

BAR BULLETIN

October 2, 2019 • Volume 58, No. 20



Flight, by Liisa Rettedal(see page 3)

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Fall... into CLE Season!

Welcome to
your one-stop
shop for all your
CLE needs for this
fall and **winter**.

Your Choice.
Your Program.
Your Bar Foundation.

CLE programming from the Center for Legal Education

JLAP Town Hall—“Are You Scared S**tless? Let’s Talk!”



Thursday, Oct. 3, 2019

5 p.m.–6:30 p.m.

1.5 EP

Live at the State Bar Center

Also available via Live Webcast!

\$49.50 Special Discounted Rate

Many legal professionals, including seasoned attorneys, struggle with anxiety and fear and we need to stop pretending that it does not exist. Join us in this town hall meeting and learn from the experiences of two very successful, courageous New Mexico attorneys empowering skills to increase performance and create a more balanced, healthy life.



2019 Employment and Labor Law Institute



Friday, Oct. 4, 2019

9 a.m.–4:15 p.m.

5.0 G 1.0 EP

Live at the State Bar Center

Also available via Live Webcast!

\$99 Audit/Non-member not seeking CLE credit

\$239 Employment and Labor Law Section members, government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$251 Live Fee

\$279 Webcast Fee



Primers, Updates, and Practical Advice in the Current Health Law Environment



Friday, Oct. 11, 2019

8:20 a.m.–4:45 p.m.

5.5 G 1.5 EP

Live at the State Bar Center

Also available via Live Webcast!

\$99 Audit/Non-member not seeking CLE credit

\$265 Health Law Section members, government and legal services attorneys, Young Lawyers Division and Paralegal Division members

\$278 Live Fee

\$309 Webcast Fee

This year’s program is designed to provide advice on how best to manage both long-term strategic and day-to-day issues in the health care environment. Each session will discuss the latest updates and practice advice applicable to help troubleshoot and find solutions for your clients’ needs.



505-797-6020 • www.nmbar.org/cle

5121 Masthead NE • PO Box 92860, Albuquerque, NM 87199



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Meetings

October

- 1**
Health Law Section Board
9 a.m., teleconference
- 2**
Employment and Labor Law Section Board
Noon, teleconference
- 8**
Appellate Practice Section Board
Noon, teleconference
- 8**
Bankruptcy Law Section Board
Noon, US Bankruptcy Court, Albuquerque
- 9**
Children's Law Section Board
Noon, Children's Court
- 10**
Business Law Section Board
4 p.m., teleconference
- 18**
Family Law Section Board
9 a.m., teleconference
- 25**
Immigration Law Section Board
Noon, teleconference
- 25**
Cannabis Law Section Board
Noon, teleconference

Workshops and Legal Clinics

October

- 2**
Divorce Options Workshop
6–8 p.m., State Bar Center, Albuquerque,
505-797-6022
- 17**
Common Legal Issues for Senior Citizens Workshop
Presentation: 9:30–10:45 a.m., POA/AHCD
Workshop: 11 a.m.-noon, Mary Esther
Gonzales Senior Center, Santa Fe, (505)
797-6005
- 22**
Common Legal Issues for Senior Citizens Workshop
Presentation: noon-1 p.m. POA/AHCD
Workshop: 1:30-2 p.m., Ken James Senior
Center, T or C, (505) 797-6005
- 23**
Consumer Debt/Bankruptcy Workshop
6–9 p.m., State Bar Center, Albuquerque,
505-797-6094
- 30**
Common Legal Issues for Senior Citizens Workshop
Presentation: 2-3 p.m. POA/AHCD
Workshop: 3-3:30 p.m., UNM-Taos Bataan
Hall, Taos, (505) 797-6005

About Cover Image and Artist: Rettedal finds tremendous delight through the lens of her camera, and has seen her photography skills flourish within the light and landscapes of New Mexico. Walks in nature, with camera in hand, also served as an excellent creative outlet during the rigors of law school. Rettedal graduated from the University of New Mexico School of Law in 2018 and is a new attorney in the Albuquerque area. Before studying law, she developed a thriving piano studio while earning her Bachelor of Arts degree at the University of Missouri -- Kansas City's Conservatory of Music. Rettedal is a passionate advocate against human trafficking and enjoys travel, writing and photography in her spare time.

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

Online dispute resolution (ODR) becomes available in debt and money due cases in all New Mexico Courts in September. 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. ODR has been piloted since June in the Second, Sixth and Ninth Judicial Districts and the Bernalillo County Metropolitan Court. Statewide implementation of ODR occurs Sept. 1. 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

Professionalism Tip

With respect to my clients:

I will keep my client informed about the progress of the work for which I have been engaged or retained, including the costs and fees.

their inbox, spam and junk mailboxes to ensure they receive the ODR notices. For more information, visit the Judiciary's ODR website at this link: <https://adr.nmcourts.gov/odr.aspx>.

First Judicial District Court New Clerk of the Court

Upon the retirement of Stephen T. Pacheco, clerk of the court, the First Judicial District Court has a new Clerk of the court as of Oct. 1. All correspondence should be addressed to Kathleen Vigil, clerk of the court. The address and telephone number remain the same.

Eighth Judicial District Court Judicial Notice Of Retirement

One vacancy will exist in the Eighth Judicial District Court due to the retirement of the Honorable Jeff Foster McElroy effective Oct. 31. A Judicial Nominating Commission will be convened in Taos, N.M., at the Taos District County Courthouse within 30 days of the vacancy to interview applicants for this position. The date for this commission hearing has not yet been set, but it will be announced as soon as a date is selected. Further information on the application process can be found on the Judicial Selection website (<http://lawschool.unm.edu/judsel/index.php>), updates regarding the vacancy and the news release.

Eleventh Judicial District Court

Suspension of Subsection (C) of Local Rule LR11-302

LR11-302 (C) states: "As a sanction for all other technical violations, the probationer shall be incarcerated for five days." The Judges of the Eleventh Judicial District Court have decided that effective immediately, subsection (C) of LR11-302 is suspended indefinitely. The remainder of LR11-302 remains in effect.

Bernalillo County Metropolitan Court Community Outreach Day

Members of the legal community and the public are invited to Metro Court's 1st Annual Community Outreach Day. The event will take place on Oct. 3 from 10 a.m. to 2 p.m. in the outdoor courtyard. Hear how the court's 12 specialty court programs are making a difference in the community and visit with the more than 40 agencies that will be on-site to provide information on low-cost or free services.

Court Closure Notice

The Bernalillo County Metropolitan Court will be closed on Oct. 28 for the Court's Annual Professional Development Conference. Misdemeanor custody arraignments, felony first appearances, preliminary examination hearings and traffic arraignments will not be held that day. The conference is sponsored by the New Mexico Judicial Education Center and paid for by fees collected by state courts.

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, 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.

New Mexico Commission Access to Justice

The next meeting of the Commission is Oct. 18 from noon-4 p.m. at the State Bar of New Mexico. Commission goals

include expanding resources for civil legal assistance to New Mexicans living in poverty, increasing public awareness, and encouraging and supporting pro bono work by attorneys. Interested parties from the private bar and the public are welcome to attend. More information about the Commission is available at www.accesstojustice.nmcourts.gov.

STATE BAR NEWS

New Mexico Judges and Lawyers Assistance Program Attorney Support Groups

- Oct. 7, 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#.
- Oct. 14, 5:30 p.m.
UNM School of Law, 1117 Stanford NE, Albuquerque, King Room in the Law Library (Group meets on the second Monday of the month.) Teleconference participation is available. Dial 1-866-640-4044 and enter code 7976003#.
- Oct. 21, 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#.

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

Board of Bar Commissioners 2019 Election Notice

The nomination period for seven Board of Bar Commissioner seats will close at 5 p.m., Oct. 21. Vacancies exist in the First Bar Commissioner District (Bernalillo County), Third Commissioner District (Los Alamos, Rio Arriba, Sandoval and Santa Fe counties), Fifth Commissioner District (Curry, De Baca, Quay and Roosevelt counties), Sixth Commissioner District (Chaves, Eddy Lea, Lincoln and Otero counties) and Seventh Commissioner District (Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra, Socorro and Torrance counties). Nominations of active status members to fill the vacancies caused by the expiration of the term of such members shall be made by petition of 10 or more active status members of the Bar who are in good

standing and whose principal place of practice is in the respective district. View the vacant positions, terms, duties and requirements for BBC members and the nomination petition in the Sept. 18 *Bar Bulletin*. For more information, contact Kris Becker at 505-797-6038 or kbecker@nmbar.org.

