

BAR BULLETIN

August 12, 2020 • Volume 59, No. 15



View from the Crest, by Carla Forrest

www.carlaforrest.com

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Meetings

August

- 12**
Business Law Section Board
4 p.m., teleconference
- 12**
Children's Law Section Board
Noon, teleconference
- 12**
Tax Section Board
9 a.m., teleconference
- 14**
Prosecutors Section Board
Noon, teleconference
- 18**
Solo and Small Firm Section Board
10:30 a.m., teleconference
- 20**
Public Law Section Board
Noon, teleconference
- 21**
Family Law Section Board
9 a.m., teleconference
- 25**
Intellectual Property Law Section Board
Noon, teleconference

Workshops and Legal Clinics

August

- 26**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6094

September

- 2**
Divorce Options Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6022
- 23**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6094

October

- 7**
Divorce Options Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6022
- 28**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6094

About Cover Image and Artist: Award-winning contemporary artist Carla Forrest paints the New West in her spectral luminescent works, inspired by direct observation of nature and life. Honored as a Local Treasure by the Albuquerque Arts Business Association, 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 Doctorate in Organizational Learning and Instructional Technologies from the University of New Mexico. "I approach painting as an observer of the soul, enlightening the viewer about the presence, wonder, and dignity of nature and life. I want the viewer to value place and person in a space of spirit and heart and bring this illumination into their personal environments."

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. 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. Library Hours: Monday-Friday 8 a.m.-noon and 1 p.m.-5 p.m. For more information call: 505-827-4850, email: libref@nmcourts.gov or visit <https://lawlibrary.nmcourts.gov>.

Retirement Postponement

New Mexico Supreme Court Chief Justice Judith K. Nakamura's retirement has been postponed. In light of Justice Nakamura's announcement regarding the postponement of her retirement, the Supreme Court Judicial Nominating Commission hearing that had been scheduled for July 9 is hereby postponed until further notice.

First Judicial District Court Judge Appointment

On July 1, Governor Michelle Lujan Grisham appointed Kathleen McGarry Ellenwood to the bench of the First Judicial District Court as the newly-created Division X Judge. Effective July 15, a mass reassignment of cases occurred pursuant to NMSC Rule 23-109, the Chief Judge Rule. Division X of the First Judicial District Court will maintain a Docket consisting of Civil Cases and State Habeas cases, both civil and criminal. Since this is a newly created position, the civil docket will be created with a percentage of cases from the civil cases pending in Divisions I, II, VI and IX. Effective Monday, July 27, a mass reassignment of the Juvenile Delinquency Docket previously assigned to Chief Judge Mary Marlowe Sommer in Division VIII will occur pursuant to

Professionalism Tip

With respect to the courts and other tribunals:

Before dates for hearings or trials are set, or immediately after dates have been set, I will verify the availability of participants and witnesses, and I will also notify the court (or other tribunal) and opposing counsel of any problems.

NMSC Rule 23-109, the Chief Judge Rule, and be assigned to Judge T. Glenn Ellington, Division VII. At that same time a mass reassignment of the Abuse and Neglect Cases previously assigned to Judge T. Glenn Ellington, Division VII will be transferred to Judge Kathleen McGarry Ellenwood, Division X. Pursuant to Supreme Court Order No. 20-8500-025, "In the Matter of the Safe and Effective Administration of the New Mexico Judiciary During the COVID-19 Public Health Emergency," Emergency Court Protocol No. 3 (E), "the temporary suspension of the exercise of peremptory excusals shall remain in place," therefore no peremptory excusal of Judge McGarry or Judge Ellington will take place.

Second Judicial District Court Notice to Attorneys

Governor Michelle Lujan Grisham has announced the recent appointment of Clara Marissa Moran to the Second Judicial District Court bench. Effective July 27, Judge Moran will be assigned to fill Division XXVII, the new judgeship created when Governor Lujan Grisham recently signed into law Senate Bill 185. Individual notices of reassignment will be sent out to all parties of record. Pursuant to New Mexico Supreme Court Order 20-8500-0025, peremptory excusals have been temporarily suspended during the COVID-19 Public Health Emergency.

Notice to Attorneys

Governor Michelle Lujan Grisham has announced the recent appointment of Lucy Boyadjian Solimon to the Second Judicial District Court bench. Effective July 27, Judge Solimon will be assigned to fill Division XXIX, the new judgeship created when Governor Lujan Grisham recently signed into law Senate Bill 185. Individual notices of reassignment will be sent out to all parties of record. Pursuant to New Mexico Supreme Court Order 20-8500-0025, peremptory excusals have been temporarily suspended during the COVID-19 Public Health Emergency.

Notice to Attorneys

Pursuant to the Constitution of the State of New Mexico, Judge Cristina T. Jaramillo, Division VIII, will be transferring from the Criminal Court to the Children's Court. Effective Aug. 31, Judge Jaramillo will be assigned various cases previously assigned to Judge Marie C. Ward, Division XIV, Judge John J. Romero, Division VII and Judge William Parnall, Division I. Individual notices of reassignment will be sent out for all cases where a defendant is represented by a member of the private bar and an e-mail notice regarding reassignment will be sent to the Law Offices of the Public Defender, District Attorney's Office, and the New Mexico Children Youth and Families Department. Pursuant to New Mexico Supreme Court Order 20-8500-0025, peremptory excusals have been temporarily suspended during the COVID-19 Public Health Emergency.

Twelfth Judicial District Court Notice of Mass Case Reassignment

Effective July 15, a mass reassignment of Division I, II, III and IV family law cases, and Division I and Division IV civil and probate/mental health cases will be reassigned to the Honorable Ellen Jessen, Division V, pursuant to Rules 23-109 and 1-088.1, NMRA. Pursuant to New Mexico Supreme Court Order 20-8500-0025, peremptory excusals have been temporarily suspended during the COVID-19 Public Health Emergency.

Bernalillo County Metropolitan Court New Landlord-Tenant Settlement Program

A mediation program specifically for people involved in landlord-tenant disputes was launched earlier this month. The Landlord-Tenant Settlement Program will give landlords and tenants the opportunity to work out business agreements beneficial to both sides. To be eligible, participants must have an active landlord-tenant case in the Metropolitan Court. The service is free,

and parties in a case will work with a volunteer settlement facilitator specially trained in housing matters. Many of the facilitators are retired judges and experienced attorneys who will provide services pro bono. Those interested in participating in the Landlord-Tenant Settlement Program or serving as a volunteer settlement facilitator are asked to contact the court's Mediation Division at: 505-841-8167.

STATE BAR NEWS

2020 Annual Meeting Resolutions and Motions

Resolutions and motions will be heard at 8 a.m. on Friday, Sept. 25, 2020, at the opening of the State Bar of New Mexico 2020 Annual Meeting and Member Appreciation Event. To be presented for consideration, resolutions or motions must be submitted in writing by August 25 to Executive Director Richard Spinello, PO Box 92860, Albuquerque, NM 87199; fax to 505-828-3765; or email rspinello@nmbar.org.

COVID-19 Pandemic Updates

The State Bar of New Mexico is committed to helping New Mexico lawyers respond optimally to the developing COVID-19 coronavirus situation. Visit www.nmbar.org/covid-19 for a compilation of resources from national and local health agencies, canceled events and frequently asked questions. This page will be updated regularly during this rapidly evolving situation. Please check back often for the latest information from the State Bar of New Mexico. If you have additional questions or suggestions about the State Bar's response to the coronavirus situation, please email Executive Director Richard Spinello at rspinello@nmbar.org.

Reopening of Building

The State Bar of New Mexico has reopened to members and the public. Availability is limited pursuant to the current State health orders. To book a room, call 505-797-6000 or email sbnm@nmbar.org.

New Mexico Judges and Lawyers Assistance Program

We're now on Facebook! Search "New Mexico Judges and Lawyers Assistance Program" to see the latest research, stories, events and trainings on legal well-being!

Monday Night Support Group

- August 17
- August 24
- August 31

This group will be meeting every Monday night via Zoom. The intention of this support group is the sharing of anything you are feeling, trying to manage or struggling with. It is intended as a way to connect with colleagues, to know you are not in this alone and feel a sense of belonging. We laugh, we cry, we BE together. Email Pam at pmoore@nmbar.org or Briggs Cheney at BCheney@DSC-LAW.com and you will receive an email back with the Zoom link.

Employee Assistance Program

Managing Stress Tool for Members

A negative working environment may lead to physical and mental health problems, harmful use of substances or alcohol, absenteeism and lost productivity. Workplaces that promote mental health and support people with mental disorders are more likely to reduce absenteeism, increase productivity and benefit from associated economic gains. Whether in a professional or personal setting, most of us will experience the effects of mental health conditions either directly or indirectly at some point in our lives. The N.M. Judges and Lawyers Assistance Program is available to assist in addition to our contracted Employee Assistance Program (EAP). No matter what you, a colleague, or family member is going through, The Solutions Group, the State Bar's FREE EAP, can help. Call 866-254-3555 to receive FOUR FREE counseling sessions per issue, per year! Every call is completely confidential and free. For more information, <https://www.nmbar.org/jlap> or <https://www.solutionsbiz.com/Pages/default.aspx>.

Appellate Practice Section Virtual Brown Bag Presentation with Judge Ives and Judge Henderson

You are invited to the upcoming virtual appellate brown bag luncheon, where Judge Zachary A. Ives and Shammara H. Henderson of the New Mexico Court of Appeals will be our guest speakers. The luncheon is informal and intended to create an opportunity for appellate practitioners to learn more about Judge Ives

— *Featured* —

Member Benefit

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and Judge Henderson and the work of the Court. The virtual brown bag will be hosted on Aug. 21 at noon via GoToMeeting. R.S.V.P. to Member Services at memberservices@nmbar.org.

The Committee on Women and the Legal Profession #LawMom Series

The Committee on Women and the Legal Profession is proud to bring back their #LawMom programming. #LawMom is a label created in 2016 as a way to publicize events hosted by the Committee which focus on the struggle of having a legal career and managing parenting responsibilities. Given the additional challenges and stressors #LawMoms are facing during the COVID-19 pandemic, the CWLP would like to help you start the week off on a positive note by sponsoring #LawMom Mondays. Join the Committee on Aug. 17 at noon for their next chat. You can also watch all other #LawMom chats on the State Bar of New Mexico YouTube channel. RSVP for the chat to Member Services at memberservices@nmbar.org.

Notices continued on page 9.

