineffective assistance of counsel when her attorney failed to comply with the deadline to file a notice of appeal, the Court of Appeals permitted the late filing of the notice and reached the merits of the defendant's appeal. *See id.* ¶¶ 1, 6.

{25} We agree with the Board's conclusion in this case that "[t]he *Duran* holding that a criminal defendant's untimely appeal may proceed notwithstanding his attorney's negligence and lack of diligence does not excuse the violation of Rule[s] 16-101 and 16-103." *Duran* is a case focused on criminal defendants' rights to appellate due process. *See id.* ¶ 3. It is not to be read as providing an opportunity for criminal defense attorneys to ignore the deadlines set forth in the Rules of Appellate Procedure. We will not condone Salazar's legal scheming to thwart the appellate deadlines at the expense of his clients' due process rights. Nowicki has a constitutional right to a direct appeal of his conviction to this Court. *See* N.M. Const. art. VI, § 2. Salazar's lack of competence and diligence left his client in legal limbo, anxiously wondering for nearly three years whether he would ever have the opportunity to be heard on appeal. Such flagrant refusal to comply with the Rules of Appellate Procedure will not be tolerated in our criminal justice system.

{26} While not as egregious as the delay in Nowicki's case, Salazar's failure to promptly initiate Godkin's appeal also demonstrates a lack of reasonable competence and diligence. Salazar waited seven months before filing the notice of appeal in Godkin's case. Once again, this delay evidences some chicanery on Salazar's part. He testified before the hearing committee that he "could have filed the notice of appeal, and just painted by the numbers, but then [he] would have lost that [one] percent, maybe even half-percent chance that a new judge would see [the motion for new trial] favorably." We emphasize that "painting by the numbers"—or as we see it, following the rules—is precisely what Salazar must do as an attorney. His conduct should "conform to the requirements of the law[.]" Rule 16-Preamble NMRA.

That includes the requirement that he file a notice of appeal within thirty days of his client's sentencing. *See* Rule 12-201(A)(1)(b). This "painting by the numbers" also includes the requirement that he file a docketing statement that meets the standards explicated in Rule 12-208(D).

{27} Salazar's practice of copying, wholesale, previous pleadings and presenting them as new documents meant to serve a new purpose further demonstrates his lack of competence. The Court of Appeals raised this incompetence to Salazar on several occasions where it noted the docketing statement's similarity to the motions for new trial and the fact that the docketing statement did not provide sufficient information for the Court of Appeals to consider Godkin's claims of error. A docketing statement serves a different purpose than a motion for new trial and the drafting of a docketing statement is governed by a wholly separate rule. *See* Rule 12-208(D). A docketing statement is meant to alert the appellate court to the issues before it on appeal and how those issues were preserved at trial. *See id.* The docketing statement in Godkin's case did not meet these purposes. Even when he was given a second chance to file an amended docketing statement, Salazar failed to sufficiently provide those facts necessary for the Court of Appeals to properly review whether Godkin received a fair trial. His failure to draft an appropriate docketing statement establishes Salazar's lack of competence in representing Godkin. Because he failed to act competently and diligently in his representation of both Nowicki and Godkin on appeal, we conclude that Salazar violated Rules 16-101 and 16-103.

2. Expediting litigation

{28} Rule 16-302 states that attorneys "shall make reasonable efforts to expedite litigation consistent with the interests of the client." This rule prohibits attorneys from engaging in "[d]ilatory practices [that] bring the administration of justice into disrepute." Rule 16-302 Comm. commentary. In determining whether an attorney has failed to expedite litigation, "[t]he question is whether a competent lawyer acting in good faith would regard the course of action as having some substantial purpose other than delay." *Id.*

{29} Salazar's explanation for the delay in Nowicki's appeal was not professionally reasonable. He stated to the hearing committee and this Court that he did not file the notice of appeal because, had he done so, the case would have been transferred

to LOPD appellate counsel, thereby preventing him from continuing to work on the case under his LOPD contract. Randy Chavez, the director of contract counsel legal services for LOPD, confirmed to the hearing committee that LOPD protocol dictates that trial counsel's job is complete once trial counsel files the notice of appeal and docketing statement in a case. He further explained that after the LOPD appellate division takes over a case, trial counsel can "help out" the appellate attorney, but trial counsel is "no longer . . . the attorney of record[.]"

{30} Salazar argued that he did not file the necessary appellate pleadings because he needed to be Nowicki's attorney in order to monitor exculpatory evidence that was brought to his attention approximately six months after trial and which could be used in Nowicki's petition for writ of habeas corpus. However, Salazar also correctly testified before the hearing committee that a habeas corpus petition could not be filed before the exhaustion of Nowicki's direct appeal. *See State v. Sisk*, 1968-NMSC-087, ¶ 4, 79 N.M. 167, 441 P.2d 207. The desire to work on a petition for writ of habeas corpus may at some level conflict with the notion that a direct appeal must be completed before a petition for writ of habeas corpus can be filed. Nonetheless, these conflicting notions do not provide justification for Salazar to wait nearly three years to file Nowicki's notice of direct appeal. Salazar was obligated to file the notice of appeal and docketing statement within the deadlines imposed by Rules 12-201 and 12-208. Then, he should have notified the appropriate division of LOPD of the existence of exculpatory evidence that may support a claim under habeas proceedings. Instead, Salazar's dilatory strategy left Nowicki in a legal lurch for years after his conviction, a consequence we will not condone.

{31} Moreover, the appearance of exculpatory evidence six months after the trial should have led Salazar to file a motion for new trial on the grounds of newly discovered evidence. *See* Rule 5-614(C) NMRA. Nevertheless, Salazar did not file a motion for new trial within the two-year limit of Rule 5-614(C). When asked at oral argument why he did not pursue a new trial once he learned of exculpatory evidence, Salazar responded, "Quite frankly because it didn't occur to me." Salazar's lack of understanding of post-trial procedure effectually impeded his client from obtaining the full legal protections to which he

was entitled under the criminal justice system. Nowicki was denied the chance to pursue a new trial. He did not receive a timely review of his conviction on appeal. If exculpatory evidence does in fact exist in his case, no court has had the opportunity to consider it. And the impetus for all this is Salazar's blatant refusal to comply with the court rules enacted to facilitate and protect every person's constitutional rights. We therefore conclude that Salazar violated Rule 16-302.

3. Conduct prejudicial to the administration of justice

{32} Attorney misconduct includes "engag[ing] in conduct that is prejudicial to the administration of justice[.]" Rule 16-804(D). "Lawyers are subject to discipline when they violate or attempt to violate the Rules of Professional Conduct[.]" Rule 16-804 Comm. commentary note [1]. Salazar's incompetence and lack of diligence in failing to expeditiously advance his clients' appeals violated Rules 16-101, 16-103, and 16-302. For the reasons stated above, Salazar's delays in filing appropriate appellate pleadings prevented his clients from accessing justice and fair process. Such misconduct also impedes the administration of justice in violation of Rule 16-804(D) and therefore must be addressed by imposing appropriate discipline.