Children's Law Section October Noon Knowledge

Join the Children's Law Section for their Oct. 4 Noon Knowledge. Frank Zuzia, the director of the New Mexico Crime Victim Reparations Commission, will be presenting on Oct. 4 at Children's Court in Albuquerque. Guests are invited to bring their own brown-bag lunch. The New Mexico Crime Victims Reparation Commission can help pay bills and expenses that result from violent crime. Victims of crime who have been injured or have been threatened with injury may be eligible to receive assistance. The presentation will discuss how to access services, types of services available, and other potential resources.

Committee on Women Communication Skills Workshop

The Committee on Women in the Legal Profession presents: 'Achieving Greater Success in the Law Office and Courtroom: A Communication Skills Workshop for Women Lawyers', a course in which women lawyers can learn and determine if they have habits that get in the way as they seek to move forward in their legal career. It will take place in-person at the State Bar of New Mexico on Oct. 10 from 1:15 – 4:30 p.m. for 3.0 G credits. Registration is limited to the first 25 registrants, and will be handled on a first come, first served basis. Call the Center for Legal Education at 505-797-6020 or visit us at nmbar.org/CLE to register today!"

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

Featured

Member Benefit



Clio's groundbreaking suite combines legal practice management software (Clio Manage) with client intake and legal CRM software (Clio Grow) to help legal professionals run their practices more successfully. Use Clio for client intake, case management, document management, time tracking, invoicing and online payments and a whole lot more.

Clio also provides industry-leading security, 24 hours a day, 5 days a week customer support and more than 125 integrations with legal professionals' favorite apps and platforms, including Fastcase, Dropbox, Quickbooks and Google apps. Clio is the legal technology solution approved by the State Bar of New Mexico. Members of SBNM receive a 10 percent discount on Clio products.

Learn more at
landing.clio.com/nmbar.

dramatically reduce your stress and build your resilience. Your Employee Assistance Program is available to help you, 24/7. Call at 866-254-3555.

Historical Committee Annual Presentation

You are invited to join the Historical Committee for their annual presentation of a historical topic. We welcome all who want to take a break from the routine of business and learn about our country's rich history. Dr. Thomas E. Chávez will be presenting on the topic of his book, "Spain and the Independence of the United States". The presentation will take place at the State Bar of New Mexico on Oct. 11 from noon – 1 p.m. Lunch will be provided. Please R.S.V.P to Morgan Pettit at memberservices@nmbar.org.

New Mexico Bar Foundation Golf Classic Tournament

You're Invited to be part of the New Mexico Bar Foundation's Golf Classic Tournament on Oct. 14. Grab your clubs and pals and join us for a fun day of golf, networking and lots of prizes! The event takes place at Tanoan Country Club. Registration opens at 8 a.m., breakfast will be at 9 a.m. and there will be a shotgun start at 10 a.m. There will also be contests for both men and women! Thank you to our Presenting Sponsor SaucedoChavez PC. For registration and sponsorship information please visit nmbar.org/golftournament or call Stephanie Wagner at 505-797-6007.

State Bar of New Mexico Discount New Mexico United Tickets

The State Bar of New Mexico is happy to announce that State Bar members can now receive discounted tickets for the New Mexico United games! We invite all State Bar members to purchase tickets by using the coupon codes for the various games. Show your New Mexico United team spirit and purchase your tickets today! The following dates have tickets for a discounted rate: Oct. 5 at 7:30 p.m., Oct. 16 at 7 p.m. and Oct. 19 at 7:30 p.m.

Practice Sections Elections Have Begun

All practice section chairs have appointed nominating committees to solicit candidates by Oct. 15 to serve on their respective boards beginning in January 2020. Those interested in serving on a board should visit www.nmbar.org/sections and complete the online Jotform that includes brief statement of involvement in the section and in the law profession generally. The chair of the nominating committee can provide more information on the process and specific requirements for serving on that section's board.

Public Law Section Procurement Code Institute CLE course

This course will provide information about the laws governing public procurement and ethical considerations for both agency and private practitioners. Sessions will include legislative amendments, ethics and oversight changes to Procurement Code and Legislative Finance Committee

evaluations of Procurement Code. The course will be held at 8 a.m., Oct. 25 in Apodaca Hall at the Old PERA Building located at 1120 Paseo De Peralta, Santa Fe. A total of 1.0 G, 3.0 EP credits will be offered. Please register at www.nmbar.org or contact CLE at 505-797-6020.

Solo and Small Firm Section Nominations for Section Leadership

Solo and Small is BIG news! The Solo and Small Firm Section has open positions for Section leadership roles, including membership on the board of directors and committees for the 2020 term. The Section is looking for candidates from across New Mexico with diverse experiences, backgrounds, and geography. Whether you a new solo or a seasoned pro in the small firm world, we'd love to get to know you. Board commitment is one meeting monthly plus membership in a committee. Committee work depends on the purpose of each committee but expect both slow and busy times. Plans for 2020 committees are in the works now, so your input is critical. To express interest, contact Deian McBryde, chair-elect, at 505-465-9086 or email deian@mcbridelaw.com.

Luncheon with Joel Jacobsen

Joel Jacobsen, widely-read author on legal and historical issues, will speak to the open luncheon at the State Bar of New Mexico Oct.15, hosted by the Solo and Small Firm Section. Books by Jacobsen, a retired attorney, include hints (and warnings) for young lawyers and Lincoln County Wars (not the same book!) and is also known as a former assistant attorney general who writes the witty bi-weekly commentary on legal issues in the Albuquerque Journal's Business Outlook.

Young Lawyers Division Volunteer Attorneys/Paralegals Needed for Wills for Heroes throughout New Mexico

The Young Lawyers Division will be hosting three Wills for Heroes events in Santa Fe (Oct. 5), Roswell (Oct. 12) and Silver City (Oct. 19). Wills for Heroes volunteer attorneys provide wills, advance healthcare directives and powers of attorney free of charge to New Mexico first-responders. Volunteer paralegals will

serve as witnesses and notaries. For more information and to sign up, please visit nmbar.org/WillsForHeroes.

UNM SCHOOL OF LAW Law Library Hours Fall 2019

Through Dec. 31

Building and Circulation

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

Reference

Monday–Friday	9 a.m.–6 p.m.
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Holiday Closures

Thanksgiving: Nov. 28-29

Winter Break: Dec. 23-Jan. 1, 2020

OTHER BARS

National Conference of Bar Examiners

Nationwide Practice Analysis Survey by the Testing Task Force

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 CLE

The New Mexico Black Lawyers Association invites members of the legal community to attend its annual CLE, "When They See Us: Navigating Expungement in New Mexico." (1.0 G) on Nov. 15 at the State Bar of New Mexico (5121 Masthead NE, Albuquerque, NM 87109). Lunch will be served prior to the CLE from 12:15 until

1:15 p.m., and the CLE will last from 1:30-2:30 p.m. Registration is \$50 for attorneys seeking credit, and \$40 for NMBLA members, co-sponsors, government/non-profit attorneys, attorneys who are not seeking CLE credit, and paralegals. The deadline to request a refund is Nov. 8. For more information, or to register online, please visit www.newmexicoblacklawyersassociation.org.

Oliver Seth American Inn of Court 2019-2020 Schedule

The Oliver Seth American Inn of Court meets on the third Wednesday of the month from September to May. The meetings always address a pertinent topic and conclude with dinner. If you reside/practice in Northern New Mexico and wish to enhance your skills, meet some pretty good lawyers and some pretty nice judges too, please send a letter of interest to: Honorable Paul J. Kelly, Jr., U.S. Court of Appeals - Tenth Circuit, Post Office Box 10113, Santa Fe, New Mexico 87504-6113.

OTHER NEWS Albuquerque Lawyers Club October Lunch Meeting

The Albuquerque Lawyers Club invites members of the legal community to its October lunch meeting featuring the newly appointed district court judges. The title of the presentation is "Perspectives from New Judges at the Second Judicial District Court." The lunch meeting will be held on Oct. 2 at noon at Seasons Restaurant, located at 2031 Mountain Road, NW, Albuquerque. Cost: Free to members/\$35 non-members at the door. For more information, please email ydenning@gmail.com.