Legal Education

August

- | | | |
|---|---|--|
| <p>13 Lawyers Ethics in Real Estate Practice
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17 Electric Power in the Southwest
10.7 G, 1.0 EP
Live Seminar
Law Seminars International
www.lawseminars.com</p> | <p>24 2020 Trust Litigation Update
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>14 Mindfulness Based Stress Reduction for Lawyers
1.5 EP
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>19 A Lawyer's Guide to PDFs (Acrobat or PowerPDF for Lawyers)
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>27 The Intersection of Accounting and Litigation: How to Explain a Financial Story to a Judge and Jury
5.0 G, 1.6 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>17 Reps and Warranties in Business Transactions
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>20 Natural Resource Damages
9.2 G
Live Seminar
Law Seminars International
www.lawseminars.com</p> | |

September

- | | | |
|--|---|---|
| <p>1 Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>11 Basics to 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> | <p>16 Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>2 Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>15 Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>16 Word Master Class on Formatting Complex Pleadings
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> |

Notice of Possible Event Cancellations or Changes:

Due to the rapidly changing coronavirus situation, some events listed in this issue of the Bar Bulletin may have changed or been cancelled after the issue went to press. Please contact event providers or visit www.nmbar.org/eventchanges for updates.

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>17 Real Estate Finance: Trends and Best Practices, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 Real Estate Finance: Trends and Best Practices, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>24 How to Practice Series: Estate Planning - Taxes, Beneficiary Designations, IRAs/401Ks (2020)
1.0 G
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>17 Do You Have Your Emotions or Do They Have You?
1.5 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>24 How to Practice Series - Estate Planning (2019)
4.0 G, 2.0 EP
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>30 How to Practice Series: Adult Guardianship (2020)
3.0 G, 3.0 EP
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> |

October

- | | | |
|---|--|---|
| <p>5 Subtenants in Commercial Leasing: How to Protect Your Client
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>16 The Ethics of Bad Facts and Bad Law
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Basics to 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> |
| <p>6 The Ins-and-Outs of Licensing Technology, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>19 Governance and Management Agreements for Nonprofit Organizations
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>27 Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>7 The Ins-and-Outs of Licensing Technology, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Outlook Power Hour
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 2
1.0 G
Teleseminar
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
PO Box 2008 • Santa Fe, NM 87504-2008 • 505-827-4925

Effective July 10, 2020

UNPUBLISHED OPINIONS

A-1-CA-38402	R Johnson v. NM Corrections Department	Dismiss	07/06/2020
A-1-CA-38471	State v. G Collins	Affirm	07/06/2020
A-1-CA-37753	State v. R Woody	Affirm	07/07/2020
A-1-CA-38013	State v. W Willis	Affirm/Reverse	07/07/2020
A-1-CA-38127	State v. R Vallejos	Affirm	07/07/2020
A-1-CA-38358	State v. S Weaver	Affirm	07/07/2020
A-1-CA-38445	L Sena v. L Nieto	Affirm	07/07/2020
A-1-CA-38353	R Cano C. v. Unique Insurance Co.	Affirm	07/08/2020
A-1-CA-38396	State v. M Lara	Affirm	07/08/2020
A-1-CA-36416	State v. M Jensen	Affirm	07/09/2020
A-1-CA-37966	CYFD v. Jalexus S.	Affirm	07/09/2020
A-1-CA-38392	State v. V Palombi	Affirm	07/09/2020

Effective July 17, 2020

UNPUBLISHED OPINIONS

A-1-CA-34542	State v. L Loddy	Affirm	07/13/2020
A-1-CA-37431	State v. M Romine	Affirm	07/13/2020
A-1-CA-38061	P Amestoy v. NM Racing Commission	Affirm	07/13/2020
A-1-CA-38385	State v. B Ross	Affirm	07/13/2020
A-1-CA-38605	J Jordan v. W Catalano	Affirm	07/13/2020
A-1-CA-37443	State v. R Gonzalez-Parra	Affirm	07/14/2020
A-1-CA-38310	State v. L Abeyta	Affirm	07/14/2020

Effective July 24, 2020

UNPUBLISHED OPINIONS

A-1-CA-36742	Horizon Well Service v. Pemco of New Mexico	Affirm	07/20/2020
A-1-CA-37791	State v. O Tsosie	Affirm	07/21/2020
A-1-CA-38198	M Greenham v. S Greenham Rodriguez	Affirm	07/21/2020
A-1-CA-35828	State v. S Chavez-Aguirre	Affirm/Reverse	07/23/2020
A-1-CA-37900	State v. R Sena	Affirm	07/23/2020
A-1-CA-38266	Villa Alegre Apts v. L Montoya	Dismiss	07/23/2020

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

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

Notices continued from page 5.

UNM SCHOOL OF LAW

Law Library Hours

Spring 2020

Through May 16

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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OTHER NEWS

UNM School of Law

Spanish for Lawyers I

The UNM School of Law will offer Spanish for Lawyers I on Mondays from 4:30–6:30 p.m. between Aug. 17–Nov. 23. This course has been approved by NM CLE for 20 general CLE credits. 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. Community enrollment is limited to four, so register now for this valuable opportunity to learn to better assist Spanish-speaking clients in criminal law, domestic relations, and minor civil disputes! Classes will be held at UNM Law School. For more information and to register, visit https://secure.touchnet.com/C21597_ustores/web/store_main.jsp?STO Reid=16&SINGLESTORE=true.

LEGAL SPECIALIZATION COMMISSION



WANTED

The State Bar of New Mexico is seeking qualified attorneys dedicated to the development and growth of a Legal Specialization program in New Mexico.

Submit letter of interest and CV by close of business Monday, September 14, 2020.

Read more about Legal Specialization Commissioner requirements at nmbar.org



Members of the State Bar of New Mexico:



As we continue to navigate the uncertain times associated with the COVID-19 pandemic, I hope you are doing well personally and with your professional endeavors. This year has proven to be remarkably challenging as a consequence of the pandemic and has become far more complex in light of concerns regarding racial justice, which have been highlighted at both the national and local levels. Along with others, I have been thoughtfully considering how best to respond to these issues as a leader of our diverse and integrated bar association.

The mission of the State Bar of New Mexico is to be a united and inclusive organization serving the legal profession and the public. Our State Bar has benefited greatly from past bar leaders who recognized the importance of addressing issues related to diversity and inclusion in the legal profession. Relying on the State Bar's longstanding focus on diversity, I have asked the leadership of our Committee on Diversity in the Legal Profession and our Standing Committee on Wellness to serve on a special committee to create programming to help members address and navigate these sensitive and important issues.

The special committee has identified a need to develop and support two distinct types of programming. First, we understand that many members of our community are deeply troubled by the current discourse and issues regarding racial injustice. We hope to help members identify tools for understanding and managing emotions surrounding these issues as they also intersect with topic of personal well-being. Second, we recognize the need for more educational resources regarding diversity and inclusion and have planned specific programming to address this need culminating in the release of our fourth decennial report on the Status of Minority Attorneys in New Mexico. Members of the State Bar participated in a survey last year and the report is now being finalized by the diversity committee. In light of the national discourse on race, the release of the fourth decennial report could not be more timely.

It is now my distinct privilege to announce our webinar series on race, diversity and wellness. Seminars will take place as follows:

1. **Culture, Inclusion and Bias in the Workplace (On-Demand Webinar)**
Presenter: Maribeth Bohley, The Solutions Group
2. **A Conversation About Healing: Racial Trauma in the Legal Profession (Live Webinar, Aug. 13)**
Presenters: Stephanie D. McIver, PhD. and Dr. Karissa Culbreath moderated by Aja Brooks
3. **Presentation on Wellness and Diversity in the Legal Profession (Live Webinar as a part of the 2020 State Bar Annual Meeting and Member Appreciation Event on Sept. 25)**
Presenter: Dr. Gabriel Sanchez, American Decisions
4. **Fourth Decennial Diversity Survey Results (Live Webinar, Oct. 30)**
Presenter: Dr. Gabriel Sanchez, American Decisions, and representatives from the State Bar Committee on Diversity in the Legal Profession

You can find additional information about this programming on our website at www.nmbar.org/diversityandwellness. More information will also be provided to our membership via electronic mail.

In conclusion, I would like to thank the team which put together the webinar series. Members of this special committee included: Carla Martinez (President-Elect of the State Bar of New Mexico and Chair of the Standing Committee on Wellness), Denise Chanez and Leon Howard (Co-chairs of the Committee on Diversity in the Legal Profession), Aja Brooks (Member of the Board of Bar Commissioners and President of the New Mexico Black Lawyers Association), Richard Spinello (Executive Director of the State Bar of New Mexico), Pamela Moore (JLAP Director) and Tenessa Eakins (JLAP Clinical Coordinator). In particular, I would like to recognize Commissioner Brooks for engaging the BBC in a thoughtful conversation about race relations and the legal profession. Within four weeks, our special committee was able to develop a program and identify a terrific group of speakers. I genuinely appreciate their dedication to these important issues and this webinar series!

The State Bar remains committed in continuing to promote initiatives related to diversity and inclusion in the legal profession. As always, I am appreciative of the opportunity to serve as State Bar President and wish you all good health in the months ahead!

Sincerely,


Ernestina R. Cruz
President, State Bar of New Mexico





Presented by
Wellness Committee
Committee on Diversity
in the Legal Profession

1. Culture, Inclusion and Bias in the Workplace

On-Demand Webinar

Presenter: Maribeth Bohley, The Solutions Group

Many differences exist among coworkers and clients. These dynamics range from race and gender to class, sexual orientation, generational differences, physical ability and age differences. This workshop will address how diversity plays a significant role in our workday as well as our own understandings.

2. A Conversation About Healing: Racial Trauma in the Legal Profession

Aug. 13 • Live Webinar

Presenters: Stephanie D. McIver, PhD., Clinical Psychologist, Director, Counseling Services at Student Health and Counseling at UNM & Founder/Director of NM Black Mental Health Coalition; Dr. Karissa Culbreath, Medical Director for Infections Disease Diagnostics, TriCore Reference Laboratories; Moderated by Aja Brooks, State Bar of New Mexico Bar Commissioner and New Mexico Black Lawyers Association President

3. Presentation on Wellness and Diversity in the Legal Profession

Sept 25 • Live Webinar as a part of the 2020 State Bar Annual Meeting and Member Appreciation Event

Presenter: Dr. Gabriel Sanchez, Principal, American Decisions

More information coming soon!

4. Fourth Decennial Diversity Survey Results

Oct. 30 • Live Webinar

Presenter: Dr. Gabriel Sanchez, Principal, American Decisions; and representatives from the State Bar Committee on Diversity in the Legal Profession

More information coming soon!

Registration and Details: www.nmbar.org/diversityandwellness.



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JUSTICE MICHAEL E. VIGIL *becomes Chief Justice of the* NEW MEXICO SUPREME COURT

JULY 15, 2020

Justice Michael E. Vigil was sworn in today as Chief Justice of the New Mexico Supreme Court.



He was elected to the position by his colleagues on the five-member court and will serve a term ending in April 2022. He succeeds Justice Judith K. Nakamura, who had served as Chief Justice since 2017.