B. Discipline

{33} On November 8, 2018, the Board recommended to this Court that Salazar receive a one-year deferred suspension, during which time Salazar would be supervised in all appellate work. We rejected the Board's recommendation to defer the suspension and indefinitely suspended Salazar from the practice of law for a period of time of no less than one year, effective thirty days from November 9, 2018. In our view, Salazar's pattern and practice of intentionally ignoring the Rules of Appellate Procedure constitutes serious professional misconduct that must be stopped.

{34} In imposing discipline, we are guided by the American Bar Association's Standards for Imposing Lawyer Sanctions (ABA Standards). *In re Key*, 2005-NMSC-014, ¶ 5, 137 N.M. 517, 113 P.3d 340 (per curiam) (explaining that we look to these standards to "insure a certain degree of consistency" but noting that "each case is decided on the basis of its own merits"). The ABA Standards express that suspension is appropriate when an attorney "knowingly fails to perform services for a client and causes injury or potential injury

to a client[.]" Am. Bar Ass'n, *Annotated Standards for Imposing Lawyer Sanctions* (ABA *Annotated Standards*), Standard 4.42 (2015). Suspension is also recommended under the ABA Standards when an attorney has been repeatedly "reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession." Am. Bar Ass'n, *ABA Annotated Standards*, Standard 8.2.

{35} Salazar's misconduct aligns with these guidelines for imposing discipline. Salazar intentionally failed to file Nowicki's notice of appeal, thereby usurping his client's right to appellate review of his conviction. Furthermore, Salazar has a history of filing untimely and unsatisfactory appellate pleadings on behalf of his clients, including Godkin's notice of appeal and docketing statement, for which he has previously been reprimanded by the Board and warned of by the Court of Appeals. For these reasons, we conclude an indefinite full suspension is justified.

{36} In our initial ruling, we ordered Salazar to comply with Rule 17-212 NMRA, the rule governing suspended attorneys. Under Rule 17-212, a suspended attorney is required to give notice of his or her suspension to each client, each opposing attorney in all pending cases, and each court or administrative agency overseeing a pending matter. Rule 17-212(A)-(B). The form of notification must be approved by disciplinary counsel. Rule 17-212(A). A suspended attorney must also file in this Court and serve upon disciplinary counsel an affidavit stating that he has "fully complied with the provisions of the order and with [Rule 17-212]" within ten days after the effective date of the suspension order. Rule 17-212(D). This Court may hold in contempt any attorney who fails to comply with this rule. Rule 17-212(F).

{37} As conditions of his reinstatement, we ordered Salazar to complete ten hours of ethics continuing legal education classes (with at least five hours consisting of in-person classes) and to submit to a character and fitness investigation by the board of bar examiners at his expense. Finally, we ordered Salazar to pay the costs of this proceeding.

{38} On November 30, 2018, disciplinary counsel filed a motion for an order to show cause resulting from Salazar's failure to comply with Rule 17-212 as well as his entry in a pending criminal case notwithstanding this Court's order of suspension.

We granted the motion and heard argument on December 19, 2018.

{39} The afternoon before the hearing to show cause, Salazar filed a motion to continue the hearing based on the unavailability of his newly-acquired attorney, John McCall. We denied the motion to continue. On the morning of December 19, 2018, Debra S. Doll entered her appearance on behalf of Salazar as substitute counsel for Mr. McCall, the attorney of record. In oral argument, Ms. Doll asserted that Salazar entered his appearance in a new case—despite the fact that he was suspended—at the urging of the district court judge hearing the case. She also admitted that Salazar was not in compliance with Rule 17-212 and asked this Court for an extension of time to fulfill the requirements of the rule. She explained that her client had sought and received disciplinary counsel's approval of his suspension notification letters that very day. She personally assured the Court that she would ensure that Salazar met the requirements of Rule 17-212 by the extended deadline.

{40} We consider the argument pinning Salazar's disobedience of our order on a judicial officer to be quite dubious and unsupported by evidence. We also note that Salazar's required affidavit of compliance under Rule 17-212(D) was due to this Court several weeks before the hearing to show cause. Yet, Salazar had not even sought disciplinary counsel's approval of his notification letters prior to the day of the hearing on the order to show cause. Not only did Salazar miss the deadline to prove his compliance to this Court, he had not yet begun to formally notify his clients of his suspension more than a month after our order.

{41} As a result of his noncompliance with both our initial suspension order and Rule 17-212, we held Salazar in contempt of court and increased the period of his suspension by six months for a total indefinite suspension period of no less than eighteen months. This extension of discipline rests on Salazar's intentional act of disobedience in entering his appearance on behalf of a client following our order suspending him from the practice of law, as well as his continued habit of ignoring rules of this Court. *See* Am. Bar Ass'n, *ABA Annotated Standards*, Standard 9.22 (listing as aggravating factors the "bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency" and "a pattern of misconduct"); *see also*

Am. Bar Ass'n, *ABA Annotated Standards*, Standard 9.21 (defining "aggravating circumstances" as "any considerations or factors that may justify an increase in the degree of discipline to be imposed").

{42} On the personal assurances of his attorney, we afforded Salazar two days from the date of the contempt order to "comply with all requirements of Rule 17-212" and "deliver to the Office of Disciplinary Counsel . . . a separate list setting forth the names of [Salazar's] clients and the case numbers for any cases of those clients that are pending in any court[.]" Though Ms. Doll gave her word that these requirements would be met, it was ultimately Salazar's responsibility to comply with our order. Failure to complete these requirements would result in Salazar's disbarment. To aid us in ensuring that Salazar complied with our order and Rule 17-212, we ordered disciplinary counsel to file an affidavit with this Court detailing whether Salazar had come into full compliance.

{43} On January 2, 2019, disciplinary counsel filed an affidavit stating that Salazar had not provided a separate list of clients and had not fully met the requirements of Rule 17-212 by the deadline set forth in our December 19, 2018 order. Specifically, Salazar had failed to include in his affidavit of compliance copies of the letter he sent to his clients informing them of his suspension. He also failed to include copies of letters notifying each individual opposing counsel in his pending cases that he was suspended. Instead, Salazar sent letters only to the district attorneys in the First, Second, and Thirteenth Judicial Districts. Those letters failed to "state the place of residence of [each] client" as required by Rule 17-212(B). We seriously considered

disbarring Salazar due to his ongoing defiance and lack of compliance to the terms of our December 19, 2018 order. However, two weeks later, disciplinary counsel filed a supplemental notice with this Court stating that Salazar had fully complied with Rule 17-212 and our November 9, 2018 order.

{44} Two days before disciplinary counsel's supplemental notice, Salazar filed a pleading asking to set aside and reconsider the December 19, 2018 order and decision of this Court. In that pleading, Salazar once again held himself out as a lawyer—a blatant violation of this Court's order of November 9, 2018. He requested this Court, "by and through his attorney of record, The Law Office of Daniel M. Salazar ESQ., (Daniel M. Salazar, Esq.)," to reconsider our suspension order as he considered it "contrary to common sense and law." Salazar argued that his successful trial record and "perceived excellence in other areas" should serve to mitigate the extent of his discipline. A lawyer's self-proclaimed excellence is not a mitigating factor we consider when dispensing appropriate discipline for flagrant violations of the Rules of Appellate Procedure, the Rules of Professional Conduct, the Rules Governing Discipline, and perhaps most importantly, this Court's order imposing discipline.