Parenting Coordinator Training CLE course on Oct. 4 and 5

Parents who are in high conflict pose particular difficulties for the courts, other professionals and their children. Increasingly, courts are appointing parenting coordinators to help reduce the parental conflict and protect the children. This training will provide 16 contact hours (9.2 CLE) in the principles governing Parenting Coordinator, the function of PCs and conflict reducing interventions. This workshop will provide mental health practitioners and attorneys the opportunity to expand their practice and skills regarding high conflict parents. Cost is \$250 per attendee. Catered lunch included, both days. Register and pay by credit card or check with Lori Comallie-Caplan at lcomallie@gmail.com

Christian Legal Aid Luncheon

Join Christian Legal Aid for some times of encouragement and fellowship with other volunteers. Lunch: Oct. 2 at noon at Brixens Downtown, located at 400 Central Ave SW, Albuquerque, NM 87102. Breakfast: Dec. 3 at 7 a.m. at Le Peep Uptown, located at 2125 Louisiana Blvd NE, Albuquerque, NM 87110. Please RSVP to Christianlegalaid@hotmail.com. We hope to see you there!

Training Seminar

New Mexico Christian Legal Aid invites new members to join them as they work together to secure justice for the poor and uphold the cause of the needy. They will be hosting a Training Seminar on Nov. 1, from noon-5 p.m. at The State Bar of New Mexico located at 5121 Masthead St NE, Albuquerque, NM 87109. Join them for free lunch, free CLE credits, and training as they update skills on how to provide legal aid. For more information or to register, contact Jim Roach at 243-4419 or Jen Meisner at 610-8800 (christianlegalaid@hotmail.com.)

Legal Education

October

- | | | |
|---|--|--|
| <p>3 JLAP – Town Hall Meeting
1.5 EP
Live Webcast/Live Seminar,
Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>8 “Founding Documents”: Drafting Articles of Incorporation & Bylaws, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>11 Primers, Updates, and Practical Advice in the Current Health Law Environment
5.5 G, 1.5 EP
Live Webcast/Live Seminar,
Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>3 Pre-Trial Interviews
1.0 G
Live Seminar, Albuquerque
Administrative Office Of The District Attorneys
www.nmdas.com</p> | <p>8 Shifting Landscapes: Adapting Your Firm to Emerging Threats
2.0 EP
Live Seminar, Las Cruces
CNA Health Agencies of the West
www.healthagencies.com</p> | <p>11 Student Loans in Bankruptcy: How to Help Graduates Who Can’t Pay
2.0 G
Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>4 Complex, White Collar and Federal Death Penalty Cases
6.0 G
Live Seminar
New Mexico Criminal Defense Lawyers
www.nmcdla.org</p> | <p>9 “Founding Documents”: Drafting Articles of Incorporation & Bylaws, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>11 Ethics in Discovery Practice
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>4 2019 Employment and Labor Law Institute
5.0 G, 1.0 EP
Webcast/Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>9 Shifting Landscapes: Adapting Your Firm to Emerging Threats
2.0 EP
Live Seminar, Albuquerque
CNA Health Agencies of the West
www.healthagencies.com</p> | <p>12 Taking Effective Depositions
7.0 G, 1.0 EP
Live Seminar, Albuquerque
James Wood Law
www.albuquerqueinjurylawfirm.com</p> |
| <p>4-5 Parenting Coordinator--Two Day Basic Training
9.2 G, 2.0 EP
Live Seminar, Las Cruces
Third Judicial District Court-CSED
www.thirddistrictcourt.nmcourts.gov</p> | <p>10 Achieving Greater Success in the Law Office and Courtroom: A Communications Skills Workshop for Women Lawyers
3.0 G
Live Seminar, Albuquerque
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 Basic Practical Regulatory Training for the Electric Industry
28.5 G
Live Seminar, Albuquerque
Center for Public Utilities NMSU
business.nmsu.edu</p> |
| <p>5 Depositions of and Cross-Examination of Experts at Trial
2.0 G
Live Seminar, Albuquerque
Miller Stratvert PA
www.mstlaw.com</p> | <p>10 Competency/Dangerousness
1.0 G
Live Seminar, Albuquerque
Administrative Office Of The District Attorneys
www.nmdas.com</p> | <p>16 Auto Injuries Advanced Plaintiff Strategies
5.0 G, 1.0 EP
Live Seminar, Santa Fe
NBI, Inc.
www.nbi-sems.com</p> |
| <p>7 Shifting Landscapes: Adapting Your Firm to Emerging Threats
3.0 EP
Live Seminar, Roswell
CNA Health Agencies of the West
www.healthagencies.com</p> | <p>10 Shifting Landscapes: Adapting Your Firm to Emerging Threats
2.0 EP
Live Seminar, Santa Fe
CNA Health Agencies of the West
www.healthagencies.com</p> | <p>16 Going Over: Employment Law Issues When a Key Employee Leaves for a Competitor
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |

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

<p>16 Hybrid Education-From Mediation to Social Media 2.0 EP Live Seminar, Albuquerque New Mexico Association Of Legal Administrators www.nmala.org</p>	<p>23 How to Practice Series: Demystifying Civil Litigation, Pt. 1 (2018) 6.0 G Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>29 2019 Attorney – Client Privilege & Confidentiality Update 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org</p>
<p>17 Annual School Law Practice Seminar 12.0 G, 1.0 EP Live Seminar National School Boards Assoc Council School Attys www.nsba.org</p>	<p>23 The Fear Factor: How Good Lawyers Get Into Ethical Trouble (2018) 3.0 EP Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>30 How to Practice Series: Demystifying Civil Litigation, Pt. 2 – Taking and Defending Depositions (2018) 4.5 G, 2.0 EP Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>
<p>17 Bridge the Gap Mentorship Program CLE (Full Day Program) 5.0 G, 1.0 EP Live Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>23 Criminal Rules Hot Topics (2018) 2.5 G, 0.5 EP Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>30 Basic Guide to Appeals for Busy Trial Lawyers (2018) 3.0 G Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>
<p>17 Bridge the Gap Mentorship Program CLE (Partial-Day Program) 3.0 G, 1.0 EP Live Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>24 Animal Cruelty Issues: What Juvenile and Family Court Judges and Practitioners Need to Know 2.0 G Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>30 Recent Developments in Civil Procedure (2018) 2.0 G Live Replay, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>
<p>17 Motions Practice 1.0 G Live Seminar, Albuquerque Administrative Office Of The District Attorneys www.nmdas.com</p>	<p>24 An In-Depth Look at the Latest Info and Ethical Considerations Pertaining to Cultural Competency/Implicit Bias in the Legal Profession 2.0 EP Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>30 Federal Fiduciary Income Tax Workshop 6.6 G Live Seminar, Albuquerque Halfmoon Education www.halfmoonseminars.org</p>
<p>18-19 2019 Family Law Institute 10.0 G, 2.0 EP Live Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>24 Transgender 101 for Lawyers 2.0 G Live Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>	<p>31 Post-Mortem Trust and Estate Planning 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org</p>
<p>22 What to Do When a Partner Leaves? Non-Competition for Departing Owners 1.0 G Teleseminar Center for Legal Education of NMSBF www.nmbar.org</p>	<p>24 Trial (Preparation and Trial Phase) 1.0 G Live Seminar, Albuquerque Administrative Office Of The District Attorneys www.nmdas.com</p>	<p>31 Complying with the Disciplinary Board Rule 17-204 1.0 EP Live Webcast/Live Seminar, Albuquerque Center for Legal Education of NMSBF www.nmbar.org</p>
<p>25 Procurement Code Institute 1.0 G, 3.0 EP Live Seminar, Santa Fe Center for Legal Education of NMSBF www.nmbar.org</p>	<p>31 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</p>	

Opinions

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

Mark Reynolds, Chief Clerk New Mexico Court of Appeals
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Effective Sept. 6, 2019

PUBLISHED OPINIONS

A-1-CA-36158	M Haygood v. United Services	Affirm/Reverse/Remand	09/05/2019
A-1-CA-36450	State v. A Ford	Affirm/Reverse	09/05/2019

UNPUBLISHED OPINIONS

A-1-CA-37514	State v. B Bender	Reverse	09/03/2019
A-1-CA-37706	R Conley v. J Cotton	Reverse/Remand	09/04/2019