“I am honored and humbled by the confidence my colleagues have placed in me to lead the Judiciary during the midst of a deadly pandemic,” Chief Justice Vigil said. “There is much to be done, but my first priority is to continue the work we have started to keep our courts open for business, and at the same time, endeavor to protect the health and safety of everyone entering our courts — employees, jurors, judges, attorneys, parties, witnesses, and members of the public. In this way, we will be doing our part as the third branch of our government to protect constitutional rights and administer justice in a safe manner.”

Chief Justice Vigil added, “I am thankful for Justice Nakamura’s many contributions to the Judiciary and wish her well with her remaining time on the Court and, when it happens, a well-deserved retirement.”

The Chief Justice performs both court and administrative duties. In addition to presiding over Supreme Court hearings and conferences, the Chief Justice serves as the administrative authority over personnel, budgets and general operations of all state courts and acts as an advocate for the Judiciary on legislative, budget and other matters.

Chief Justice Vigil joined the state’s highest court on Dec. 31, 2018, after serving on the state Court of Appeals since 2003. He was chief judge on the Court of Appeals from 2015 to 2017, and wrote more than 1,000 opinions as a member of the court.

Before his appointment to the Court of Appeals, Chief Justice Vigil had a career as a private practice lawyer litigating civil, criminal and administrative cases in state and federal courts. He worked from 1976 to 1979 as a staff attorney for the Court of Appeals pre-hearing division.

The justice graduated from Santa Fe High School in 1969 and received an undergraduate degree from the College of Santa Fe in 1973, with a major in political science and a minor in history. He earned his law degree in 1976 from the Georgetown University Law Center, where he was an editor on the Georgetown Law Journal.

Chief Justice Vigil enjoys reading, movies and, in his words, “hacking around a golf course” in his spare time.



Chief Justice Vigil takes the oath of office. (Shown on the monitor with his wife, Terry).



Passing of the baton to the new Chief Justice.

The new Chief Justice took the oath of office during a remotely conducted online ceremony attended by other members of the Court, judges from across the state and judicial employees. He was in Albuquerque with his wife, Terry, and outgoing Chief Justice Nakamura administered the oath from her chambers in the Supreme Court building in Santa Fe.

At the conclusion of the ceremony, Justice Nakamura virtually passed a runner's baton to Chief Justice Vigil. "For us at the Supreme Court, this symbolizes the orderly collegial passing of responsibility from the current Chief Justice to our new Chief Justice," said Justice Nakamura.

(Photos courtesy of the New Mexico Supreme Court and the Administrative Office of the Courts.)

**Watch
It!**

View a video of New Mexico Supreme Court Chief Justice Michael Vigil taking the oath of office during an online ceremony. The video is posted on the YouTube channel of New Mexico Courts.

A news release about the election of the new Chief Justice was sent earlier.

<https://youtu.be/CosxWP71Hpw>



Congratulations to the following attorneys who have achieved 25 years of practice! The anniversary of your significant length of service is a special occasion for the legal profession as it is a testimony of your dedication and loyalty to the legal community, your clients, and the State Bar.

Mr. David J. Abell
Ms. Jessica R. Aberly
Ms. Terri J. Abernathy
Mr. Andrew A. Abeyta
Mr. Gregory M. Acton
Ms. Beatriz Aguirre-Strong
Mr. Jason M. Alarid
Ms. Benita M. Alexandre
Mr. Steven R. Allen
Mr. Joseph Oliver Allred
Ms. Christina Anaya
Ms. Patricia Y. Anderson
Ms. Jules Elese Angelley
Ms. Alison I. Arias
Ms. Pamela Roberta Arias-Ortega
Mr. Gilbert Arrazolo
Mr. Ahmad Assed
Ms. Shenan Rae Atcitty
Ms. Wendy Lee Basgall
Ms. Barbara Katherine Bates
Mr. Tomas Rey Benavidez
Ms. Margaret Charlotte Cornelia Benny
Ms. Rebecca A. Berlin
Ms. Jane A. Bernstein
Mr. Ricardo A. Berry
Ms. Kyra Kathryn Blankenship
Mr. Kenneth Henry Bobroff
Ms. Rebecca Claire Branch
Mr. Ronald R. Bratton
Mr. James R. W. Braun
Ms. Rachel A. Brown
Ms. Catherine Anne Cameron
Ms. Susan C. Carley
Ms. Martha Louisa Carpenter
Mr. Ramon M. Carrillo

Ms. Caryn Lisa Carson
Mr. Matthew Chavez
Mr. Randy Keith Clark
Mr. Robert L. Cole
Mr. Matthew L. Connelly
Ms. Donna M. Connolly
Ms. M. Michelle Cortez
Ms. Alexandra Corwin
Ms. Nancy Cronin
Mr. David G. Crum
Mr. Robert P. Crumpler, Jr.
Ms. Rozan Cruz
Ms. Susan M. Cuddy-Moore
Ms. Mary Ann Cuneo
Mr. Lorenzo Curley
Mr. John K. Daly
Ms. Tessa T. Davidson
Mr. John W. Day
Mr. Thomas S. Dean
Mr. Clyde DeMersseman
Ms. Laurie Schatzman Dennis
Mrs. Robynn Sena Dixon
Ms. Carla Prando Domenici
Mr. Eduardo A. Duffy
Ms. Christina J. Bruff DuMars
Mr. Albert P. Duran, Jr.
Ms. Karen Kingen Etcitty
Mr. Raymond C. Etcitty
Ms. Melody F. Everett
Mr. Kyle Michael Finch
Ms. Jama E. Fisk
Mr. Richard D. Flores
Mr. David R. Foster
Mr. Douglas Tyler Francis
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Mr. Christopher M. Harrington
Mr. Christian A. Hatfield
Ms. Cynthia A. Hernandez-Madrid
Mr. Simeon Herskovits
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Mr. Lloyd Donald Huelson
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REPORT BY DISCIPLINARY COUNSEL

DISCIPLINARY QUARTERLY REPORT

Reporting Period: April 1, 2020 – June 30, 2020

Final Decisions

Final Decisions of the NM Supreme Court 0

Summary Suspensions

Total number of attorneys summarily suspended 1

Matter of Matthew J. O'Neill, Esq. (Supreme Court No. S-1-SC-38193) New Mexico Supreme Court entered an order summarily suspending Respondent from the practice of law.

Administrative Suspensions

Total number of attorneys administratively suspended 0

Disability Inactive Status

Total number of attorneys removed from disability inactive states 0

Charges Filed

Charges were filed against an attorney for allegedly failing to hold a client's funds separate from his own; knowingly making a false statement of fact or law to a tribunal; unlawfully obstructing another party's access to evidence; engaging in conduct involving dishonesty, fraud, deceit or misrepresentation; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly disobeying an obligation under the rules of a tribunal; engaging in conduct intended to disrupt a tribunal; using means that have no substantial purpose other than to embarrass, delay or burden a third person; and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to provide competent representation; failing to act with reasonable diligence and promptness; failing to communicate; failing to expedite litigation; and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to provide competent representation; failing to act with reasonableness and competence in representing a client; failing to make reasonable efforts to expedite litigation consistent with the interests of the client; knowingly disobeying an obligation under the rules of the tribunal; and engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; 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 0

Informal Admonitions

Total number of attorneys admonished 0

Letters of Caution

Total number of attorneys cautioned 5

Attorneys were cautioned for the following conduct: (1) lack of diligence (2 letters of caution issued); (2) lack of competence (2 letters of caution issued); and (3) sexual harassment.

Complaints Received

Allegations.....	No. of Complaints
Trust Account Violations.....	0
Conflict of Interest.....	8
Neglect and/or Incompetence.....	71
Misrepresentation or Fraud.....	12
Relationship with Client or Court.....	22
Fees.....	3
Improper Communications.....	1
Criminal Activity.....	1
Personal Behavior.....	6
Other.....	20
Total number of complaints received.....	144

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

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August Featured CLEs

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13th Annual Legal Service Providers Conference



Thursday, Aug. 20, 2020 (5.2 G, 1.0 EP)

9 a.m.–4:15 p.m.

Friday, Aug. 21, 2020 (5.0 G, 1.0 EP)

9 a.m.–4:30 p.m.

10.2 G 2.0 EP

Live Webcast

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The Intersection of Accounting and Litigation: How to Explain a Financial Story to a Judge and Jury



Thursday, Aug. 27, 2020

8:30 a.m.–4:20 p.m.

5.0 G 1.6 EP

Live Webcast

\$265 Standard Fee

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Upcoming programs include:

August 14

Mindfulness Based Stress Reduction for Lawyers

1.5 EP

9–10:30 a.m.

\$39 Non-member/Audit (not seeking CLE credit)

\$73.50 Replay Fee

September 11

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

1.0 EP

3:35–4:45 p.m.

\$55 Replay Fee

September 24

How to Practice Series: Estate Planning

4.0 G 2.0 EP

8:30 a.m.–3:40 p.m.

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

\$258 Replay Fee

September 24

How to Practice Series: Estate Planning – Taxes, Beneficiary Designations, IRAs/401Ks (2020)

1.0 G

4–5 p.m.

\$39 Non-member/Audit (not seeking CLE credit)

\$49 Replay Fee

September 30

How to Practice Series: Adult Guardianship

3.0 G 3.0 EP

9 a.m. –3:30 p.m.

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

\$258 Replay Fee

September Calendar

Mark your calendar!

Save the date in your calendar for these exciting programs and stay tuned for further details including credit hours, presenters, and prices.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1 Teleseminar: Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 1	2 Teleseminar: Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 2	3	4
7	8	9	10	11 Webinar: Solo and Small Firm Institute Live Replay Webcast: Basics of Trust Accounting
14	15 Teleseminar: Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 1	16 Teleseminar: Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 2 Webinar: Word Master Class on Formatting Complex Pleadings	17 Teleseminar: Real Estate Finance: Trends and Best Practices, Part 1 Live Webcast: NMJLAP Series: Do You Have Your Emotions or Do They Have You?	18 Teleseminar: Real Estate Finance: Trends and Best Practices, Part 2 Live Webcast: 2020 Tax Symposium
21	22	23	24 Live Replay Webcast: How to Practice Series: Estate Planning How to Practice Series: Estate Planning – Taxes	25 Live Webcast: Member Appreciation Day
28	29 Live Replay Webcast: Bridge the Gap Mentorship Program (Civil Attorneys, DAs/PDs)	30 Live Replay Webcast: How to Practice Series: Adult Guardianship		

October Calendar

Mark your calendar!