{45} We strike Salazar's motion as it was not filed by his counsel of record, but by "The Law Office of Daniel M. Salazar, ESQ." We are deeply troubled that Salazar continues to represent himself as an attorney of record in any case, let alone his own disciplinary matter, at a time when he is indefinitely suspended from the practice of law in New Mexico. We affirm Salazar's

indefinite suspension for a period of no less than eighteen months from the effective date of his suspension as set forth in our November 9, 2018 order.

{46} Rules matter. An attorney must conform his or her conduct to the requirements of the rules and orders of this Court. The discipline we impose may salvage Salazar's potential and ability to practice law. This period of suspension will enable Salazar to reform his dilatory ways and accept responsibility for the harm he has inflicted on his clients and the fair administration of justice in New Mexico.

IV. CONCLUSION

{47} We adopt the Board's findings of fact and conclusions of law as modified in our November 9, 2018 order and in this opinion. We indefinitely suspend Salazar from the practice of law for a period of no less than eighteen months. His reinstatement is conditioned upon his compliance with the requirements set forth in our November 9, 2018 order and in this opinion. We order him to pay the costs of this proceeding as provided in our November 9, 2018 order.

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

BARBARA J. VIGIL, Justice

WE CONCUR:
JUDITH K. NAKAMURA,
Chief Justice
PETRA JIMENEZ MAES,
Justice, Retired
Sitting by designation
CHARLES W. DANIELS,
Justice, Retired
Sitting by designation
GARY L. CLINGMAN,
Justice, Retired
Sitting by designation

From the New Mexico Court of Appeals

Opinion Number: 2019-NMCA-018

No. A-1-CA-36131 (filed December 7, 2018)

STATE OF NEW MEXICO
DEPARTMENT OF GAME AND
FISH,
Appellee-Petitioner,
v.
TIMOTHY L. RAWLINGS,
Appellant-Respondent.

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY

Raymond Z. Ortiz, District Judge

HECTOR H. BALDERAS,
Attorney General
REGINA RYANCZAK,
Assistant Attorney General
Santa Fe, New Mexico
for Appellee

QUINN SCOTT SIMONS
THE SIMONS FIRM, LLP
Santa Fe, New Mexico
for Appellant

Opinion

Julie J. Vargas, Judge

{1} The New Mexico Department of Game and Fish (Game and Fish) appeals from the district court's order reversing Game and Fish's decision to deny Respondent's application for a New Mexico outfitter's license. Game and Fish raises four issues on appeal. First, Game and Fish argues that its hearing officer's decision to deny Respondent's application for an outfitter's license was supported by substantial evidence in accordance with NMSA 1978, Section 17-2A-3(C)(2) (2001) and 19.30.8.9(A)(6) NMAC. Second, Game and Fish claims that the district court acted arbitrarily and capriciously when it reversed Game and Fish's decision. Third, it contends that the district court erred when it applied Section 17-2A-3(C)(3), rather than Section 17-2A-3(C)(2) to the evaluation of Respondent's outfitter application. Finally, Game and Fish claims that the district court erred when it concluded that Game and Fish violated the Interstate Wildlife Violator Compact (the Compact), NMSA 1978, Section 11-16-1 to -12 (2001). Because we conclude that the actions of the Arizona Commission on which Game and Fish relied to deny Respondent a license are akin to a suspension under our relevant

statute and regulations and the Legislature intended for Game and Fish to treat the Respondent's Arizona license "revocation" as if it had occurred in Arizona, pursuant to the Compact, we affirm.

BACKGROUND

{2} After working as a licensed hunting guide in New Mexico for three years, Respondent submitted an application for a New Mexico outfitter's license to Game and Fish. Game and Fish denied his application pursuant to Section 17-2A-3(C)(2), which precludes an individual from working as a registered outfitter "if the person has had a guide or outfitter license, registration, permit or certificate revoked in another state." In support of its denial, Game and Fish pointed to a February 21, 2003, action by the Arizona Game and Fish Commission, which unanimously concluded:

That the license and/or license privileges of [Respondent] to hunt, fish, trap and guide in the State of Arizona be revoked and he be denied another for a period of five years; that the current licenses be suspended as of the date of this hearing and that they be revoked as of the date the order in this case is signed by the director; [and] that he be required to complete the hunter education

course and provide proof to the Department's law enforcement branch before applying for any other licenses to hunt in the State [of Arizona.]

Respondent requested an administrative review of Game and Fish's decision, pursuant to Section 17-2A-3(S) and the Uniform Licensing Act (ULA), NMSA 1978, Section 61-1-1 to -34 (1957, as amended through 2016). Following an administrative hearing, the Game and Fish hearing officer entered an order upholding Game and Fish's denial. Respondent appealed to the district court, pursuant to NMSA 1978, Section 39-3-1.1 (1999) and Rule 1-074 NMRA.

{3} The district court reversed the decision of Game and Fish, finding that Game and Fish acted arbitrarily and capriciously, applied an inapplicable subsection of Section 17-2A-3, and violated the Compact. Game and Fish petitioned this Court for a writ of certiorari, which we granted.

DISCUSSION

{4} Initially, we note that while Game and Fish raised issues of substantial evidence and abuse of discretion by the district court, the only argument developed in its brief involves the district court's interpretation of the relevant statutes and regulations. As such, this case requires us to interpret provisions of our statutes governing our statewide system for hunting activities set out in NMSA 1978, Section 17-2A-1 to -3 (1996, as amended through 2001) and the regulations promulgated pursuant to those statutes, in conjunction with the Compact adopted by our Legislature. Specifically, we must decide whether the action taken by the Arizona Commission constitutes a revocation of Respondent's guide or outfitter license such that he is precluded from "work[ing] as a registered hunting guide or outfitter in New Mexico," pursuant to Section 17-2A-3(C)(2). As all of the arguments on appeal raised by Game and Fish are related, we address them together.

Standard of Review

{5} This Court "conduct[s] the same review of an administrative order as the district court sitting in its appellate capacity[.]" *Rio Grande Chapter of Sierra Club v. N.M. Mining Comm'n*, 2003-NMSC-005, ¶ 16, 133 N.M. 97, 61 P.3d 806. We will not disturb a decision of Game and Fish unless it acted in a manner that is: "[1)] arbitrary, capricious, or an abuse of discretion; [(2)] not supported by substantial evidence in the record; or [(3)] otherwise

not in accordance with law.” *Id.* ¶ 17; see Rule 1-074. “A ruling by an administrative agency is arbitrary and capricious if it is unreasonable or without a rational basis, when viewed in light of the whole record.” *Rio Grande Chapter of Sierra Club*, 2003-NMSC-005, ¶ 17. “A ruling that is not in accordance with law should be reversed if the agency unreasonably or unlawfully misinterprets or misapplies the law.” *N.M. Mining Ass’n v. N.M. Water Quality Control Comm’n*, 2007-NMCA-010, ¶ 11, 141 N.M. 41, 150 P.3d 991 (internal quotation marks and citation omitted). In considering whether Game and Fish’s actions were in accordance with the law, we note that interpretation of a statute is a matter of law that this Court reviews de novo, and we are not bound by Game and Fish’s interpretation of the relevant statutes. See *id.* (citing *Rio Grande Chapter of the Sierra Club*, 2003-NMSC-005, ¶ 17).