Effective Sept. 13, 2019

UNPUBLISHED OPINIONS

A-1-CA-36393	A Lerma v. Roswell Hospital	Affirm	09/09/2019
A-1-CA-36734	C Miller v. New Mexico Heart Institute	Affirm	09/09/2019
A-1-CA-37289	C Miller v. NM Heart Institute	Affirm	09/09/2019
A-1-CA-37304	C Miller v. NM Heart Institute	Affirm	09/09/2019
A-1-CA-37725	State v. J Scott	Affirm	09/09/2019
A-1-CA-37908	CYFD v. Edward W.	Affirm	09/09/2019
A-1-CA-35989	K Han-Noggle v. City of Albuquerque	Affirm	09/10/2019
A-1-CA-37599	State v. J Castillo	Affirm	09/10/2019
A-1-CA-37610	State v. G Macias	Affirm	09/10/2019
A-1-CA-37700	L Bernhardt v. Advance Concept	Reverse/Remand	09/10/2019
A-1-CA-37798	State v. J Martinez	Affirm/Reverse	09/10/2019
A-1-CA-38092	R Cano v. J Chavez	Affirm	09/10/2019
A-1-CA-35704	R Van Auken v. F Catron	Affirm	09/11/2019
A-1-CA-37769	CYFD v. Juan V	Affirm	09/12/2019
A-1-CA-37857	State v. J Waser	Affirm	09/12/2019

Effective Sept. 20, 2019

PUBLISHED OPINIONS

A-1-CA-35951	NM Foundation v. Corizon Health	Affirm	09/16/2019
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UNPUBLISHED OPINIONS

A-1-CA-36396	Wells Fargo v. M Daugherty	Reverse/Remand	09/16/2019
A-1-CA-36561	State v. D Low	Affirm/Reverse/Remand	09/16/2019
A-1-CA-36765	State v. L Bowker	Affirm	09/16/2019
A-1-CA-36983	State v. E Chavez-Chavez	Affirm	09/16/2019

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

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Opinions

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A-1-CA-37798	State v. J Martinez	Reverse	09/16/2019
A-1-CA-37831	State v. D Garcia	Affirm	09/16/2019
A-1-CA-37882	Board of Education v. H Walker	Affirm	09/16/2019
A-1-CA-38001	State v. J Sandoval	Affirm	09/16/2019
A-1-CA-35254	Family Workshop v. Tax & Rev	Dismiss	09/17/2019
A-1-CA-37946	State v. X Loving	Affirm/Reverse	09/17/2019
A-1-CA-36592	M Romero v. C Mooney	Affirm	09/18/2019
A-1-CA-36969	State v. R Ramirez	Affirm	09/20/2019
A-1-CA-38047	CYFD v. Luanne S	Affirm	09/20/2019

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Celebrating the 2018 Justice Pamela B. Minzner Award Recipient!

BRITTANY SUTAYA NANJIN DUCHAUSSEE



On Thursday, Aug. 22, the State Bar Committee on Women and the Legal Profession awarded the 2018 Justice Pamela B. Minzner Award to Brittany Sutaya Nanjin DuChaussee. Each year, the Committee recognizes an individual who has made an outstanding contribution to the legal profession in the past year. This contribution is providing legal assistance to women who are under-represented or under-served or by advocating for causes that will ultimately benefit and/or further the rights of women.

Brittany was nominated by Clara Moran, Colin Brennan and Zach Jones. She was joined by family and friends as the Committee presented

her the award. She spoke passionately about her work and advocacy of the rights of children and young women who have face the cruelty of human trafficking. Brittany encouraged that we as a community can listen, believe, and support those of such circumstances to ensure their stories receive due justice.



*Congratulations again to
Brittany Sutaya Nanjin DuChaussee!*

If you are interested in nominating a fellow attorney for next year's award, please contact Member Services at memberservices@nmba.org for more information.

View more photos at www.nmba.org/photos.



You and your guests are invited
Third Bar Commissioner District Event



October 10, 2019

Los Alamos
Golf Course –
Cottonwood
on the Green
Restaurant

5-7 p.m.

Food • one free drink ticket • cash bar

DOOR Prizes

**We invite you to mix and mingle
with State Bar members from the
Third Bar District.**



MARKET
the
ME

I WANT TO BE

17th Annual Art Contest

Through the years, the Children’s Law Section Art Contest has demonstrated that communicating ideas and emotions through art and writing fosters thought and discussion among youth on how to change their lives for the better. This year’s theme is designed to encourage youth from around the state who have come in contact with the juvenile justice and/or the child welfare systems to think about how they want and will market themselves to the world. Using materials funded by the Section’s generous donors, contestants will create a canvas to demonstrate their idea of their future self.

HOW CAN I HELP? Support the Children’s Law Section Art Contest by way of a donation that will enable contest organizers to purchase supplies, display artwork, provide prizes to contestants and host a reception for the participants and their families. Art supplies and contest prize donations are also welcome.

To make a tax deductible donation, visit www.nmbar.org/ChildrensLaw

or make a check out to the New Mexico State Bar Foundation and note

“Children’s Law Section Art Contest Fund” in the memo line. Please mail checks to:

State Bar of New Mexico, Attn: Member Services, PO Box 92860, Albuquerque, NM 87199

For more information contact Alison Pauk at alison.pauk@lopdnm.us.



Save the Date
for the Art
Contest Reception!
Oct. 23 at the
South Broadway Cul-
tural Center

**Save
the
Date!**

The NEW MEXICO
STATE BAR FOUNDATION
invites you to participate in the
*Third Annual
Golf Classic Tournament*

Oct. 14, 2019
Tanoan Country Club, Albuquerque
Shotgun start at 10 a.m.

All proceeds benefit the State Bar Foundation.



*Thank you to our
Presenting Sponsor*

SaucedoChavez, P.C.

Contests for men and women • Networking opportunities • Breakfast provided
Awards reception to follow tournament



Register today!

www.nmbar.org/golftournament

Ask about sponsorship opportunities.
Stephanie Wagner
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From the Clerk of the New Mexico Supreme Court

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From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

Opinion Number: 2019-NMCA-027

No. A-1-CA-34796 (filed February 18, 2019)

STATE OF NEW MEXICO,
Plaintiff-Appellee,

v.

JUHREE SMITH,
Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY

Lisa B. Riley, District Judge

Certiorari Denied, May 1, 2019, No. S-1-SC-37596.

Released for Publication July 2, 2019

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Opinion

Emil J. Kiehne, Judge Pro Tempore

{1} Defendant Juhree Smith appeals her conviction for aggravated driving under the influence of intoxicating liquor (DWI), in violation of NMSA 1978, Section 66-8-102(D)(1) (2010, amended 2016), arguing that the results of her breath alcohol test should have been excluded because she was not given a reasonable opportunity to obtain an independent test under the Implied Consent Act (the Act), NMSA 1978, §§ 66-8-105 to -112 (1978, as amended through 2015). Defendant also argues that the district court committed fundamental, plain, or structural error by commenting on her decision to testify at trial and asking about her understanding of her right not to testify. Finding no error, we affirm Defendant's conviction.

BACKGROUND

{2} On September 1, 2013, arresting officers pulled over Defendant's vehicle, administered field sobriety tests, and placed her under arrest for DWI. An of-

ficer, reading from a standardized card, explained to Defendant a motorist's rights and responsibilities under the Act, an explanation which, the parties agree, included advising her of her right to arrange for an independent chemical test performed by a medical professional of her choosing. After doing so, the officer asked Defendant to submit to a breath alcohol test, to which Defendant responded, "No, I just want to give blood." Defendant was transported to the police station where an officer explained to her the consequences of refusing to take the breath test; this encounter lasted anywhere from ten to thirty minutes. After discussing her rights under the Act with the officer, Defendant then decided that she would take the breath test. But once the breath test machine was set up, Defendant again refused to take the test. The testing officer continued to run the breathalyzer machine, explaining to Defendant that because she had refused to take the breath test, the machine would print a blank results page, which would be used against her in court. The officer told Defendant that she had one final chance to take the breath test, an opportunity which

Defendant took by blowing into the machine. The test measured two samples of Defendant's breath alcohol content at 0.19 and 0.18, respectively. After the breath test was completed, Defendant did not renew her request for a blood test.

{3} Defendant was convicted in the magistrate court of aggravated DWI, in violation of Section 66-8-102(D)(1), and failure to maintain a lane, contrary to NMSA 1978, Section 66-7-317 (1978). Defendant's case proceeded to the district court on a de novo appeal of the magistrate court's decision. In the district court and during the State's presentation of its case, Defendant moved to exclude the breath test results, arguing that her rights under the Act had been violated because the officers involved in her arrest did not give her the opportunity to take a blood test in addition to the state-administered breath test. The district court denied Defendant's motion, noting that Defendant first requested a blood test after an officer read her a card that explained the Act, then agreed to take a breath test after some discussion with the officers, and made no demand for an independent test following the breath test. Defendant appeals.