Save the date in your calendar for these exciting programs and stay tuned for further details including credit hours, presenters, and prices.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
			1 Live Replay Webcast: Bridge the Gap Mentorship Program (Government Attorneys)	2 Live Webcast: Employment and Labor Law Institute
5 Teleseminar: Subtenants in Commercial Leasing: How to Protect Your Client	6 Teleseminar: The Ins-and-Outs of Licensing Technology, Part 1	7 Teleseminar: The Ins-and-Outs of Licensing Technology, Part 2	8	9 Live Webcast: Health Law Symposium
12	13	14	15	16 Live Webcast: Administrative Law Institute Teleseminar: The Ethics of Bad Facts and Bad Law
19 Teleseminar: Governance and Management Agreements for Nonprofit Organizations	20	21 Live Replay Webcast: Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204 Webinar: Outlook Power Hour	22 Live Webcast: Implicit Gender Bias Revised Uniform Arbitration Act	23 Live Webcast: Elder Law Institute
26	27 Teleseminar: Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 1	28 Teleseminar: Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 2	29	30 Live Webcast: Committee on Diversity

November Calendar

Mark your calendar!

Save the date in your calendar for these exciting programs and stay tuned for further details including credit hours, presenters, and prices.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
2	3 Teleseminar: Rights of First Offer, First Refusal in Real Estate	4 Teleseminar: Releasing Employees and Drafting Separation Agreements Live Webcast: Business Law Institute	5 Live Webcast: Indian Law Institute	6 Teleseminar: Ethics and Changing Law Firm Affiliation Live Webcast: Cultural Sensitivity Institute
9	10	11	12 Live Webcast: Probate Institute	13 Live Webcast: Cannabis Law Institute
16 Teleseminar: Holding Business Interests in Trusts	17 Teleseminar: Ethics of Beginning and Ending Client Relationships	18 Webinar: Word Master Class on Styles	19 Live Webcast: Animal Law Institute The Competency Process in the Criminal Justice System	20 Teleseminar: Ethics and Dishonest Clients
23	24	25	26	27
30 Teleseminar: Ethics for Business Lawyers				

December Calendar

Mark your calendar!

Save the date in your calendar for these exciting programs and stay tuned for further details including credit hours, presenters, and prices.

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1 Teleseminar: Business Divorce, Part 1	2 Teleseminar: Business Divorce, Part 2 Live Webcast: Real Property Institute	3 Live Webcast: Immigration Law Institute	4 Live Webcast: Paralegal Division CLE
7 Teleseminar: Text Message & Litigation: Discovery and Evidentiary Issues	8	9	10 Teleseminar: Guarantees in Real Estate Transactions	11 Live Webcast: Intellectual Property Institute Teleseminar: Employee v. Independent Contractors: Tax and Employment Law Considerations
14 Live Replay Webcast: Bridge the Gap Mentorship Program	15 Live Webcast: 2020 Mock Meeting of the Ethics Advisory Committee Lawyers Professional Liability and Insurance Committee Teleseminar: Ethics and Virtual Law Offices	16 Live Replay Webcast: Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204 Webinar: PowerPoint Power Hour Teleseminar: Trust and Estate Planning for Pets	17 Live Webcast: Trial Practice Institute	18 Live Webcast: Natural Resources, Energy and Environment Law Section CLE
21	22 Live Webcast: Gain the Edge! Negotiation Strategies for Lawyers	23 Teleseminar: Drafting Client Engagement Letters in Trust and Estate Planning	24	25
28 Live Webcast: Stuart Teicher CLE	29	30 Teleseminar: Lawyer Ethics and Email		

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Lawyer Ethics in Real Estate Practice

Thursday, Aug. 13, 2020

1.0 EP

Reps and Warranties in Business Transactions

Monday, Aug. 17, 2020

1.0 G

2020 Trust Litigation Update

Monday, Aug. 24, 2020

1.0 G

Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 1

Tuesday, Sept. 1, 2020

1.0 G

Choice of Entity for Nonprofits & Obtaining Tax Exempt Status, Part 2

Wednesday, Sept. 2, 2020

1.0 G

Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 1

Tuesday, Sept. 15, 2020

1.0 G

Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 2

Wednesday, Sept. 16, 2020

1.0 G

Real Estate Finance: Trends and Best Practices, Part 1

Thursday, Sept. 17, 2020

1.0 G

Real Estate Finance: Trends and Best Practices, Part 2

Friday, Sept. 18, 2020

1.0 G

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From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Supreme Court

Opinion Number: 2019-NMSC-022

No: S-1-SC-37077 (filed November 18, 2019)

MICHAEL D. LEWIS, as Surviving
Spouse of PATRICIA A. LEWIS, deceased,
Claimant-Petitioner/Cross-Respondent,

v.

ALBUQUERQUE PUBLIC SCHOOLS,
Employer-Respondent/Cross-Petitioner.

ORIGINAL PROCEEDING ON CERTIORARI

LEONARD J. PADILLA, Workers' Compensation Judge

Released for Publication December 17, 2019.

GERALD A. HANRAHAN
Albuquerque, NM
for Petitioner and
Cross-Respondent

YLAW, P.C.
MICHAEL D. RUSSELL
MATTHEW L. CONNELLY
Albuquerque, NM
for Respondent and
Cross-Petitioner

Opinion

Michael E. Vigil, Justice

{1} This case involves death benefits under the Workers' Compensation Act (the Act), NMSA 1978, §§ 52-1-1 to -70 (1929, as amended through 2017). Following the death of Patricia Lewis (Worker), her widower Michael Lewis (Petitioner) was awarded death benefits under the Act. The Workers' Compensation Judge (WCJ) based the award on the finding that Worker, while employed with Albuquerque Public Schools (Employer), contracted allergic bronchopulmonary aspergillosis (ABPA) which proximately resulted in Worker's death.

{2} Employer appealed the award to the Court of Appeals. *Lewis v. Albuquerque Public Schools*, 2018-NMCA-049, ¶ 1, 424 P.3d 643, cert. granted (S-1-SC-37077, Aug. 15, 2018). The Court of Appeals in pertinent part arrived at two conclusions. First, the Court held that the WCJ correctly rejected Employer's argument that Petitioner's claim for death benefits was time-barred. *Id.* ¶¶ 20, 29; see § 52-1-46 (stating that "if an accidental injury sustained by a worker proximately results in the worker's death within the period of two years following the worker's accidental injury, compensation shall be paid" subject to the statutory provisions). Second, the Court concluded that the WCJ erred in

excluding from evidence certain medical testimony and records which Employer contended related to Worker's cause of death. *Lewis*, 2018-NMCA-049, ¶ 54. The Court reasoned that the limitation on expert testimony in workers' compensation cases contained in Section 52-1-51(C) does not apply to medical causation evidence in a death benefits case under the Act. *Lewis*, 2018-NMCA-049, ¶¶ 37, 54; see Section 52-1-51(C) (stating that "at any workers' compensation hearing concerning the particular injury in question," testimony may "[o]nly" be offered by a "health care provider who has treated the worker pursuant to [the Act] or a health care provider providing the independent medical examination [IME] pursuant to this section"). The Court of Appeals therefore remanded the case for retrial on whether Worker's ABPA "proximately result[ed]" in her death. *Lewis*, 2018-NMCA-049, ¶ 54 (alteration in original) (quoting § 52-1-46).

{3} We granted certiorari. On the first issue, we agree with the Court of Appeals that Petitioner's claim for death benefits was not time-barred, and we affirm. On the second issue concerning the WCJ's exclusion of medical testimony and evidence on Worker's cause of death, we hold that the Court of Appeals erred in its interpretation of Section 52-1-51(C), but we agree based on our own interpretation of Section 52-1-51(C) that the case must be remanded for

further proceedings. In all other respects, we affirm the opinion of the Court of Appeals.

{4} This case involved two trials. The first was for compensation benefits for Worker, who died before the compensation order was filed. Employer did not appeal from the award of compensation benefits, and Petitioner filed the claim for death benefits after Worker died. In its answer to the death benefits claim, Employer admitted as binding all the findings of fact and conclusions of law entered in the previously tried compensation case. In addition, in the pretrial order for the death benefits trial the parties stipulated that the findings of fact and conclusions of law set forth in that compensation order were the "law of the case" in the death benefits trial.

BACKGROUND

A. Facts

{5} Worker was diagnosed with breast cancer in 1997. During the course of treatment for her breast cancer in 1997, a biopsy of Worker's lung tissue revealed the presence of aspergillus, but her physicians reported "no residual aspergillus" after the breast cancer treatment and after the cancer went into remission.

{6} Worker started working for Employer as a teacher at Manzano High School in 1999. At the beginning of the 2011-2012 school year, Worker was assigned to teach art classes in room J-13. Room J-13 had a history of roof leaks and a "clay trap" which, by appearances, was lined with mold. Worker, who suffered from asthma, began experiencing respiratory problems soon after she started teaching in room J-13 and notified her supervisors and appropriate personnel of the respiratory problems she was having from working in room J-13.

{7} Worker began treatment for her respiratory problems with Dr. John Liljestrand on October 3, 2011. Dr. Liljestrand was of the opinion that Worker's increased respiratory problems were related to her working in room J-13. Dr. Liljestrand wrote two letters to Employer, on December 8, 2011, and on January 10, 2012, informing Employer that Worker was suffering from severe asthma which was exacerbated by her exposure to dust and environmental allergens in her new classroom. Dr. Liljestrand was of the opinion that Worker was being subjected to a significant medical risk and recommended that she be permanently removed from her new classroom because the situation was becoming quite severe and potentially life threatening.

{8} Worker was exposed to aspergillus spores as a result of teaching in room J-13. On July 10 and July 16, 2012, Employer tested the air quality both inside and outside

room J-13. Aspergillus is ubiquitous in the environment, particularly in soil. However, more aspergillus spores were collected inside room J-13 than outside room J-13. On July 10, seventy-eight percent of all collected spores (447 aspergillus spores) were found in the air inside room J-13, and on July 16, seventy-seven percent of all collected spores (453 aspergillus spores) were found in the air inside room J-13. Worker and her health care providers repeatedly requested professional cleaning of room J-13. The room was cleaned but by school janitors rather than a professional cleaning crew.

{9} Prior to Employer's testing of air quality, Dr. Liljestrand referred Worker to Dr. Steven Tolber, a board certified allergist and immunologist, for further treatment of her respiratory problems. Dr. Tolber's pulmonary function testing on April 26, 2012, revealed a "pulmonary obstruction" that required treating Worker with supplemental oxygen at the emergency room. Worker continued to require oxygen at four liters per minute for twenty-four hours per day until Worker died. On May 16, 2012, Dr. Tolber wrote a letter to Employer emphasizing "the severity of [Worker's] disease" and stating that Worker "may not return to working" in room J-13, that failing to remove her from room J-13 placed Worker "at risk of worsening lung function," and that failing to remove Worker from room J-13 "may put those responsible for keeping her in this room at legal risk for worsening her case."