Statutory Interpretation

{6} When interpreting a statute, a court’s primary goal is to “facilitate and promote the [L]egislature’s purpose.” *United Rentals Nw., Inc. v. Yearout Mech., Inc.*, 2010-NMSC-030, ¶ 17, 148 N.M. 426, 237 P.3d 728 (omission, internal quotation marks, and citation omitted). In discerning that purpose, “we look first to the plain language of the statute, giving the words their ordinary meaning, unless the Legislature indicates a different one was intended.” *Flores v. Herrera*, 2016-NMSC-033, ¶ 8, 384 P.3d 1070 (internal quotation marks and citation omitted). While the plain meaning rule provides that “statutes are to be given effect as written and, where they are free from ambiguity, there is no room for construction[.]” this rule must be applied with caution, as “a statute, apparently clear and unambiguous on its face, may for one reason or another give rise to legitimate (i.e., nonfrivolous) differences of opinion concerning the statute’s meaning.” *State ex rel. Helman v. Gallegos*, 1994-NMSC-023, ¶¶ 2, 23, 117 N.M. 346, 871 P.2d 1352 (internal quotation marks and citation omitted). Consequently, courts will reject the literal language of the statute if doing so is necessary to “conform to the obvious intent of the [L]egislature, or to prevent its being absurd.” *Id.* ¶ 3 (internal quotation marks and citation omitted); see *Baker v. Hedstrom*, 2013-NMSC-043, ¶ 15, 309 P.3d 1047 (indicating that the statute must be interpreted in the context of the statute as a whole with an eye toward its purposes and consequences). We consider all parts of the statute together, “read[ing]

the statute in its entirety and constru[ing] each part in connection with every other part to produce a harmonious whole.” *Key v. Chrysler Motors Corp.*, 1996-NMSC-038, ¶ 14, 121 N.M. 764, 918 P.2d 350. Furthermore, a statute “whose construction is in question, [is] to be read in connection with other statutes concerning the same subject matter.” *State ex rel. Children, Youth & Families Dep’t v. Djamila B.*, 2014-NMCA-045, ¶ 10, 322 P.3d 444 (alteration, internal quotation marks, and citation omitted), *aff’d on other grounds sub nom. In re Mahdjid B.*, 2015-NMSC-003, 342 P.3d 698. Finally, we interpret statutes “to avoid rendering the Legislature’s language superfluous.” *Baker*, 2013-NMSC-043, ¶ 24.

The District Court Properly Applied Section 17-2A-3(C)(3) to Respondent’s Application

{7} It is unlawful in New Mexico for a person to work as an unlicensed hunting guide or outfitter. Section 17-2A-3(A). A person who has previously “had a guide or outfitter license, registration, permit or certificate revoked in another state,” or suspended in another state without reinstatement, will not “be allowed to work as a registered hunting guide or outfitter in New Mexico.” Section 17-2A-3(C)(2), (3). The decision entered by the Arizona Commission “revokes” Respondent’s license, precludes him from obtaining another for five years, and requires him to complete a course before he can apply for another license to hunt in Arizona. Respondent was subsequently issued a new license by the Arizona Commission. To determine whether Respondent is precluded from working as a registered hunting guide or outfitter in New Mexico, we are required to consider whether the Arizona Commission’s decision constitutes a “revocation” as the term is used in Section 17-2A-3(C)(2).

{8} We initially consider the meaning of the term “revoke” and its counterpart, “suspend” as they are used in Section 17-2A-3(C), (D). Neither Section 17-2A-3, specifically, nor Chapter 17, generally, provide definitions for the terms “revocation” or “suspension.” Instead, the parties direct us to the definitions of “revoke” and “suspend” in the ULA, and in the regulations promulgated by Game and Fish as part of its hunting and fishing regulations. The Uniform Licensing Act provides:

D. “revoke a license” means to prohibit the conduct authorized by the license;

E. “suspend a license” means to prohibit, for a stated period of

time, the conduct authorized by the license. “Suspend a license” also means to allow, for a stated period of time, the conduct authorized by the license, subject to conditions that are reasonably related to the grounds for suspension[.]

Section 61-1-2(D), (E) (emphases added). The hunting and fishing regulations promulgated by Game and Fish define “[r]evocation” and “[s]uspension” of privileges slightly differently:

H. “Revocation” means when a person’s hunting, fishing, trapping, guiding and outfitting privileges, or other privileges or authorities granted by an agreement, license or permit issued by the department, are taken away by the commission after notice and opportunity for a hearing.

I. “Suspension” means when a person’s hunting, fishing, trapping, guiding and outfitting privileges, or other privileges or authorities granted by an agreement, license or permit issued by the department, are taken away by the commission, after notice and opportunity for a hearing, until the person comes back into compliance.

19.31.2.7(H), (I) NMAC (emphases added).

{9} The language of the decision by the Arizona Commission regarding the Respondent’s Arizona license does not fit easily into the definitions promulgated by the Legislature contained in the ULA or the definitions promulgated by Game and Fish contained in its regulations. While using the term “revoked,” the decision of the Arizona Commission clearly contemplates the possibility of future hunting, fishing, trapping and guide privileges for the Respondent, ordering that “he be denied another [license] for a period of five years . . . [and] that he be required to complete the hunter education course . . . before applying for any other licenses[.]”

{10} Under the ULA and Game and Fish regulations, however, the term “revoke” denotes a finality that cannot be overcome under any circumstances. In the instance of revocation, the conduct permitted by a license is “prohibited” under the ULA, see § 61-1-2(D), and “taken away” by the regulations. See 19.31.2.7(H) NMAC. Nowhere in the statute or regulation defining “revoke”

is the reinstatement of those privileges contemplated. Instead, it is the ULA and Game and Fish regulations defining “suspended” that contemplate the reinstatement of privileges after a stated time or upon compliance with certain conditions. See § 61-1-2(E); 19.31.2.7(I) NMAC. Notwithstanding its use of the term “revoked,” the Arizona Commission’s indication that Respondent may be permitted to recover those privileges after a stated period of time or upon compliance with certain conditions fits more appropriately into the definition of a “suspension” under the ULA and the regulations.

{11} Game and Fish contends that the Arizona Commission’s use of the term “revoked” is dispositive, arguing that had the Arizona Commission intended to “suspend” Respondent, it would have set conditions he must satisfy to lift the suspension. Game and Fish, however, ignores two critical points. First, at least one of the definitions of “suspension” on which it encourages us to rely provides that suspension “means to prohibit, for a stated period of time,” which is precisely what happened in this case. The Arizona Commission prohibited Respondent from obtaining a license which would permit him to hunt, fish, trap and guide for five years and subsequently restored his privileges by granting him a new license. See § 61-1-2(E). Second, Game and Fish ignores that the Arizona Commission placed conditions on his ability to engage in these activities in the future, requiring that he complete a hunter education course and provide proof before a new license would be issued to him.