DISCUSSION

{4} Defendant raises two issues: (1) the district court should have excluded her breath alcohol test results because arresting officers failed to give her an opportunity to arrange for an alternative test as guaranteed by Section 66-8-109(B) of the Act; and (2) the district court's statements to Defendant about her right to testify at trial constituted fundamental, plain, or structural error.

I. The District Court Properly Denied Defendant's Motion to Exclude

{5} "Rulings admitting or excluding evidence are generally reviewed for an abuse of discretion." *State v. Campbell*, 2007-NMCA-051, ¶ 9, 141 N.M. 543, 157 P.3d 722. In this case, however, the historical facts are not disputed, and we construe the district court's statements as a ruling that the officers complied with the Act. We therefore apply de novo review in resolving Defendant's claim that the officers did not comply with the Act. *See State v. Maxwell*, 2016-NMCA-061, ¶ 7, 376 P.3d 882 (applying de novo review to interpret the Act when the facts were undisputed); *State v. Chakerian*, 2015-NMCA-052, ¶ 10, 348 P.3d 1027 (same), *rev'd on other grounds*, 2018-NMSC-019, ___ P.3d ___.

{6} Defendant admits that after the officers advised her about the Act, she refused to take a breath test and asked instead to take a blood test, but argues that police should have construed her statement, not merely as a refusal to take their chosen test, but also as a request for an independent test. Defendant further contends, assuming we accept her initial premise, that once she submitted to the breath test, the Act obligated the officers to provide her with a reasonable opportunity to obtain an independent blood test. The officer's failure to do so, the argument goes, violated her rights under the Act, thus requiring the exclusion of the results of the state-administered breath test. At the very least, Defendant argues, the officers should have clarified whether she wanted an independent test.

{7} Under the Act, a motorist driving a vehicle in New Mexico is deemed to have consented to a blood or breath test, or both, "as determined by a law enforcement officer," if the motorist is arrested on suspicion of driving while under the influence of alcohol or drugs. Section 66-8-107(A). A law enforcement officer may only direct the administration of such a test if he or she has reasonable grounds to believe that the motorist has been driving while under the influence of alcohol or drugs. Section 66-8-107(B). When police officers determine that a test should be administered to a motorist, the Act obligates them to advise the motorist of his or her "right to be given an opportunity to arrange for" a medical professional of the motorist's choice "to perform a chemical test in addition to any test performed at the direction of a law enforcement officer." Section 66-8-109(B). In addition to the obligation to advise an arrested motorist of the right to arrange for an independent test, Section 66-8-109(B) requires law enforcement "to provide the arrestee the means to arrange for a qualified person to conduct a chemical test[.]" and not to "unnecessarily hinder or interfere with an arrestee's attempt to exercise the right to an additional test." *Chakerian*, 2018-NMSC-019, ¶ 24. Our Supreme Court has rejected attempts to impose additional duties on law enforcement officers "beyond the explicit mandates of Section 66-8-109(B)[.]" *See id.* ¶ 22 (rejecting this Court's imposition of a duty to "meaningfully cooperate" with an arrestee's expressed desire for an independent chemical test).

{8} In the matter at hand, we conclude that law enforcement officers did not violate the Act because Defendant never

affirmatively asked for an independent chemical test, and thus the officers' obligation to provide her with the means to arrange for such a test never materialized. Section 66-8-109(B) required that police advise Defendant of her "right to be given an opportunity to arrange for" a medical professional of her choice "to perform a chemical test *in addition to* any test performed at the direction of a law enforcement officer." (Emphasis added.) Under the statute's plain language, Defendant's right to ask for an opportunity to arrange for an additional chemical test would be triggered only if she first submitted to the test that police asked her to take. Significantly, however, Defendant's only request for a blood test was made as part of her refusal to take the officer-designated breath test. Based on the totality of the circumstances, *see Chakerian*, 2018-NMSC-019, ¶ 22, it was reasonable for the district court to conclude that Defendant did not ask for a blood test *in addition to* the breath test that the officers requested, but *instead of* that test. Although Defendant eventually agreed to take the officer-designated breath test, she did not, after submitting to the test, ask for an opportunity to arrange for an additional blood test.

{9} Defendant argues, and cites out-of-state cases, for the proposition that police should have construed her initial request for a blood test instead of a breath test as a request for an additional test, or at least should have asked her if that is what she intended, but Section 66-8-109(B) contains no such requirements. And under our Supreme Court's decision in *Chakerian*, we are not at liberty to add obligations that the Legislature did not see fit to include in the statute. Defendant points to no New Mexico authority supporting the notion that our Implied Consent Act required the officers to inquire about her understanding of her right to an additional test, or to clarify whether she wanted an additional test. Being unaware of any such authority, we assume none exists. *See Curry v. Great Nw. Ins. Co.*, 2014-NMCA-031, ¶ 28, 320 P.3d 482 ("Where a party cites no authority to support an argument, we may assume no such authority exists").

{10} On these facts, we hold that law enforcement officers did not violate the Act and affirm the district court's decision to admit Defendant's breath test results into evidence. Because we hold that no statutory violation occurred, we do not reach Defendant's argument that exclusion of the breath test results is the proper remedy for such a violation.

II. The District Court Did Not Violate Defendant's Right to Testify

{11} Defendant argues that the district court violated her right to testify in her own defense, and interfered with her attorney-client relationship, by unnecessarily questioning Defendant's decision to testify, and in so doing, misstated the relevant law, thus prompting Defendant's decision not to testify. Defendant concedes that she failed to preserve these issues for review but argues that the district court's actions constituted fundamental, plain, or structural error. Because we hold that the district court did not act improperly, we need not address Defendant's fundamental, plain, or structural error arguments.

{12} Before trial began, defense counsel told the district court that he did not anticipate calling any witnesses. After the State rested its case, defense counsel called one of the arresting officers and asked him about the reasons that he gave Defendant for the traffic stop. Defense counsel then conferred with Defendant for less than a minute before saying, "Your Honor, defense calls [Defendant] to the stand." After Defendant was sworn in, but before testifying, the district court asked Defendant whether she understood her rights to testify and not to testify, and whether she had had an opportunity to confer with defense counsel about whether she should testify:

District Court: Ms. Smith, before [defense counsel] asks you any questions, I want to address a couple of things with you. You know you have the right to testify today? You know you also have the right not to testify, are you realizing that?

Defendant: Yes ma'am
District Court: And are you aware that if you do not testify, the court will not in any way hold that against you or infer, you know, anything negative, any guilt or anything because you chose not to take the stand. Are you aware of that?

Defendant: Yes, your honor.

District Court: Have you had an opportunity to talk with your attorney about whether or not it [is] a good idea to take the stand?

Defendant: Not that . . . we have [not] really talked if it was a good idea or not.

{13} The district court then stated to

Defendant: I [am] going to take a brief recess so that you can talk with [your attorney]

. . . you know you do [not] have to testify if you do [not] want to. You may testify if you choose to. That decision is a decision you need to make with your attorney, discussing whether or not it would be in your best interest. You also need to be aware that if you do choose to testify, not only do you answer [defense counsel's] questions, but [the prosecutor] gets to question you also, and I may have questions for you. Okay?

Defense counsel did not object to any portion of the above-quoted colloquy and, in fact, thanked the district court before a recess was taken to allow Defendant to confer with counsel. When the bench trial resumed ten minutes later, the district court asked Defendant if she had an opportunity to speak with her attorney. Defendant responded that she would not be testifying. Defense counsel responded, "She has your honor," and the defense rested.

{14} Defendant argues that the district court's inquiry and advisements violated her right to testify and compromised her attorney-client relationship with trial counsel. It is, of course, true that a criminal defendant's right to testify at her own trial "is an integral part of an accused's constitutional right to trial by jury[.]" and it is ultimately up to the criminal defendant to decide whether to testify, regardless of her attorney's advice. *State v. Henry*, 1984-NMCA-040, ¶ 19, 101 N.M. 277, 681 P.2d 62. If the defendant decides not to testify, the district court "is not required to" question the defendant about whether her decision to waive the right was made knowingly and intelligently. *Id.* ¶ 22.