{10} On October 22, 2012, Dr. Tolber diagnosed Worker with ABPA, caused by Worker's exposure to aspergillus mold in room J-13. Dr. Tolber believed that Worker's ABPA from 1997 had gone into remission but that exposure to aspergillus in room J-13 aggravated her condition and caused an ABPA relapse. Dr. Tolber referred Worker to Dr. Ronald Bronitsky, a pulmonologist, for evaluation. Dr. Bronitsky had no disagreements with the opinions of Dr. Tolber concerning Worker and gave his own opinion that it was very reasonable to conclude that aspergillus spores in room J-13 contributed to Worker's respiratory state. Dr. Tolber also referred Worker to the National Jewish Hospital in Denver, Colorado, where she received a level of care not available in New Mexico.

{11} In February 2012, while being treated for ABPA, Worker was diagnosed with breast cancer that had been in remission since 1997. Subsequently, Worker began chemotherapy with Dr. Richard Giudice, an oncologist at the New Mexico Cancer Center.

{12} Worker continued to work and earn her regular salary through December 21, 2012, when Dr. Tolber deemed Worker disabled and advised her not to return to

work. Worker continued to receive her regular wage through available sick leave until March 31, 2013, when she retired.

B. The Compensation Case

{13} Worker filed a claim for workers' compensation disability benefits on March 6, 2013, alleging that her exposure to aspergillus mold in room J-13 resulted in her ABPA and ensuing disability. Worker's claim was tried over two days beginning on June 4, 2014. In the pretrial order the parties stipulated to the admission of the depositions of Dr. Liljestrand and Dr. Tolber. Dr. Giudice's deposition was also subsequently admitted into evidence without objection.

{14} On November 11, 2014, Worker saw Dr. Giudice to address a fever and breathing difficulties, although a chest x-ray taken that day did not reveal pneumonia. Worker had an appointment with Dr. Giudice the next day, but as she was leaving home that morning to go to the hospital, Worker collapsed and died. No autopsy was performed.

{15} The WCJ filed the compensation order on December 16, 2014, after Worker had died. The WCJ concluded as follows, in pertinent part. (1) "Worker suffered a compensable injury, diagnosed as ABPA, as a result of her exposure to aspergillus while working for Employer during the 2011-2012 school year." (2) "Worker's ABPA arose out of, was in the course of, and was reasonably incident to Worker's employment with Employer." (3) "The medical evidence establishes a causal connection between Worker's employment and her ABPA." (4) "Due to ABPA, Worker has been unable to perform the duties of a high school teacher." The WCJ also determined that Worker was entitled to temporary total disability (TTD) benefits compensation beginning on April 1, 2013, through January 15, 2014, and to permanent partial disability (PPD) benefits "for 700 weeks" beginning on January 16, 2014. Employer did not appeal from this compensation order.

C. The Death Benefits Case

{16} Petitioner filed a claim for death benefits on January 22, 2015, alleging ABPA caused Worker's death. The death benefits claim went to trial on November 12, 2015. Prior to trial the depositions of Drs. Liljestrand, Tolber, and Giudice were taken again, this time on cause-of-death issues. The WCJ admitted the second depositions of Dr. Tolber and Dr. Liljestrand. However, the WCJ excluded Dr. Giudice's second deposition and medical records from the New Mexico Cancer Center, ruling that Section 52-1-51(C) barred admission of this evidence because Dr. Giudice was not a health care provider described in Section 52-1-51(C).

{17} Worker's death certificate, completed by Dr. Liljestrand, was admitted into evidence. The death certificate listed Worker's cause of death as "pneumonia" and "chronic

pneumonitis." Dr. Liljestrand testified that ABPA was either a direct or a contributing cause of Worker's pneumonia, resulting in chronic pneumonitis. Dr. Tolber in turn testified that Worker "most likely died of ABPA."

{18} The WCJ issued a death benefits compensation order on April 21, 2016. The WCJ concluded as follows, in pertinent part. (1) "Worker suffered a compensable injury, diagnosed as ABPA, as a result of her exposure to aspergillus while working for Employer during the 2011-2012 school year." (2) "Worker's injury manifested itself on April 1, 2013." (3) "Worker's death on November 12, 2014, occurred within two years of April 1, 2013." (4) "Expert medical testimony establishes a causal connection between Worker's death and her A[BP]A." (5) "[Petitioner] is entitled to death benefits pursuant to [Section] 52-1-46."

D. The Court of Appeals Opinion

{19} Employer appealed the death benefits compensation order to the Court of Appeals, arguing that the WCJ erred (1) in concluding that the death benefits claim was not time barred because Worker's death occurred within two years of her compensable injury and (2) in excluding Dr. Giudice's deposition and medical records from the New Mexico Cancer Center because this evidence supported its position that Worker died from cancer unrelated to ABPA. *Lewis*, 2018-NMCA-049, ¶ 1. In a formal opinion, the Court of Appeals held the following, among others. (1) "Worker knew or should have known she had a compensable injury on April 1, 2013, which is within two years of Worker's death on November 12, 2014." *Id.* ¶ 21. (2) "[T]he limitations period of Section 52-1-46 was not triggered until Worker knew or should have known she had an injury entitling her to . . . disability benefits." *Id.* ¶ 25. (3) "Section 52-1-51(C) does not limit expert testimony regarding the circumstances and cause of a worker's death in connection with a claim for death benefits . . ." *Id.* ¶ 54. (4) The WCJ erred in its calculation of weekly death benefits. *Id.* ¶¶ 55-59.

{20} Both parties ask us to reverse the Court of Appeals. Employer asks us to reverse the holding that the claim for death benefits was timely, and Petitioner asks us to reverse the holding that the WCJ erred in excluding the testimony of Dr. Giudice and the medical records from the New Mexico Cancer Center. We granted both petitions.

II. DISCUSSION

A. Standard of Review

{21} "In reviewing a WCJ's interpretation of statutory requirements, we apply a *de novo* standard of review." *Dewitt v. Rent-A-Center, Inc.*, 2009-NMSC-032, ¶ 14, 146 N.M. 453, 212 P.3d 341. "With respect to the admission or exclusion of evidence, we generally apply an abuse of discretion standard

where the application of an evidentiary rule involves an exercise of discretion or judgment, but we apply a de novo standard to review any interpretations of law underlying the evidentiary ruling.” *Id.* ¶ 13.

B. Timeliness of Petitioner’s Claim

{22} Section 52-1-46 provides in pertinent part that death benefits shall be paid “if an accidental injury sustained by a worker proximately results in the worker’s death within the period of two years following the worker’s accidental injury[.]” Employer argues that Worker’s death on November 12, 2014, occurred more than two years after her work-related injury, which began shortly after her exposure to aspergillus mold in August 2011, and that as a result, Petitioner failed to file his claim for workers’ compensation death benefits within the two-year time period prescribed by Section 52-1-46. Employer therefore contends that the Court of Appeals erred in affirming the order of the WCJ finding that the claim was timely. We disagree.

{23} In *Torres v. Plastech Corp.*, 1997-NMSC-053, ¶ 11, 124 N.M. 197, 947 P.2d 154, we stated that the triggering event under Section 52-1-31(A), the statutory limitations period under which a worker must file a claim for workers’ compensation, has two elements: “an injury entitling the worker to compensation under the Act” and “knowledge, or imputed knowledge, by the worker of this injury.” Thus, the limitation period does not begin to run until the disability occurs and thereby entitles the worker to benefits under the Act, even if the worker is aware that an injury was suffered earlier. *Id.* Although *Torres* considered a different statute of limitations than the statute of limitations for death benefits under Section 52-1-46, the Court of Appeals in *Gambrel v. Marriott Hotel*, 1991-NMCA-100, ¶¶ 12-13, 112 N.M. 668, 818 P.2d 869, considered when an accidental injury occurs under Section 52-1-46 and concluded that the two-year limit for bringing a death benefits claim is triggered when the worker knows or should know that the worker has suffered an injury and when the worker’s injury is compensable under the Act. We approve and follow *Gambrel* here.

{24} The undisputed finding made by the WCJ in the compensation case, which Employer stipulated was binding in the death benefits case, is that Worker became entitled to TTD benefits on April 1, 2013, when her sick leave was exhausted. Therefore, under *Torres* and *Gambrel*, the triggering date was April 1, 2013. Worker died on November 12, 2014, less than two years later. We hold that Petitioner’s death benefits claim was timely under Section 52-1-46.

C. Expert Testimony in a Death Benefits Case

{25} The WCJ relied solely on Section 52-1-51(C) as the basis for excluding Dr. Giudice’s testimony and the New Mexico Cancer Center records. This statute directs, “Only a health care provider who has treated the worker pursuant to Section 52-1-49 NMSA 1978 or the health care provider providing the [IME] pursuant to this section may offer testimony at any workers’ compensation hearing concerning the particular injury in question.” The WCJ ruled that Worker’s death “concern[s] the particular injury in question,” and because Dr. Giudice was not a treating provider under the Act and had not performed an IME, his testimony was barred by Section 52-1-51(C).

{26} On appeal, the Court of Appeals focused its inquiry on the meaning of the phrase “the hearing concerning the particular injury in question” in Section 52-1-51(C). *Lewis*, 2018-NMCA-049, ¶ 37. The Court of Appeals noted the distinction between treating a worker’s injuries while the worker is alive and determining the cause of a worker’s death after the worker has died. *See id.* ¶ 38. After analyzing Sections 52-1-49 and 52-1-51(C), *id.*, ¶¶ 38-48, the Court of Appeals concluded that “Section 52-1-49’s and Section 52-1-51’s provisions for selection of [health care providers] and IME examiners, respectively, are confined to the treatment and assessment of work-related injuries” and therefore that “it is absurd to identify them as the exclusive universe of witnesses who can testify about the cause or causes of a worker’s death.” *Id.* ¶ 49. The Court of Appeals held that Section 52-1-51(C) does not limit expert testimony to that given by a health care provider who has provided care for a worker’s work-related injury pursuant to Section 52-1-49 or by an IME examiner identified pursuant to Section 52-1-51(A) in a contested claim for death benefits under Section 52-1-46. *Id.* ¶ 54.

{27} Petitioner argues that the Court of Appeals should be reversed because failure to limit expert testimony on worker cause of death is “contrary to the plain meaning of Section 51-1-5(C).” Employer responds, “There is nothing in the statute, other relevant sections of the Act, or any other controlling authority that demonstrates an intent of the Legislature to subject the limitation set forth in Section 52-1-51(C) to a medical expert’s cause of death determination under Sections 52-1-46 and -47.” Echoing the reasoning of the Court of Appeals, Employer asserts that Section 52-1-51(C) applies only to “the particular injury in question” and not to “expert medical testimony concerning the cause of a worker’s death” which, it contends, is an entirely different question.