{12} Game and Fish further argues that Respondent’s claim “that his revocation was really a suspension . . . results in a skewed meaning of the statute in its entirety and does not give effect to the objective and purpose of the statute.” We disagree. In addition to implementing statutes governing our statewide system for hunting activities, see Section 17-2A-1 to -3, our Legislature adopted legislation to address the manner in which New Mexico will recognize and address wildlife violations that occur in other states, including suspensions and revocations of hunting, fishing, trapping and guiding privileges. In 2001 New Mexico adopted the Compact. See §§ 11-16-1 to -12. The Compact is an agreement between participating states to, among other things, (1) promote compliance with the statutes, laws, ordinances, and administrative rules relating to the management of wildlife resources in participating states; (2) recognize suspensions of wildlife license privileges by and report convictions to participating states; (3) cooperate in the

enforcement of compliance with the terms of citations issued by one participating state to residents of another participating state; and (4) assist court systems in the efficient disposition of wildlife violations. Section 11-16-2(B).

{13} The Compact requires that “[a] participating state shall recognize the suspension of license privileges of a person by another participating state as though the violation resulting in the suspension . . . had occurred in the home state; and . . . could have been the basis of the suspension of license privileges in the home state.” Section 11-16-6(A). The Compact does not differentiate between a suspension and a revocation and instead equates them, providing, “‘suspension’ means a revocation, denial or withdrawal of license privileges, including the privilege to apply for, purchase or exercise the benefits conferred by a license.” Section 11-16-3(M) (emphasis added). Rather than distinguish between a “suspension” and “revocation,” the Compact adopts a policy intended to “recognize the suspension of wildlife license privileges of a person whose license privileges have been suspended by another participating state and treat the suspension as if it had occurred in the home state[.]” Section 11-16-2(B)(2) (emphasis added).

{14} In this case, notwithstanding that the decision of the Arizona Commission stated that it “revoked” Respondent’s privileges, it subsequently allowed him to obtain a new license after the proscribed time had passed and he complied with the requirements set out in the decision. The Compact requires us to “recognize the suspension . . . as though the violation . . . had occurred in the home state[.]” Section 11-16-6(A), and the Arizona Commission’s decision clearly did not intend to impose the finality that is implied by the definitions of “revoke” set out in the ULA and Game and Fish regulations. See § 61-1-2(D); 19.31.2.7(H) NMAC. We conclude that the decision of the Arizona Commission did not constitute a “revocation” of Respondent’s Arizona permit so as to prevent him from obtaining a license to work as a registered guide or outfitter, pursuant to Section 17-2A-3(C). The district court properly applied Section 17-2A-3(C)(3) to its evaluation of Respondent’s application. While Game and Fish argues that the district court’s failure to conclude that Respondent’s Arizona license was revoked, as the term is used in Section 17-2A-3(C)(2), renders that section surplusage and leads to an absurd result, we disagree. Both the ULA and Game and Fish’s regulations differentiate between “revocation,” which has a permanent quality, and

“suspension,” which is either time-limited or conditional upon compliance with requirements established by Game and Fish. Read together with the Compact, we are persuaded that an applicant who has been permanently prohibited and his right to obtain a license permanently taken away is subject to the provisions of Section 17-2A-3(C)(2), while an applicant whose license has been taken away for a specified period of time or until the applicant comes into compliance with the requirements established by Game and Fish is subject to the provisions of Section 17-2A-3(C)(3). See *Djamila B.*, 2014-NMCA-045, ¶ 10 (stating that “statutes, whose construction is in question [should] be read in connection with other statutes concerning the same subject matter” (internal quotation marks and citation omitted)); see also *Baker*, 2013-NMSC-043, ¶ 24 (stating statutes should be read “to avoid rendering the Legislature’s language superfluous”). Indeed, our interpretation comports with the implicit intent of the Legislature in enacting Section 17-2A-3(C)(2), (3) and in adopting the Compact, which clearly contemplates denying licenses to individuals who have been prohibited from holding them in other states. See *United Rentals Nw., Inc.*, 2010-NMSC-030, ¶ 17 (stating that the primary goal of statutory interpretation is “to facilitate and promote the [L]egislature’s purpose” (omission, internal quotation marks, and citation omitted)). Our interpretation imputes meaning to both subsections of Section 17-2A-3(C), complies with the objective of the Compact to “recognize the suspension of wildlife license privileges of a person whose privileges have been suspended by another participating state and treat the suspension as if it had occurred in the home state,” and avoids reaching an absurd result. Section 11-16-2(B)(2); see *Helman*, 1994-NMSC-023, ¶ 3 (stating that courts should interpret statutes to conform to the obvious intent of the Legislature and avoid an interpretation that renders the statute absurd).

{15} As the hearing officer’s decision was not in accordance with the law when it denied Respondent’s application, relying on Section 17-2A-3(C)(3), we find no error on the part of the district court.

CONCLUSION

{16} **The decision of the district court is affirmed.**

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

JULIE J. VARGAS, Judge

WE CONCUR:

HENRY M. BOHNHOFF, Judge

EMIL J. KIEHNE, Judge



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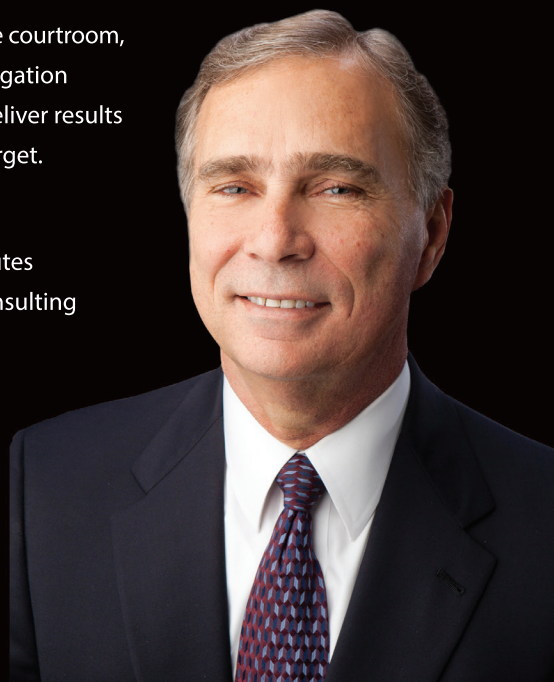
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Associate Attorney

Tucker, Yoder, Hatfield, Eley & Associates, the largest firm in San Juan County, practicing in New Mexico and Colorado, has an immediate associate opening in its Farmington office for civil, domestic relations and criminal practice. Ideal candidates will be team players, ready to assist clients in a variety of cases. New Mexico and Colorado bar admission a plus. Salary depending on experience. Please send cover letter and resume to jennifer@tbylaw.com

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The New Mexico Public Education Department (NMPED) is seeking a person to fill a position within its Office of General Counsel. The working title for this position will be Proofreader and Legal Assistant. The person in the position must be well-organized, detail-oriented and thorough, able to work independently, be excellent at accuracy and follow through, and have a team-oriented mindset. The preferred experience and education sought is one (1) year of work experience writing, preparing, and filing correspondence, pleadings, and other legal documents; proofreading legal documents; and/or maintaining a case management/tracking system. The preferred candidate will have experience in a position that requires direct contact with the public or with customers. An Associate's degree or more advanced degree is required, and two writing samples are required when submitting an application. The position will have an annual salary range of \$29,347/yr. to \$51,056/yr. Applications for this position must be submitted online to the State Personnel Office at <http://www.spo.state.nm.us>. The posting will be used to conduct ongoing recruitment and will remain open until the position has been filled. Further information and application requirements are online at www.spo.state.nm.us, position (PED #10103590).