{15} Whether a district court is *required* to question a criminal defendant about his or her decision to testify or not to testify is not the same as whether the court may, in its discretion, make such an inquiry. The parties have not cited, and we have not found, any New Mexico cases that address this precise issue. We therefore turn to the cases from other jurisdictions that the parties have cited. As these other courts have observed, the primary responsibility for advising a criminal defendant about his or her rights to testify and not to testify, and the benefits and risks of those decisions, rests mainly with defense counsel. *See, e.g., State v. Denson*, 799 N.W.2d 831, 844 (Wis. 2011). And a trial court's decision to inject itself into the proceedings

to question a defendant or offer advice about those rights carries with it the risk that the defendant may perceive that the judge disapproves of his or her decision, and may influence the defendant to change his or her mind, which would intrude on the attorney-client relationship or interfere with the defense strategy. *Id.*; *see also People v. Peden*, 878 N.E.2d 1180, 1186-87 (Ill. App. Ct. 2007) (identifying the same risks). But these cases also recognize that, notwithstanding the potential risks involved, a trial court has the discretion to engage a defendant on the record about his or her rights to testify and not to testify so as to ensure that any waiver of those rights is knowing and voluntary. *See Peden*, 878 N.E.2d at 1187 (stating that despite the risks, "a trial court has discretion to admonish a defendant of his right against self-incrimination"); *Denson*, 799 N.W.2d at 845 ("recommend[ing] an on-the-record colloquy [about a defendant's decision to testify] as the better practice").

{16} Here, we are not persuaded that the district court abused its discretion. The district court's questioning was not gratuitous; it had good reason to question Defendant about whether she understood her rights, and whether she had had an adequate opportunity to consult with defense counsel about the advantages and disadvantages of testifying. As indicated above, defense counsel, before trial, told the district court that he did not anticipate calling any witnesses to testify. After the State rested its case, and after calling one officer to testify, defense counsel called Defendant to testify after conferring with her for a matter of seconds. In these circumstances, the district court could reasonably have been concerned that Defendant's decision to testify was made in a hurried fashion, and therefore its decision to question Defendant about the issue was reasonable. Indeed, the district court's concern turned out to be justified, because Defendant confirmed that she had not in fact talked through the decision with defense counsel. The district court did not use any language suggesting that a decision to testify would be unwise or imprudent, but merely asked if Defendant understood her rights to testify and not to testify; that a decision not to testify would not be held against her; and that if she did testify, she would be subject to cross-examination. The district court raised the subject only once, and after Defendant and her attorney discussed the issue during the

court-ordered recess, the district court respected Defendant's ultimate decision not to testify and did not question her further. *Cf. People v. Peden*, 878 N.E.2d at 1188 (concluding that the trial court's "excessive and repetitive admonishments regarding issues of defense strategy and defendant's right to testify" were improper).

{17} Finally, although Defendant argues that the district court's brief inquiry and statements infringed on the attorney-client relationship and induced her decision not to testify, Defendant offered no evidence in support of these bald assertions. Defendant could have filed a motion for a new trial and requested a hearing to present testimony that the district court's remarks affected her decision to testify, but she did not do so. "It is not our practice to rely on assertions of counsel unaccompanied by support in the record. The mere assertions and arguments of counsel are not evidence." *Chan v. Montoya*, 2011-NMCA-072, ¶ 9, 150 N.M. 44, 256 P.3d 987 (internal quotation marks and citation omitted).

{18} Defendant also argues that the district court misstated the law by telling her that the decision of whether or not to testify "is a decision you need to make with your attorney[.]" Defendant contends that this is a misstatement of the law because it conveyed the message that the decision about whether to testify was for her and her attorney to jointly make, rather than a decision solely belonging to Defendant. *See Henry*, 1984-NMCA-040, ¶ 19 (stating that the decision to testify belongs to the criminal defendant, who may choose to exercise that right even contrary to the advice of counsel). As the State points out, however, Defendant has offered no evidence that, as a result of the district court's isolated remark, she believed that the decision to testify was not hers alone, or that defense counsel did not properly advise her that the decision about whether or not to testify was ultimately hers to make, or even that defense counsel advised her not to testify.

CONCLUSION

{19} We affirm Defendant's conviction for aggravated DWI.

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

EMIL J. KIEHNE, Judge Pro Tempore

WE CONCUR:

M. MONICA ZAMORA, Chief Judge
LINDA M. VANZI, Judge

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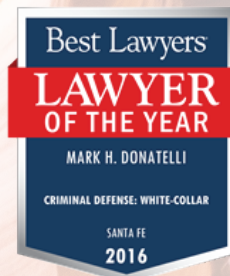
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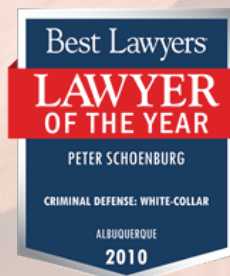
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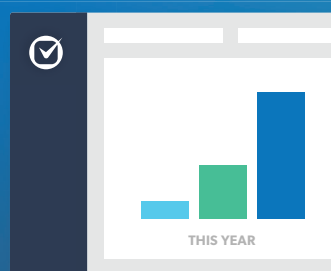
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The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Property and Finance Division. The work includes, but is not limited to: contract drafting, analysis, and negotiations; drafting ordinances; regulatory law; Inspection of Public Records Act; procurement; general commercial transaction issues; intergovernmental agreements; dispute resolution; and civil litigation. Attention to detail and strong writing skills are essential. Three (3)+ years' experience is preferred and must be an active member of the State Bar of New Mexico, in good standing. Please submit resume and writing sample to attention of "Legal Department Property Finance Assistant City Attorney Application" c/o Angela M. Aragon, Executive Assistant/HR Coordinator; P.O. Box 2248, Albuquerque, NM 87103, or amaragon@cabq.gov.

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Face paced title company looking for talent just like you! We are now hiring for escrow processor positions. Responsibilities include working with real estate brokers, lenders and attorneys to acquire and organize all necessary documents needed for closing. Prepare and distribute title company closing documents. Preparation and disbursement of funds. Requirements: Basic computer skills, Ability to multi-task, detail oriented, problem solving skills and an ability to thrive under pressure. Previous real estate, legal or accounting experience a plus. Full Benefits EOE. Send resume to Julie Buckalew at Julie.buckalew@stewart.com

Attorney

Allen, Shepherd, Lewis & Syra, P.A. is seeking a New Mexico licensed attorney with 1-5 years of litigation experience. Experience in construction defect, professional malpractice or personal injury preferred. Candidates considered for a position must have excellent oral and written communication skills. Available position is exempt and full time. Excellent salary and benefits. Please send resume with cover letter, unofficial transcript, and writing sample to HR@allenlawnm.org or Allen, Shepherd, Lewis & Syra, P.A. Attn: Human Resources, PO Box 94750, Albuquerque, NM 87199-4750. EEO.

Associate Attorney

Hatcher Law Group, P.A. seeks an associate attorney preferably with one to two years of legal experience for our downtown Santa Fe office. We are looking for an individual motivated to excel at the practice of law in a litigation-focused practice. Hatcher Law Group defends individuals, state and local governments and institutional clients in the areas of insurance defense, coverage, workers compensation, employment and civil rights. We offer a great work environment, competitive salary and opportunities for future growth. Send your cover letter, resume and a writing sample via email to juliez@hatcherlawgroupnm.com.

Commercial Liability Defense, Coverage Litigation Attorney P/T or F/T

Our well-established, regional, law practice seeks a contract or possibly full time attorney with considerable litigation experience, including familiarity with details of pleading, motion practice, and of course legal research and writing. We work in the area of insurance law, defense of tort claims, regulatory matters, and business and corporate support. A successful candidate will have excellent academics and five or more years of experience in these or highly similar areas of practice. Intimate familiarity with state and federal rule of civil procedure. Admission to the NM bar a must; admission to CO, UT, WY a plus. Apply with a resume, salary history, and five-page legal writing sample. Work may be part time 20+ hours per week moving to full time with firm benefits as case load develops. We are open to "of counsel" relationships with independent solo practitioners. We are open to attorneys working from our offices in Durango, CO, or in ABQ or SAF or nearby. Compensation for billable hours at hourly rate to be agreed, generally in the range of \$45 - \$65 per hour. Attorneys with significant seniority and experience may earn more. F/T accrues benefits. Apply with resume, 5-10p legal writing example to revans@evanslawfirm.com with "NM Attorney applicant" in the subject line.

Deputy District Attorney and HIDTA- Deputy District Attorney

Immediate openings for a Deputy District Attorney and HIDTA- Deputy District Attorney in Deming. A Deputy District Attorney in Lordsburg, and an Senior Trial Attorney in Silver City. Salary Depends on Experience. Benefits. Please send resume to [Francesca Estevez, District Attorney, FMartinez-Estevez@da.state.nm.us](mailto:FrancescaEstevez@da.state.nm.us) or call 575-388-1941.