{28} We conclude that these arguments all find some support in the Act but that none

adequately address how the Legislature intended for expert medical testimony to be obtained and presented in a contested death benefits case. To answer that question, we first examine the elements of a death benefits claim under the Act. We then demonstrate why Section 52-1-51 is ambiguous and, by construing that ambiguity, answer how the Act provides for obtaining and presenting expert medical testimony in a contested death case.

1. Elements of a death benefits claim

{29} A death benefits claim arises under Section 52-1-46 which provides in pertinent part, “[I]f an accidental injury sustained by a worker proximately results in the worker’s death within the period of two years following the worker’s accidental injury, compensation” must be paid to “eligible dependents.” A death benefits claim is “a separate cause of action, not derivative of the action worker could have maintained for compensation had he survived.” *Gambrel*, 1991-NMCA-100, ¶¶ 7, 14 (citing A. Larson, 2A *The Law of Workmens’ Compensation*, § 64.10-11). As such, a death benefits claim must satisfy the requirements set forth in Section 52-1-28(A). This statute provides that claims for workers’ compensation “shall be allowed only: (1) when the worker has sustained an accidental injury arising out of and in the course of his employment; (2) when the accident was reasonably incident to his employment; and (3) when the disability is a natural and direct result of the accident.”

{30} In the December 16, 2014, compensation order awarding Worker TTD and PPD benefits, the WCJ concluded that “Worker suffered a compensable injury, diagnosed as ABPA, as a result of her exposure to aspergillus while working for Employer during the 2011-2012 school year” and “Worker’s ABPA arose out of, was in the course of, and was reasonably incident to Worker’s employment with Employer.” Importantly, Employer did not appeal from this compensation order and, in the death benefits case, agreed that all findings of fact and conclusions of law in the compensation order were binding in the death benefits case. The quoted conclusions establish that Worker’s “accidental injury” was the ABPA she contracted as a result of her exposure to aspergillus while working for Employer, thereby satisfying the first two elements of Section 52-1-28(A).

{31} Section 52-1-28(A)(3) has two parts. That is, there must be proof of a “disability” which “is a natural and direct result of the accident.” Turning first to the “disability” requirement, our case law establishes that the worker’s death is analyzed as the “disability” in a death benefits case. *See Oliver v. City of Albuquerque*, 1987-NMSC-096, ¶ 4, 106 N.M. 350, 742 P.2d 1055. The *Oliver* trial court awarded death benefits when a

firefighter died as a result of a heart attack at work. *Id.* ¶ 1. This Court held that Section 52-1-28(A) “requires that a worker’s disability [death] be causally connected to the worker’s injury [heart attack] and that the injury be causally connected to the worker’s accident (the stress induced by [the worker’s] job . . .).” *Oliver*, 1987-NMSC-096, ¶ 4; see also *Grine v. Peabody Nat. Res.*, 2006-NMSC-031, ¶¶ 1, 37, 140 N.M. 30, 139 P.3d 190 (remanding a death benefits appeal to the WCJ and requiring the petitioner to show employer knowledge of the worker’s employment-related stress, the accident resulting in an on-the-job heart attack (injury) that caused the worker’s death (disability)); *Herman v. Miners’ Hospital*, 1991-NMSC-021, ¶ 15, 111 N.M. 550, 807 P.2d 734 (“In a workers’ compensation case where a dependent seeks benefits based on the worker’s death by heart attack, the death is analyzed as the disability, the heart attack as the injury, and the employment-related stress as the accident.”).

{32} Turning next to causation, a claimant is required to prove that the worker’s “disability is a natural and direct result of the accident.” Section 52-1-28(A)(3). This requirement is contained in Section 52-1-46 which provides for death benefits “if an accidental injury sustained by a worker proximately results in the worker’s death[.]” In this case, because Employer denied liability for Worker’s death, Petitioner was required to prove by expert medical evidence a causal connection between Worker’s ABPA (the “accidental injury”) and her death (the “disability”). See § 52-1-28(B) (“In all cases where the employer or his insurance carrier deny that an alleged disability is a natural and direct result of the accident, the worker must establish that causal connection as a probability by expert testimony of a health care provider[.]”); *Grine*, 2006-NMSC-031, ¶¶ 19, 26 (requiring under Section 52-1-28(B) that when the employer has denied causation in a death benefits claim, a claimant must prove, by expert medical testimony, a causal connection between the employment and the worker’s injury and death); *Herman*, 1991-NMSC-021, ¶ 7 (same); *Turner v. N.M. State Highway Dep’t*, 1982-NMCA-097, ¶ 4, 98 N.M. 256, 648 P.2d 8 (requiring the same under the 1959 enactment of Section 52-1-28(B)).

{33} We now arrive at the dispute between the parties at trial and on appeal. Petitioner offered the testimony of Dr. Liljestrand and Dr. Tolber to establish the requisite causal connection between Worker’s ABPA and death. Employer in turn offered the testimony of Dr. Giudice and associated medical records to support its contention that Worker died as a result of cancer unrelated to ABPA. That is to say, Employer offered this evidence to support its contention that there was no causal relationship between

Worker’s ABPA and her death. Petitioner objected, arguing that under the literal language of Section 52-1-51(C), the evidence was inadmissible. The WCJ agreed and excluded the evidence. The Court of Appeals reversed, holding that Section 52-1-51(C) does not bar the admission of expert medical testimony on the question of causation in a contested death benefits trial under the Act. *Lewis*, 2018-NMCA-049, ¶ 54. Finding no other bar to the admission of such evidence, the Court of Appeals remanded the case for a retrial on the causation issue after “consideration of all admitted evidence.” *Id.* ¶¶ 54, 60.

{34} We agree with Petitioner that the result reached by the Court of Appeals supports “the unlimited right of all employers and/or insurers to go ‘testimony-shopping’ and to use any number of experts,” and is therefore “contrary to the legislative intent to limit the use and number of experts.” The result under the Court of Appeals opinion is that workers’ compensation death cases must be investigated and tried in the same way as any other case in which the medical cause of death is at issue. The consequential expert witness fees, costs, and time required is not in keeping with the legislative intent for adjudicating workers’ compensation cases. Moreover, claimants in death benefits cases are thereby forced to bear all the burdens present in a civil case to prove medical causation and, at the same time, are subject to all the restrictions of the Act, including the recovery available for death. As discussed below, we conclude that these consequences are all contrary to the purposes and public policy of the Act.

2. Section 52-1-51 is ambiguous

{35} Section 52-1-51(C) states, “Only a health care provider who has treated the worker pursuant to Section 52-1-49 NMSA 1978 or the health care provider providing the [IME] pursuant to this section” may testify “at any workers’ compensation hearing concerning the particular injury in question.” Consistent with *Oliver*, *Grine*, and *Herman* and the undisputed findings of fact and conclusions of law in the compensation case, the “particular injury in question” was Worker’s ABPA. Under Section 52-1-51(C), whether Worker’s ABPA was causally related to Worker’s death clearly related to and therefore “concern[ed]” Worker’s ABPA.

{36} However, a cause of death determination is necessarily made after death occurs, and a health care provider who treated the worker pursuant to Section 52-1-49 treated the worker while the worker was alive. In addition, the designated medical issues for which a worker can be required to undergo an IME under Section 52-1-51(A)—“a dispute between the parties concerning the reasonableness or necessity of medical or surgical treatment, the date upon which maximum medical improvement

was reached, the correct impairment rating for the worker, [or] the cause of an injury”—apply to a living worker. Additional sections pertaining to an IME also relate to a living person. See § 52-1-51(A) (stating that either party may petition “to have the worker undergo an [IME]”); § 52-1-51(E) (requiring the worker to travel to where the IME will be conducted and providing for the worker to be reimbursed for necessary and reasonable expenses); § 52-1-51(H) (providing for penalties if the worker fails or refuses to submit to the IME). For these reasons, the Court of Appeals concluded, “[IME] examiners can be appointed only to address concerns relating to the provision of medical care or disability benefits—that is, matters arising while the worker is alive.” *Lewis*, 2018-NMCA-049, ¶ 44. We conclude that this is where the Court of Appeals erred.

{37} Section 52-1-51 is ambiguous and fails to provide answers to several questions. What happens, for example, if a health care provider who treated a worker pursuant to the Act has no opinion on whether there is a causal connection between the worker’s injury and death? What if no autopsy was performed? It is impossible for us to conclude that the Legislature granted “eligible dependents” the right to pursue death benefits under the Act and at the same time prevented the “eligible dependents” from being able to present evidence in support of the claim. In addition, what happens if, as in this case, a health care provider was treating a worker at the time of the worker’s death for an illness that may bear on causation, but the treatment was for an injury that was not pursuant to the Act? What happens if, as in this case, a health care provider has an opinion on causation, but the employer has other medical evidence to contest that opinion? What happens if the WCJ, as the fact finder, requires additional expert testimony to fully analyze the causation issue?

{38} In concluding that an IME under Section 52-1-51 refers only to “living workers,” *Lewis*, 2018-NMCA-049, ¶ 44, followed the “plain meaning” rule. See *State ex rel. Helman v. Gallegos*, 1994-NMSC-023, ¶ 2, 117 N.M. 346, 871 P.2d 1352 (summarizing the “plain meaning” rule: “State statutes are to be given effect as written and, where they are free from ambiguity, there is no room for construction; where the meaning of statutory language is plain, and words used by the legislature are free from ambiguity, there is no basis for interpreting the statute.” (internal quotation marks and citation omitted)). However, as discussed above, Section 52-1-51 is ambiguous, and a literal application of its terms leads to absurd results, contrary to the intent of the Legislature.

3. Presenting expert testimony under Section 52-1-51

{39} Our primary and fundamental duty in construing statutes is to give effect to legislative intent. *United States v. Reese*, 2014-NMSC-013, ¶ 19, 326 P.3d 454 (“Our guiding principle when we construe statutes is” to “determine and effectuate the Legislature’s intent in enacting the statute.”). In the performance of this duty, we have long held that “[c]ourts will not add words except where necessary to make the statute conform to the obvious intent of the legislature, or to prevent its being absurd.” *State v. Nance*, 1966-NMSC-207, ¶ 16, 77 N.M. 39, 419 P.2d 242, *abrogated on other grounds*, *State v. Wilson*, 2011-NMSC-001, ¶¶ 14-16, 149 N.M. 273, 248 P.3d 315. “But where the language of the legislative act is doubtful or an adherence to the literal use of words would lead to injustice, absurdity or contradiction, the statute will be construed according to its obvious spirit or reason, even though this requires the rejection of words or the substitution of others.” *Id.*; see also, *State ex rel. Brandenburg v. Sanchez*, 2014-NMSC-022, ¶ 4, 329 P.3d 654 (“We should not allow a literal plain reading of a statute to confound the legislative intent, and therefore, our inquiry does not end with the plain meaning of the words.”); *Baker v. Hedstrom*, 2013-NMSC-043, ¶ 11, 309 P.3d 1047 (stating that the plain language of a statute is the primary indicator of legislative intent but that if “the plain meaning of the statute is doubtful, ambiguous, or . . . an adherence to the literal use of the words would lead to injustice, absurdity or contradiction, we will construe the statute according to its obvious spirit or reason” (citation omitted)); *Cummings v. X-Ray Assocs. of N.M.*, 1996-NMSC-035, ¶ 45, 121 N.M. 821, 918 P.2d 1321 (“We will not rest our conclusions upon the plain meaning of the language [in a statute] if the intention of the legislature suggests a meaning different from that suggested by the literal language[.]”).