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Senior Trial Attorney Eleventh Judicial District Attorney's Office, Div II

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

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Disability Rights New Mexico, a statewide non-profit agency serving to protect, promote and expand the rights of persons with disabilities, seeks full-time Staff Attorney primarily to represent agency clients in legal proceedings. The position also involves commenting on proposed regulations and legislation, and other policy advocacy. Must have excellent research and writing skills, and demonstrate competence in a range of legal practice including litigation. Advanced education, work experience or volunteer activities relevant to disability issues preferred. Must be licensed or eligible for license in NM. Persons with disabilities, minorities, and bilingual applicants strongly encouraged. Competitive salary and benefits. Send letter of interest addressing qualifications, resume, and names of three references to DRNM, 3916 Juan Tabo NE, Albuquerque, NM 87111, or by email to mwolfe@DRNM.org. Applicants encouraged to apply ASAP, but no later than 7/31/19. AA/EEO.

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Assistant City Attorney-Municipal Affairs Division

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Municipal Affairs Division. The department's team of attorneys provides a broad range of general counsel legal services to the Mayor's Office, City Council, various City departments, boards, commissions, and agencies. The legal services provided by the division includes, but are not limited to, drafting legal opinions, reviewing and drafting ordinances and executive/administrative instructions, reviewing and drafting contracts, providing counsel on Inspection of Public Records Act requests and other open government issues, providing advice on City ordinances and State/Federal statutes and regulations, and providing general advice and counsel on day-to-day operations. Attention to detail and strong writing skills are essential. Five (5)+ years' experience is preferred and Candidates must be an active member of the State Bar of New Mexico in good standing. Salary will be based upon experience. Please submit resume and writing sample to attention of "Legal Department Assistant City Attorney Application" c/o Angela M. Aragon, Executive Assistant/HR Coordinator; P.O. Box 2248, Albuquerque, NM 87103, or amaragon@cabq.gov.

Legal Notice Of Request For Proposals Eddy-Lea Energy Alliance As-Needed Legal Counsel Regarding General Counsel Matters Eddy-Lea Energy Alliance Commodity Code: 91874, 91897, 96149, 96191, 96296, 96891 Proposal # ELEA 02-2019 Due Date: AUG. 6, 2019 – 3:00 P.M. (MST/Local)

Lea County Finance Department, as fiscal agent for the Eddy-Lea Energy Alliance (ELEA), will receive sealed proposals in the Finance Department, Fourth Floor, Courthouse, Lovington, New Mexico, for AS-NEEDED LEGAL COUNSEL REGARDING GENERAL COUNSEL MATTERS. The Request for Proposals and any future addenda may be obtained from Lea County's web site at www.leacounty.net under "Procurement" or by contacting the Finance Department, at 100 N. Main, Suite 11, 4th Floor, Lovington, New Mexico 88260-4030, 575-396-8521, kmclaughlin@leacounty.net. ALL QUESTIONS must be in writing to the contact information above. Only questions asked and answered in writing will be binding. John Heaton, ELEA Chairman

Attorney Associate

The Bernalillo County Metropolitan Court is accepting applications for a full-time Associate Attorney position in the Office of General Counsel. Education/Experience: Must be a graduate of a law school meeting the standards of accreditation of the American Bar Association; possess and maintain a license to practice law in the state of New Mexico; and have at least three years' experience in the practice of law. Salary: \$28,691 to \$35,863 hourly DOE plus State of NM benefits package. A complete copy of the job description is available at <https://metro.nmcourts.gov/> or may be obtained in the Human Resource office of the Metropolitan Court. Apply at or send application/resume with a legal writing sample to the Bernalillo County Metropolitan Court, H. R. Division, P.O. Box 133, Albuquerque, NM 87103. Applications/Resume must be submitted by August 9, 2019.

Bilingual Immigration Associate Attorney

Bilingual Immigration Associate Attorney. Noble & Vrap, P.A. is hiring for a full time bilingual (English-Spanish) associate attorney to work in our Santa Fe office in matters of family immigration and humanitarian visas. This position requires someone who cares for the community we serve, has good attention to detail, and excellent organizational skills. The associate will handle family visas, humanitarian visas, and removal defense caseload with efficiency and quality in a team comprised of other attorneys and paralegals. No prior immigration experience required. New graduates are welcome to apply. Must be licensed in any jurisdiction in the United States. Will consider recent graduates who have not yet taken the bar exam. Our philosophy is to hire the best people and pay at the top of the market, including a full benefits package. To apply, email resume to careers@noblelawfirm.com.

Staff Attorney

The American Civil Liberties Union (ACLU) of New Mexico seeks a full-time Immigrants' Rights Staff Attorney to lead the organization's litigation and legal advocacy efforts to defend immigrant families from inhumane border and immigration policies. Based in Albuquerque, this is an exciting opportunity to engage in some of the most important civil rights conflicts of our time. For the full position announcement and how to apply: <https://www.aclu-nm.org/en/jobs/immigrants-rights-attorney>; Position open until filled, preference given to applications received by August 15, 2019.

Assistant City Attorney position to Administer The Traffic Arraignment Program

The City of Albuquerque Legal Department is hiring an Assistant City Attorney position in the Property and Finance division of the City Attorney's Office. The position will administer the traffic arraignment program and assist in areas of real estate and land use, governmental affairs, regulatory law, procurement, general commercial transaction issues, civil litigation and. The department's team of attorneys provide legal advice and guidance to City departments and boards, as well as represent the City and City Council on complex matters before administrative tribunals and in New Mexico State and Federal courts. Attention to detail and strong writing skills are essential. Applicant must be an active member of the State Bar of New Mexico in good standing or able to attain bar membership within three months of hire. Salary will be based upon experience. Please submit resume and writing sample to attention of "Legal Department 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 City Attorney positions in Employment and Labor Division

The City of Albuquerque Legal Department is looking to fill two Assistant City Attorney positions within its Employment and Labor Division. This Division is responsible for representing the City in litigation related to employment and labor law in New Mexico State and Federal Courts, before the City of Albuquerque Personnel Board, and before the City of Albuquerque Labor Board. The Division also provides counsel throughout all City Departments related to employment and labor issues. Attention to detail, strong writing skills, and the ability to work well as a part of a team are essential. Five or more years' experience in employment or labor law is preferred for the first position. Two or more years of experience in civil litigation is preferred for the second, with additional preference given for experience in employment or labor law. Applicants must be an active member of the State Bar of New Mexico in good standing. Salary will be based upon experience. Please submit resume and writing sample to attention of "Legal Department 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 City Attorney position regarding Inspection of Public Records Act