Associate or Contract Litigation Attorney

Ortiz & Zamora, LLC, seeks a New Mexico licensed attorney with 4 or more years of litigation experience for an associate/contract position managing active civil litigation docket. Extensive experience with discovery, motion practice, hearings, and trial preparation desired. The position will focus mostly on litigation defense and day-to-day advice for public entities, including schools, municipalities, counties and state agencies, with similar defense-related work for individuals, businesses, and private entities. Labor/employment, civil rights, tort, administrative law, and property are the typical subject matter areas of the practice. Plaintiff-side litigation experience considered a plus for the firm's medical malpractice, personal injury and catastrophic/death plaintiff-related work. Salary or contract rate D.O.E. Please email your resume to nadine@ortiz-zamora.com.

Pueblo of Laguna is seeking applicants for the following positions:

Court Prosecutor will presents/files criminal complaints and prosecutes individuals accused of violating ordinances of the Pueblo. Represents the Pueblo as plaintiff in Pueblo Court to prosecute and enforce penalties. Assesses complaints to determine formal criminal proceedings. Conducts research, interviews victims and witnesses; develops strategy, arguments and testimony to present case; provide legal advice regarding search warrants, arrest warrants, and subpoenas; works with Probation, Social Services, Behavioral Health; utilizes a plea bargain process. Acts as co-counsel with Pueblo attorneys; Reviews and recommends amendments to Pueblo codes, ordinances; Manages and budget funding agencies, and reports, supervises staff. Associate Prosecutor will presents/files criminal complaints and prosecutes individuals, accused of violating criminal laws, including status offenses, Pueblo laws, codes, and/or ordinances. Assigned by Prosecutor will act as plaintiff in Pueblo Court actions to prosecute and enforce penalties for violations. Prepare pleadings, motions, legal briefs, orders and appellate documents. Works with Probation, Social Services, Behavioral Health, and Victim Witness Advocate. Assists in the development of crime prevention and intervention initiatives. Utilizes the Pueblo's customary based approach to resolve issues. Associate Judge adjudicates cases, prepares decisions, and carries out other functions of the judicial processes. Hears, tries, and determines cases to ensure the enforcement of and compliance with Pueblo codes and ordinances. Entertains pleadings from outside jurisdictions; holds hearings for bench warrants, requests for search warrants, extradition proceedings, etc. Adjudicates civil and criminal cases; imposes judgment, fines, penalties, and/or sentences. Drafts orders, opinions, or other pleadings. Refers to other courts on certain cases for disposition. Develops and maintains comprehensive case files, narrative and statistical reports. Public Defender represents indigent clients accused of violating ordinances of the Pueblo of Laguna. Performs competent defense, arrangements of bail, posting bond, pretrial conferences, representation in court appearances, and post-trial representation. Ensures civil rights are protected. Utilizes plea bargain process in the interests of the accused. Contact clients of hearings, case developments, and obligations. Interviews, gathers evidence, and analyzes to formulate legal representation. Prepares pleadings, motions, legal briefs, orders, and appellate documents. Works with relevant personnel or entities regarding appropriate recommendations for case resolution, sentences, and referrals. Reviews codes and/or ordinances; recommends amendments. For more information, contact the Pueblo of Laguna Human Resources Office at (505) 552-6654 or visit our website www.lagunapueblo-nsn.gov

Litigation Attorney

With 51 offices and over 1,400 attorneys, Lewis Brisbois is one of the largest and most prestigious law firms in the nation. Our Albuquerque office is seeking associates with a minimum of three years litigation defense experience. Candidates must have credentials from ABA approved law school, actively licensed by the New Mexico state bar, and have excellent writing skills. Duties include but are not limited to independently managing a litigation caseload from beginning to end, communicating with clients and providing timely reporting, appearing at depositions and various court appearances and working closely with other attorneys and Partners on matters. Please submit your resume along with a cover letter and two writing samples to phxrecruiter@lewisbrisbois.com and indicate "New Mexico Litigation Attorney Position". All resumes will remain confidential. LBBS does not accept referrals from employment businesses and/or employment agencies with respect to the vacancies posted on this site. All employment businesses/agencies are required to contact LBBS's human resources department to obtain prior written authorization before referring any candidates to LBBS. The obtaining of prior written authorization is a condition precedent to any agreement (verbal or written) between the employment business/ agency and LBBS. In the absence of such written authorization being obtained any actions undertaken by the employment business/agency shall be deemed to have been performed without the consent or contractual agreement of LBBS. LBBS shall therefore not be liable for any fees arising from such actions or any fees arising from any referrals by employment businesses/agencies in respect of the vacancies posted on this site.

Assistant City Attorney for the Litigation Division

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Litigation Division. The department's team of attorneys represent the City in litigation matters in New Mexico State and Federal Courts, including trials and appeals, and provide legal advice and guidance to City departments. Attention to detail and strong writing skills are essential. Five (5)+ years' experience is preferred and must be an active member of the State Bar of New Mexico in good standing. 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.

Associate Attorney

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

Research/Writing Attorney

Gorence & Oliveros, P.C. is seeking a full-time research/writing attorney. The position requires exceptional research and writing skills. This is not a litigation position. Competitive salary and benefits DOE. Please submit a cover letter, resume, references and at least one writing sample directed to Hiring Partner via email only to oliveros@golaw.us.

Attorney Wanted

Small AV-rated firm seeks attorney with trial experience interested in civil litigation, primarily insurance defense. Must do high-quality work, use good judgment, possess strong work ethic, work efficiently, and take initiative. Email resume to Nathan H. Mann at nmann@gcmlegal.com.

Solo/Small Firm Attorneys

Are you an established solo or small firm that would like the benefit of being part of an AV-rated, small firm that concentrates in civil litigation, especially insurance defense? We seek one or more such attorneys with same or compatible practices. Contact Nathan H. Mann by email at nmann@gcmlegal.com

Assistant District Attorney

The Fifth Judicial District Attorney's office has immediate positions open for new or experienced attorneys, in our Carlsbad and Roswell offices. Salary will be based upon the New Mexico District Attorney's Salary Schedule with starting salary range of an Assistant Trial Attorney to a Senior Trial Attorney (\$58,000 to \$79,679). Please send resume to Dianna Luce, District Attorney, 301 N. Dalmont Street, Hobbs, NM 88240-8335 or e-mail to 5thDA@da.state.nm.us.

Senior Assistant City Attorney— Employment/Labor and Risk Management City of Santa Fe

The Santa Fe City Attorney's Office seeks a full-time, Senior Assistant City Attorney to perform advanced-level, professional duties with an emphasis on representing and advising the City of Santa Fe in employment and union matters and overseeing risk management cases litigated by outside counsel. The City is seeking a candidate with good people skills, strong academic credentials, excellent written and verbal communications skills, and a passion for public service. Experience in employment and labor law, government defense, administrative law, litigation, appellate practice, and related law is preferred. Evening meetings with the City's Governing Body members may be required on occasion for presentations and/or executive sessions regarding pending and threatened litigation. The pay and benefits package are excellent and are partially dependent on experience. The position is located in downtown Santa Fe at City Hall and reports to the City Attorney. This position is exempt, requires ten (10) years of relevant experience, and is open until 10/18/19 or until filled. Qualified applicants are invited to apply online at https://www.santafenm.gov/job_opportunities.

Trial Support and Appellate Attorney

Durham, Pittard & Spalding, LLP is looking to hire a trial support and appellate attorney to join its Santa Fe office. Durham, Pittard & Spalding, LLP handles a wide variety of complex civil trials and appeals, including a significant number of cases representing plaintiffs throughout New Mexico who have suffered a catastrophic injury or wrongful death. Durham, Pittard & Spalding, LLP's attorneys frequently assist other trial attorneys with briefing, hearings, and strategic trial support, and act as lead counsel, handling appellate briefing and oral argument in a wide range of complex appeals in both state and federal court. The candidate should have 3-10 years of applicable experience, a strong work ethic, research and writing talent, and a sense of teamwork and camaraderie. Judicial clerkship experience is encouraged but not mandatory. Please send a letter of interest, resume, list of references, and a writing sample to mfinn@dpslawgroup.com.

Attorney Position – Santa Fe

Hunt Law Firm is seeking an attorney with 0-5 years of experience. We are a small, plaintiff practice that handles general personal injury and medical malpractice. An interest in people and a willingness to work hard is a prerequisite, as is living in Santa Fe. Please email resume, cover letter and references to lee@huntlaw.com and patsy@huntlaw.com.