{40} As in *Grine*, 2006-NMSC-031, ¶ 19, “We believe the record in this case illustrates a circumstance the Legislature did not foresee.” There is no express provision in the Act specifically addressing expert medical causation testimony in a contested death benefits case. For guidance on how the Act provides an answer, we look to the legislatively expressed purposes and policies of the Act and to the existing statutes. Section 52-5-1 states that the purpose of the Act is “to provide a workers’ benefit system . . . to assure the quick and efficient delivery of indemnity and medical benefits to injured and disabled workers at a reasonable cost to the employers who are subject to [the Act]” NMSA 1978, § 52-5-1(1990). In other

words, the purpose of the Act “is to provide an humanitarian and economical system of compensation to the injured workman.” *Casillas v. S.W.I.G.*, 1981-NMCA-045, ¶ 9, 96 N.M. 84, 628 P.2d 329. “The economic purpose is to keep an injured workman and his family at least minimally secure financially.” *Id.* ¶ 10. “The Act may be seen as a social contract between employer and employee in which the former agrees to pay under a no-fault system and the latter agrees to pursue only those benefits provided for under the Act.” *Archer v. Roadrunner Trucking, Inc.*, 1997-NMSC-003, ¶ 7, 122 N.M. 703, 930 P.2d 1155. Under the Act, “[t]he injured worker receives compensation quickly, without having to endure the rigors of litigation or prove fault on behalf of the employer.” *Salazar v. Torres*, 2005-NMCA-127, ¶ 5, 138 N.M. 510, 122 P.3d 1279, *rev’d on other grounds sub nom.*, 2007-NMSC-019, ¶ 1, 141 N.M. 559, 158 P.3d 449. In keeping with these principles, this Court has previously declared, “We are sensitive to the obvious intent of the Legislature to avoid testimony-shopping and ‘to limit the use and number of experts in workers’ compensation cases.” *Dewitt*, 2009-NMSC-032, ¶ 35 (citation omitted).

{41} We conclude, in the context of the legislatively expressed public policy and purposes of the Act, that existing statutes provide an answer to the questions raised here. Section 52-1-51(A) states in pertinent part, “In the event of a dispute between the parties concerning [medical care or disability] or *any other medical issue*, if the parties cannot agree upon the use of a specific [IME] examiner, either party may petition a [WCJ] for permission to have the worker undergo an [IME].” (Emphasis added.) The statute continues, “If a [WCJ] believes that an [IME] will assist the judge with the proper determination of *any issue in the case*, including the cause of the injury, the [WCJ] may order an [IME] upon the judge’s own motion.” (Emphasis added.) In the context of a contested death benefits case, an issue concerning “disability” (i.e., death) or its cause is, without question, a “medical issue” and an “issue in the case.”

{42} Thus, while Section 52-1-51(A) might, as interpreted by the Court of Appeals, be construed as applying only to living persons, the statutory terms “any other medical issue” and “any issue in the case” are broad enough to encompass the medical cause of death of a worker. We therefore construe Section 52-1-51(A) to mean that in a contested death benefits workers’ compensation case, the parties can agree upon an IME examiner to perform an IME, and the WCJ has authority to order an IME on the motion of a party or on its own motion.

“The IME shall be performed immediately,” § 52-1-51(A), and the employer must pay for the IME, § 52-1-51(B). The purpose of such an IME is to determine the causal connection, if any, between the worker’s injury and the worker’s death.

{43} While New Mexico case law provides no specific guidance on whether an IME may be conducted after death, an IME is recognized as a means for determining cause-of-death issues. See *Turner v. Workmen’s Comp. Appeals Bd.*, 42 Cal. App.3d 1036, 1039 (Ct. App. 1974) (ordering an IME in response to a party’s moving the appeals board to reconsider the decision in the trial of a death benefits case where the referee heard conflicting reports on the worker’s cause of death); *Bingham v. Workmen’s Comp. Appeals Bd.*, 261 Cal. App.2d 842, 845-46 (Ct. App. 1968) (same); *In re Capalbo v. Stone & Webster Const. Servs.*, 91 A.D.3d 1263, 1263 (N.Y. App. Div. 2012) (allowing the employer to submit an IME report contesting causation after the workers’ compensation law judge found prima facie evidence that the worker’s death was compensable); but see *Ponca City Pub. Sch. v. Ritcheson*, 853 P.2d 782, 786-87 (Okla. Civ. App. 1993) (holding that the trial court’s appointment of an IME examiner at the employer’s request to determine causation in a death benefits case “was not required”).

{44} Because the worker in a death benefits case is deceased, the expert’s IME necessarily consists of an examination of pertinent medical records and other relevant data in determining the causal relationship if any between the worker’s injury and the worker’s death. The testimony of the independent medical examiner who is agreed upon by the parties or appointed by the WCJ is therefore admissible under Section 52-1-51(C).

{45} We hold that the legal basis on which the Court of Appeals relied to reverse the order of the WCJ was faulty and that the WCJ likewise erred in its interpretation of Section 52-1-51.

III. CONCLUSION

{46} We affirm in part and reverse in part the opinion of the Court of Appeals, and we remand the case to the WCJ for further proceedings in accordance with this opinion.

{47} IT IS SO ORDERED.
MICHAEL E. VIGIL, Justice

WE CONCUR:
JUDITH K. NAKAMURA, Chief Justice
BARBARA J VIGIL, Justice
C. SHANNON BACON, Justice
DAVID K. THOMSON, Justice



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Charles R. Peifer is a partner in the firm of Peifer Hanson & Mullins, P.A. and has been practicing in this city for 20 years. The newly inducted Fellow is an alumna (alumnus) of Cornell Law School, J.D., Magna Cum Laude, 1985.

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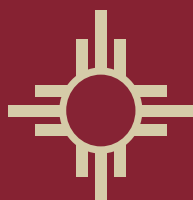
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Maureen A. Sanders is a partner in the firm of Sanders & Westbrook, P.C. and has been practicing in this city for 21 years. The newly inducted Fellow is an alumna (alumnus) of UNM School of Law, J.D.

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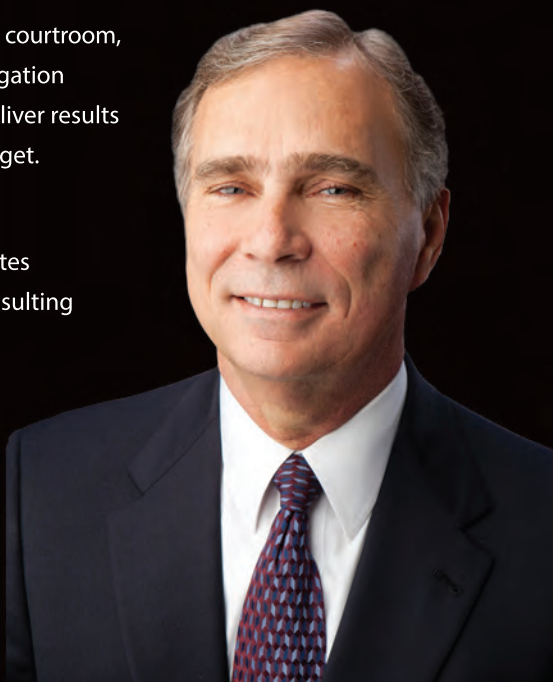
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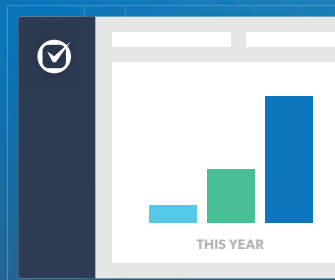
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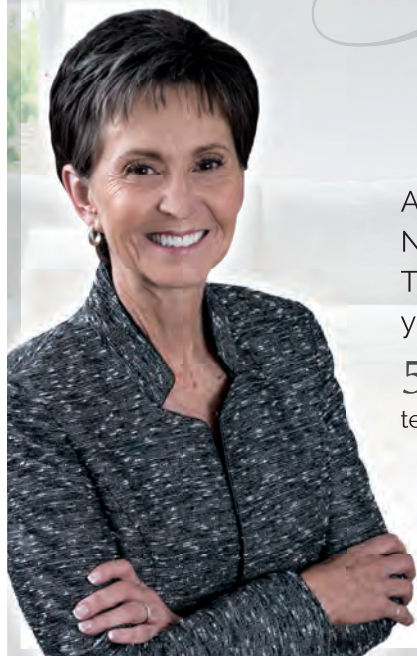
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Terra Hittson

Terra Hittson is a 2014 graduate of Columbia Law School,* where she served as Managing Editor of the Columbia Law Review. She practiced for five years at a New York City firm and for a year as a federal court clerk before choosing the wide open spaces of New Mexico.

*Licensed in New York



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Positions

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.

Senior Trial Attorney

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

Attorney

Butt Thornton & Baehr PC seeks an attorney with a minimum five years' experience, at least 3 years' of which are in civil litigation. Butt Thornton & Baehr PC is in its 61st year of practice. We seek an attorney who will continue our tradition of excellence, hard work, and commitment to the enjoyment of the profession. Please send letter of interest, resume, and writing samples to Ryan T. Sanders at rtsanders@btblaw.com.

Associate Attorney

Stiff, Keith & Garcia is a successful and growing law firm representing national clients, looking for an experienced lawyer to work in the areas of insurance defense and civil litigation. Flexible work environment available. We are looking for an attorney who can handle complex litigation with minimal supervision. 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

Chapman and Priest, P.C. seeks an associate attorney to assist with increasing litigation case load. Candidate should have 3-10 years civil defense litigation experience, good research and writing skills, as well as excellent oral speaking ability. More experienced candidates will be considered. Candidate must be self-starter and have excellent organizational and time management skills. Trial experience a plus. Please send resume, references, writing sample and salary requirements to Humanresources@cplawnm.com.