Assistant City Attorney position available with a main focus on providing legal advice to the City of Albuquerque and its various departments regarding Inspection of Public Records Act ("IPRA") requests, and advising on subpoenas issued to the City, its departments, or employees. Applicant must be admitted to the practice of law in New Mexico, be an active member of the Bar in good standing, and have at least two (2) years of attorney experience in New Mexico. Preferred qualification: knowledge of IPRA, and civil and/or criminal procedure. A successful candidate will have strong communication skills, be able to work within a diverse legal team, and interact daily with other City employees and members of the public. Salary will be based upon experience and the City of Albuquerque Attorney's Personnel and Compensation Plan with a City of Albuquerque Benefits package. Please submit resume to attention of "IPRA Attorney Application"; c/o Angela M. Aragon; Executive Assistant; P.O. Box 2248, Albuquerque, NM 87103 or amaragon@cabq.gov.

Chief Hearing Examiner (NMPRC #49593)

Job ID 106900

\$35.10 - \$56.08 Hourly; \$73,017 - \$116,637 Annually; This position is a Pay Band LJ; The Chief Hearing Examiner serves as the point of contact between the NMPRC Commissioners and the individual Hearing Examiners relating to public utility regulation cases. The Chief Hearing Examiner also monitors the progress of cases handled by individual Hearing Examiners in order to provide guidance that provides expeditious resolution. Monitor the progress of cases handled by individual Hearing Examiners; Preside over, manage and oversee complex, multi-discipline and multi issue litigation; Manage the conduct of hearings involving numerous parties and witnesses, voluminous quantities of complex evidence and issuing a recommended decision within statutory deadlines. Juris Doctorate degree from an accredited school of law and eight (8) years of experience in the practice of law. : Licensed as an attorney by the Supreme Court of New Mexico or qualified to apply for limited practice license (Rules 15-301.1 and 15-301.2 NMRA). For more information on limited practice licenses, please visit <http://nmexam.org/limited-license/> To apply please visit the link below <http://www.spo.state.nm.us/> Agency Contact: Rene Kepler, 505-827-4324

Full-time Lead Attorney

New Mexico Center on Law and Poverty (www.nmpovertylaw.org) seeks full-time lead attorney for our Healthcare team to provide policy advocacy, legal representation, community education, and supervision and management. The Healthcare team is advancing innovative solutions to make healthcare affordable for all New Mexicans, improve Medicaid, and expand access to healthcare in low-income, immigrant and Native American communities, in collaboration with a broad network of community leaders and advocates. Required: minimum five years as an attorney; strong commitment to improving healthcare system; excellent research, writing, and legal advocacy skills; 'no-stone-unturned' thoroughness and persistence; strong leadership and creative problem solving skills; Spanish fluency; commitment to economic and racial justice. Preferred: experience with lobbying, legislative and government processes; working with community groups and coalitions. Apply in confidence by emailing a resume and cover letter to contact@nmpovertylaw.org. EEOE. People of color, people with disabilities, and people who have grown up in low-income communities are especially encouraged to apply.

Full Time Associate Attorneys

Cuddy & McCarthy, LLP, a 23 attorney law firm with offices in Santa Fe and Albuquerque, New Mexico, has immediate openings in our Santa Fe and Albuquerque offices for full-time Associate Attorneys. This is a great opportunity to work in the firm's general civil practice, handling a caseload pertaining to litigation, insurance defense, real estate, and labor & employment matters. Candidates must have 2-3 years of relevant attorney experience. Our ideal candidate will be responsible, organized, a team player, possess strong people skills, as well as excellent time management skills. Strong research, writing, and oral communication skills are required. Candidates must be committed to serving the diverse needs of our clients. Salary based upon qualifications and experience. Please send cover letter, resume, law school transcript and a writing sample to: ejaramillo@cudymccarthy.com. All replies will be kept confidential...we promise.

Associate Attorney

Stiff, Keith & Garcia is a successful and growing law firm representing national clients, looking for a lawyer to work as an associate in the areas of insurance defense and civil litigation. Flexible work environment available. Minimum of 2 years of litigation experience. Strong academic credentials, and research and writing skills are required. We are a congenial and professional firm. Excellent benefits and salary. Great working environment with opportunity for advancement. Send resume to resume01@swcp.com

Associate Attorney

The law office of McGraw & Strickland, LLC, based in Las Cruces, is seeking an associate attorney with 2+ years of experience. We represent Plaintiffs for civil rights and personal injury claims. Focus will be on legal research and writing. Please email resume, cover letter and three references to: reception@lawfirmnm.com

Legal Assistant – Full-Time

Hinkle Shanor, LLP – Albuquerque office – is searching for a reliable legal assistant for the medical malpractice defense department. The legal assistant will work directly with attorneys and paralegals to assist in preparing cases, get involved in legal projects and research, be responsible for maintaining case files, and draft and/or transcribe routine correspondence and legal documents. The ideal candidate will be organized, professional, responsible, thorough, have good time management skills, understand confidentiality requirements with knowledge of HIPPA compliance, and be committed to helping meet our clients' needs. Candidates should: Have a minimum of 2 years of administrative legal experience; Have proficient communication skills both written and oral; Have excellent proofreading skills; Be proficient with Microsoft Word, Excel, and Outlook; Possess a High School Diploma (an Associates Degree or higher is preferred). Outstanding benefits package includes: PTO; Paid Holidays; Medical Insurance (low deductibles); Life Insurance; 401K Matching. Salary range \$50,000 based on experience. Please send resumes to: apuckett@hinklelawfirm.com

Paralegal

Solo practitioner seeking an experienced, professional, full-time paralegal for a litigation practice. Practice is limited to probate litigation, guardianships, and elder law (and some plaintiff's personal injury). Experience with probate and guardianships preferred. The ideal candidate will be professional in dress, appearance, and demeanor; will have an excellent command of the English language; will possess above-average writing skills; and will have experience with Timeslips and e-filing; and can answer discovery and draft pleadings with minimal supervision. Position offers a very pleasant working environment. Salary commensurate with experience. Please send a cover letter along with your resume to ben@benhancocklaw.com.

Paralegal

Paralegal for downtown defense law firm. 5+ years paralegal experience and experience with preparing medical records summaries. Strong organizational skills, motivated and attention to detail necessary. Must be familiar with Outlook and Word. Full time, salary DOE, great benefits incl. health, dental & life ins. and 401K match. E-mail resume to: kayserk@civerolo.com, or mail to Civerolo, Gralow & Hill, PA, PO Box 887, Albuquerque NM 87103.