Sr. Analysts

Gap, Inc.'s Corporate Shared Services Center in Albuquerque is seeking qualified candidates for temporary contract positions to assist with daily operations as we prepare the company to separate into two publicly traded companies. We are in search of Sr. Analysts with contract/lease interpretation experience that can read real estate leases and extract rental terms for both domestic and international locations to ensure correct lease payments are made. Intermediate knowledge of excel is required. If you are interested in applying please send your resume to Regina Grinage at Regina_Grinage@gap.com

Associate Attorney

Atkinson, Baker & Rodriguez, P.C. is an aggressive, successful Albuquerque-based complex civil commercial and tort litigation firm seeking an extremely hardworking and diligent associate attorney with great academic credentials. This is a terrific opportunity for the right lawyer, if you are interested in a long term future with this firm. A new lawyer with up to 3 years of experience is preferred. Send resumes, references, writing samples, and law school transcripts to Atkinson, Baker & Rodriguez, P.C., 201 Third Street NW, Suite 1850, Albuquerque, NM 87102 or e_info@abrfirm.com. Please reference Attorney Recruiting.

Litigation Attorney

Keller & Keller is an award winning personal injury law firm located in Albuquerque. We are seeking an attorney with 0-5 years of experience to join our personal injury litigation team. We are proud to offer an attractive compensation and benefits package, including a salary commensurate with experience, medical insurance, 401(k) retirement plan and paid time off. All applicants must have an active license to practice law in New Mexico. The Litigation Attorney will work directly with two Litigation Attorneys and two Litigation Paralegals on a daily basis. Responsibilities include: strategic planning and discussion regarding cases; planning for and meeting court established deadlines; client contact; court appearances; trial preparation; motion practice; mediations; and depositions. We are looking for a person with critical thinking skills and the ability to apply those skills in a fast-paced environment. Excellent interpersonal communication skills with clients and coworkers is a must. Additionally, the candidate must be able to apply their knowledge and skills to make decisions and take action on cases. Interested candidates should forward a cover letter and resume to Zachary Farmer at zfarmer@2keller.com. No phone calls, please. All inquiries will be confidential.

Prosecutors

Immediate openings for Prosecutors interested in creating safer communities and a better legal system, one case at a time. Imagine collaborating with a diverse team of professionals, having a manageable caseload with a competitive salary in a great workplace environment. We have positions available in Las Vegas, NM with the Fourth Judicial District Attorney's Office. If you are interested in learning more about the positions or wish to apply, contact us at (505) 425-6746, or forward your letter of interest and resumé to Richard D. Flores, District Attorney, c/o Mary Lou Umbarger, Office Manager, P.O. Box 2025, Las Vegas, New Mexico 87701 or e-mail: mumbarger@da.state.nm.us

Entry-Level Attorney Positions

JUST PASSED THE BAR? Put that Degree to work for you! We have entry-level attorney positions immediately available with the Fourth Judicial District Attorney's Office in Las Vegas, NM. Excellent opportunity to gain valuable experience in the courtroom with a diverse team of mentor attorneys. Requirements include J.D. and current license to practice law in New Mexico. Please forward your letter of interest and resumé to Richard D. Flores, District Attorney, c/o Mary Lou Umbarger, District Office Manager, P.O. Box 2025, Las Vegas, New Mexico 87701 - or via e-mail: mumbarger@da.state.nm.us Competitive salary and great workplace environment!

Legal Secretary

Small busy law firm seeking experienced, full-time Legal Secretary, knowledge of Microsoft Word necessary. Salary negotiable. Send Resume to Alegras Lucero, Office Manager, 1225 Rio Grande Blvd. NW, Albuquerque, NM 87104, Fax to (505) 266-4330 or email to alucero@michaeldanoff.com.

Paralegal

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

NMPED Paralegal Position

PARALEGAL - The Public Education Department is looking for a team player with strong writing and interpersonal skills, great attention to detail and follow-through, and an interest in public service. To apply, please fill out an application at <http://www.spo.state.nm.us/applicationguide/>, and email 2 writing samples to Aaron.Rodriguez2@state.nm.us.

Paralegal

The law firm of Butt Thornton & Baehr PC has an opening for an experienced litigation Paralegal (4+ years). Excellent organization, computer and word processing skills required. Must have the ability to work independently. Generous benefit package. Salary DOE. Please send letter of interest and resume to, Gale Johnson, gjohnson@btblaw.com

Part-Time Paralegal

Part-time paralegal 20-25 hours/week. May work from home as needed. Must have extensive litigation experience. Discovery expertise, Medical malpractice experience and Spanish fluency are a plus. Please send resume and salary requirements to kelly@collinsattorneys.com

CLE Program Assistant

The New Mexico State Bar Foundation seeks a full-time CLE Program Assistant for seasonal assistance in the Center for Legal Education. This position begins 10/1/19 and is expected to last approximately three months. For full details and instruction on how to apply, visit <https://www.nmbar.org/NmbarDocs/AboutUs/Careers/CLE.pdf>



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Office Space

Office Space for Lease – Downtown

Beautiful space to sub-lease with lots of natural light, cork floors, free tenant parking, enclosed patio space, front door security, shared kitchenette, conference rooms and lobby. Four-to-six offices plus common area available approximating 2,500-3000 square feet. Available January 1, 2020 for 3-5 year term. Rent is slightly below downtown market rate of \$17.00 per square foot; includes utilities. Walking distance to Courthouses, government buildings and downtown restaurants. Access to basement storage. Please contact: sublease2019@outlook.com

Prime Downtown Location at Plaza500 –

Professional office suite available on the 5th floor of the prestigious Albuquerque Plaza Building. This Class A Office space provides fully furnished offices with IT, dedicated phone line, mail services and full-time receptionist. Parking access and short-term leases available. New tenants receive monthly access to the recently renovated Hyatt Regency Albuquerque fitness center. 201 Third Street NW. Please Contact Sandee at 505-999-1726.

For Sale Or Lease

5 large individual office suites with 4 support staff stations, a small kitchen/breakroom, men's and women's baths, large windows for natural lighting, a security alarm, controlled access, and located at Louisiana & Candelaria. \$2,086/month, Full Service, Mike Contreras, CCIM Owner/Broker, Cell: 263-7334; mike@sentinelrealestate-inv.com

Office Space 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.

1212 Pennsylvania St NE

Uptown Attorney Office in single story office building shared by sole practitioners and small law firm with centrally staffed reception area, two conference rooms, law library, and kitchen. Office has large windows with natural light, security system, ample parking and access to freeway. \$750 month. Phone, internet, copier, postage, and secretarial bays available for additional fee. Call 266-8787 or email manager@ABQLawNM.com.

Office Space in Journal Center For Lease

Available Soon. A beautiful office space, in great location in Journal Center one block north of the Bar Center, for Lease. 2,500 square feet, reception area, five office rooms including a master suit with vaulted roof, brick finishes and a gas fire place that looks into the reception area, a reception area, computer room, and one additional small work station. The fireplace also looks into the reception area. A medium sized conference room, also with brick finish and book shelves. Partially furnished, including receptionist desk and chairs conference table and chairs, a small kitchen with new refrigerator, dishwasher and sink with hot and cold running water. Bathrooms are part of the common area for this and the next door office and not included in the square footage for rent purposes. Landlord pays utilities, monitored security, quarterly pest control, maintenance and taxes all for \$17.95 a square foot per annum or \$3,739.58 per month. Will require a 2 year lease commitment and a security deposit equal to the first month's rent. If interested, call 858-3303 and ask for Pam.

Miscellaneous

Want To Purchase

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

Lawyer Retiring

Solo practitioner in Socorro, NM is retiring and is interested in being contacted by law firm or individual attorney who would be interested in purchasing the practice, including building, most equipment & furnishings, good will, etc. Contact John R. Gerbracht at gerbrachtlaw@gmail.com

NEW SUBMISSION DEADLINES

— Starting November 2019 —

Official Publication of the State Bar of New Mexico

BAR BULLETIN

The *Bar Bulletin* publishes every other week on Wednesdays.

Submission deadlines are also on Wednesdays, three 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, three weeks 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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Just as people rely on legal professionals, New Mexico attorneys looking for a home need the expertise of one of the state's most qualified, most experienced brokers. Find them at [NMSelect.com](http://www.NMSelect.com). These brokers qualified for membership based on their ability to help buyers and sellers in all aspects of every transaction. Make one of them your co-counsel in your quest for a beautiful home.

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