F/T Receptionist

F/T receptionist needed for busy solo practitioner downtown ABQ criminal/personal injury firm. Must be bilingual (Spanish), professional, reliable self-starter. Phones, basic drafting in Word Required. Salary DOE. Send Resume and inquiries to sklopez1311@outlook.com 505-261-7226

Full-Time Legal Assistant

Dorato & Weems LLC is seeking a full-time legal assistant for our workers' compensation and personal injury plaintiff's practice. Our ideal candidate will have a willingness to learn, excellent organization skills, and the ability to multi-task. Please send your letter of interest, resume and salary requirements to Derek Weems, 118 Wellesley Dr SE, Albuquerque, NM 87106.

Front Desk/Facilities Assistant

The State Bar of New Mexico seeks a dynamic and energetic full-time Front Desk/Facilities Assistant. For full details and instruction on how to apply, visit <https://www.nmbar.org/NmbarDocs/AboutUs/Careers/FD.pdf>.

Legal Assistant

Moses, Dunn, Farmer & Tuthill, P.C. is seeking a full-time legal assistant with a minimum of three years of experience to work in a long-established law firm. Applicant must have excellent organizational, grammar and proof-reading skills; experience with federal and state e-filing; and should possess strong Microsoft Word and Outlook skills. The Firm offers a competitive compensation and benefits package. Please send your letter of interest, resume and salary requirements to Stephanie Reinhard, P.O. Box 27047, Albuquerque, NM 87125.

JLAP Clinician/Project Manager

The State Bar of New Mexico seeks a dynamic full-time Clinician/Project Manager for the New Mexico Judges and Lawyers Assistance Program (NM JLAP). NM JLAP offers confidential professional and peer assistance to help individuals identify and address problems with alcohol and other drugs, depression, and other mental health/emotional disorders, as well as with issues related to cognitive impairment. For full details and instruction on how to apply, visit <https://www.nmbar.org/NmbarDocs/AboutUs/Careers/JLAP.pdf>

Paralegal / Legal Assistant

Busy Rio Rancho law firm seeks paralegal / legal assistant for real estate, estate planning & corporate practice. Experience in real estate preferred. Email Resume to bt@getcorealty.com. All replies kept confidential.

Legal Administrative Assistant & Technical Writer (Albuquerque)

ADC LTD NM seeks a Legal Administrative Assistant & Technical Writer. The position entails working with in-house lawyers and outside counsel, providing support on research, correspondence, filing and other essential duties. A solid working knowledge of legal principles and terms is also required. Candidates must feel comfortable drafting documents and correspondence related to complicated legal concepts. An ideal candidate has strong paralegal and legal secretarial skills, and must have experience and an in-depth understanding of how to manage sophisticated legal documents. In addition, the Legal Administrative Assistant & Technical Writer will assist the Contract Proposal Dept. and other Executive staff. The position also includes technical writing for Responses to Contract Request for Proposals, and occasional assignment of special projects. Wages commensurate with experience. **Please submit two writing samples. Apply to: SArchuleta@adcltdnm.com

Legal Assistant

Legal Assistant for litigation defense downtown law firm. Looking for someone with relevant experience, knowledge of e-filing in State and Federal courts, strong organizational skills, cooperative attitude, and attention to detail. Full time, salary DOE, great benefits incl. health, dental & life ins. and 401K match. Please e-mail resume to kayserk@civerolo.com, or mail to Civerolo, Gralow & Hill, PA, PO Box 887, Albuquerque NM 87103.

Positions Wanted

Seeking Work While Bar Transfer Pending

JD with contracts, IP and nonprofit background relocating to ABQ/SF, UBE transfer. Relocating local soon. Remote OK. 206-947-8384

Services

Contract Legal Services

Solo general practice attorney providing high-quality and reliable research, drafting and more. Scott@ScottStevensLaw.com | (505) 933-5057

Office Space

For Lease

5th and Kinley NW. Downtown 1000. Sq from Great views, top floor loft 505 553 6582 Contact: stefan.watson@gmail.com

620 Roma N.W.

The building is located a few blocks from Federal, State and Metropolitan courts. Monthly rent of \$550.00 includes utilities (except phones), fax, copiers, internet access, front desk receptionist, and janitorial service. You'll have access to the law library, four conference rooms, a waiting area, off street parking. Several office spaces are available. Call 243-3751 for an appointment.

Downtown Office Space For Lease:

1001 Luna Circle. Charming 1500 sq. ft. home converted to office, walking distance to Courthouses and government buildings. Open reception/secretarial area, 4 offices, kitchenette, free parking street-front and in private lot. Security system. Lease entire building \$1600/mo. or individual office \$500/mo. Call Ken 238-0324

110 12th Street NW

Beautiful, 2-story office for rent in Historic Downtown Albuquerque. Formerly Kathy Townsend Court Reporters. Upstairs: four private offices; one bath; small break area with small refrigerator. Downstairs: waiting area with fireplace; large office or open work area; generous breakroom area with large refrigerator; one bath; furnished conference room with table and 8 chairs. High ceilings, large windows, modern light fixtures throughout. Functioning basement, onsite parking. \$3,000.00/month. Contact Shane Youtz, (505) 980-1590 for an appointment.

500 Tijeras NW

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

150 Washington Avenue Santa FE

Regus fully furnished offices. All utilities included. Professional receptionists. Call me to set up a tour today. Vincent Cuneo 505.340.1261

Miscellaneous

Want To Purchase

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

Oak Conference Table/ Chairs For Sale

Solid oak cnf. table[4x8x13/4] with 8 oak chairs [tilt,swivel,wheels] \$7500. Call 1-505-480-0724

Search for Will

Searching for an Albuquerque area attorney that worked with Pamela Hansen-Hargan re her will/ trust in roughly 2012. Please contact Tamara North at 815-988-0617. Urgent

Santa Fe Office/Share Wanted

Santa Fe Office/Share wanted. Established attorney 505-930-2407

Dormant Judgments?

Client is looking to buy judgments for cash. E-mail ops@lzamzok.com or 898-6311 X3014

Official Publication of the State Bar of New Mexico

BAR BULLETIN

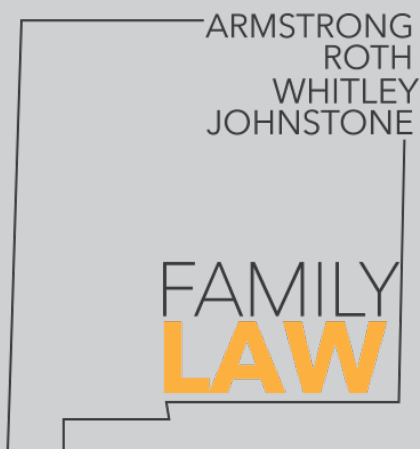
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Starting in January, the *Bar Bulletin* will publish every other week on Wednesdays.

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

The 2019 publication schedule can be found at www.nmbar.org/BarBulletin.



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OFF TO A STRONG START

Since opening our doors in January, Mayer LLP has grown to over 30 attorneys, added Real Estate, Corporate and Tax to our practice areas, and expanded our New Mexico office to represent over a dozen Fortune 500 companies—part of what a *Dallas Business Journal* article describes as “a client list most larger full service firms would envy.” **What’s next? Only time will tell.**

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