Litigation Attorney

Cordell & Cordell, P.C., a domestic litigation firm with over 100 offices across 37 states, is currently seeking an experienced litigation attorney for an immediate opening in its offices in Albuquerque and Santa Fe, NM. The candidate must be licensed to practice law in the state of New Mexico, have minimum of 3 years of litigation experience with 1st chair family law preferred. The position offers a significant signing bonus, 100% employer paid premiums including medical, dental, short-term disability, long-term disability, and life insurance, as well as 401K and wellness plan. This is a wonderful opportunity to be part of a growing firm with offices throughout the United States. To be considered for this opportunity please email your resume with cover letter indicating which office(s) you are interested in to Hamilton Hinton at hhinton@cordellllaw.com

Civil Litigation Attorney

Busy business law firm looking to hire an experienced Civil Litigation Attorney. Slingshot, LLC is the parent company of Law 4 Small Business and Business Law Southwest. Our law firms are some of the fastest growing legal practices in New Mexico. We are currently searching for an experienced Civil Litigation Attorney who enjoys collaboration, innovation, and teamwork. While the position is focused primarily on litigation, experience in, and ability/desire to handle, business related transactional matters is preferred. The right candidate will have 5 years of civil litigation experience, familiarity with business law, including business related transactional matters, the ability to thrive in a "paperless office," and will have a friendly and warm attitude with clients, and a willingness and ability to take on all aspects of litigation - simple and complex. This position offers 401k, health, dental, vision, life insurance, disability insurance, a generous paid time off plan, a unique bonus structure and a great working environment. To be considered, please send cover letter, resume and references to vanesa@slingshot.law.

Assistant City Attorney

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

Assistant City Attorney

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, approximately 20 hours per week, requiring the attorney to review, approve and negotiate agreements concerning traffic law violations. The attorney will also assist in areas of real estate and land use, governmental affairs, regulatory law, procurement, general commercial transaction issues, and civil litigation. 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 matters before administrative tribunals and in New Mexico State and Federal courts. This is an excellent position for newly licensed attorneys seeking to establish themselves within the legal field of governmental affairs, or for more experienced attorneys desiring to provide public service. 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 a cover letter, 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

Hatcher Law Group, P.A. seeks an associate attorney preferably with three or more 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.

Entry-Level Attorney

Entry-level attorney position 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!

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Attorney

The Carrillo Law Firm, P.C., located in Las Cruces, NM, is seeking an Attorney to join our firm. Relocation to Las Cruces is not required if the applicant has a demonstrated aptitude for remote work. The firm handles complex litigation as well as day-to-day legal matters from governmental sector and private corporate clients. Applicant must possess strong legal research and writing skills, have a positive attitude, strong work ethic, desire to learn, and have a current license to practice law in New Mexico. We offer competitive benefits to include health insurance, a profit sharing plan, and an excellent work environment. Please send letter of interest, resume, references, and writing sample via email to deena@carrillolaw.org. All responses are kept confidential.

Assistant City Attorney

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Compliance Division to act primarily as General Counsel for the Albuquerque Police Department. The Legal Department's team of attorneys provides a broad range of general counsel legal services to the Mayor's Office, City Council, the Albuquerque Police Department, various City departments, boards, commissions, and agencies. The legal services provided by the division includes, but are not limited to, drafting legal opinions and memoranda, reviewing and drafting policies, ordinances, and executive/administrative instructions, reviewing, drafting, and negotiating 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, ability to multitask and strong writing skills are essential. Preferences include: Five (5)+ years' experience; experience representing law enforcement agencies; criminal legal experience; policy writing; and experience addressing evidentiary issues. 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.

Associate Attorney

Jones, Snead, Wertheim & Clifford, PA in Santa Fe is seeking an associate attorney with 2-8 years of experience as a practicing attorney or judicial clerk to join our general litigation practice, including in the areas of commercial and personal injury litigation and labor and employment law. We are looking for attorneys with excellent research and writing skills. The Jones Firm offers competitive compensation and benefits. We encourage you to visit our website at www.thejonesfirm.com to learn about the Firm's history and areas of practice. Please provide a resume and references to terri@thejonesfirm.com before September 15, 2020.

Assistant City Attorney

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Municipal Affairs Division. This attorney will serve as general counsel to the City's Environmental Health Department ("EHD") regarding Air Quality issues throughout Bernalillo County including at federal and state facilities. This attorney will provide a broad range of legal services to EHD including, but not limited to, administrative enforcement actions, litigation and appeals, stationary source permits and "fugitive dust" permits, air quality monitoring and quality assurance, guidance regarding EPA grants, control strategies, work with EHD teams to develop new or amended regulations to be proposed to the Albuquerque-Bernalillo County Air Quality Control Board ("Air Board"), attend and represent EHD staff at rulemaking and adjudicatory hearings, review and draft intergovernmental agreements regarding air quality issues, review and draft legislation regarding air quality. Attention to detail and strong writing skills are essential. Preferences include: Five (5)+ years' experience in Environmental or Air Quality law and a scientific or technical background. Candidate must be an active member of the State Bar of New Mexico in good standing, or be able to become licensed in New Mexico within 3 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.

Request For Proposal – Legal Services – Varied Governmental

Pueblo of Laguna seeks proposals from any law firm or individual practicing attorney to provide legal services for special counsel services in any of multiple practice areas for a 3-year term. Reply by September 30, 2020. RFP details at: www.lagunapueblo-nsn.gov/rfp_rfq.aspx

Assistant City Attorney

Assistant City Attorney position available with the City of Albuquerque with a main focus on assisting the City of Albuquerque and the Albuquerque Police Department in achieving operational compliance with the Court Approved Settlement Agreement (CASA). The attorney will provide oral and written legal advice, recommendations, and opinions to a variety of levels of Department personnel and City staff on matters regarding the operations and performance of APD. The attorney will regularly interact with and attend meetings with: the parties and monitor; the Civilian Police Oversight Agency and its Board; community policing councils; amici; other stakeholders and members of the community. Applicant must be admitted to the practice of law in New Mexico and be an active member of the Bar in good standing. Preferred qualifications include: knowledge of state and federal laws regarding constitutional policing and police practices; experience in the practice of local or state government; strong organization skills; strong legal research and writing skills; experience in project development and management; experience in business letter writing; and supervisory experience. Experience in report and proposal preparations, developing curricula, and application of adult educational principles is a plus. 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 apply on line at www.cabq.gov/jobs

Litigation Attorney

With 53 offices and over 1,600 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, be 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.

Executive Director

The Albuquerque-based Senior Citizens' Law Office, Inc. seeks a full time Executive Director. A full description of the position and the application process are posted on SCLO's website's home page under "News, Employment Opportunities" at www.sclonm.org

Attorney

New Mexico Center on Law and Poverty seeks a dynamic and creative attorney or policy advocate to work on major reforms to the healthcare system. The Center is advancing innovative solutions to make healthcare affordable to all New Mexicans, protect Medicaid coverage, reduce medical debt and ensure equitable policies prioritized by immigrant, Native American and low-income communities, in collaboration with a broad network of partners and community leaders. This work includes policy advocacy, legislative efforts, community education, coalition-building, and legal representation (for attorneys). Required: minimum three years of policy or legal advocacy; strong leadership skills; commitment to economic, racial, and gender justice. Preferred: Spanish, Indigenous language or other language fluency. Apply in confidence by emailing a resume and cover letter to contact@nmpovertylaw.org. We are an equal opportunity employer and committed to equity in our work. Native Americans, people of color, immigrants, people with disabilities, LGBTQ individuals and people who have grown up in New Mexico are especially encouraged to apply.

Associate Attorneys

Mynatt Martínez Springer P.C., an AV-rated law firm in Las Cruces, New Mexico is seeking associate attorneys with 0-5 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. Salary commensurate with experience, and benefits. Please send your cover letter, resume, law school transcript, writing sample, and references to rd@mmslawpc.com.

Pro Bono Program Coordinator

New Mexico Legal Aid seeks attorney as Pro Bono Coordinator for the Volunteer Attorney Program. Position works closely with the courts and State Bar leaders. Send resume and cover letter to jobs@nmlegalaid.org. Deadline August 17, 2020 or until filled. Full position description: <https://www.newmexicolegalaid.org/node/243/new-mexico-legal-aid-seeks-statewide-pro-bono-program-coordinator-volunteer-attorney>

We're Hiring Lawyers in ABQ

New Mexico Legal Group, a cutting edge divorce and family law practice is adding one more divorce and family law attorney to its existing team (David Crum, Cynthia Payne, Twila Larkin, Bob Matteucci, Kim Padilla, Amy Bailey, Elizabeth Ashton, and Darin McDougall). We are looking for one smart, entrepreneurial, down to earth, drama free lawyer to join us in our mission. If you do not have divorce and family law experience, we will still consider you as a candidate if you have other good courtroom experience (like the DA's or PD's Office). Why is this an incredible opportunity? You will be involved in creating the very culture and financial rewards that you have always wanted in a law firm; We practice at the highest levels in our field, with independence and cutting edge practice and marketing strategies; The firm offers excellent pay (100k+), PPO health insurance, life, disability and vision insurance, an automatic 3% contribution to 401(k) and future profit sharing; This is also a great opportunity for lawyers in a solo practice who would like to merge their practice. This position is best filled by an attorney who wants to help build something extraordinary. This will be a drama free environment filled with other team members who want to experience something other than your run of the mill divorce firm. Interested candidates: send whatever form of contact you think is appropriate, explaining why you are drawn to this position and how you can be an asset to the team to dcrum@newmexicolegalgroup.com. All inquiries are completely confidential. We look forward to hearing from you!

Attorney

RMH Lawyers, PA seeks an attorney with at least 3 years of experience to join our firm. We are a Martindale AV-rated firm, with a practice focusing on business advice and transactions, commercial litigation, and employment law. We provide sophisticated services to a long-term client base. Our preferred candidate will have excellent academic credentials, strong research and writing skills, and experience with complex litigation or transactional matters. Candidates will be considered for either an associate position or partner/of counsel position, depending on their book of business and experience level. We offer a competitive salary and benefits package, as well as a collegial work environment. Interested parties should submit a resume and letter of interest to offmgr@rmhlawyers.com. All inquiries will be held in strictest confidence.

Multiple Trial Attorney Positions Available in the Albuquerque Area

The Thirteenth Judicial District Attorney's Office is seeking entry level as well as experienced trial attorneys. Positions available in Sandoval, Valencia, and Cibola Counties, where you will enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, which provides the opportunity to advance more quickly than is afforded in larger offices. Salary commensurate with experience. Contact Krissy Fajardo kfajardo@da.state.nm.us or 505-771-7400 for an application. Apply as soon as possible. These positions will fill up fast!

Deputy District Attorney

Immediate opening for a Deputy District Attorney in Silver City. Salary Depends on Experience. Benefits. Please send resume to Francesca Estevez, District Attorney, FMartinez-Estevez@da.state.nm.us or call 575-388-1941.

Deputy County Attorney

Gunnison County, Colorado - Salary: \$99,983 - \$128,090. For complete position profile and to apply online, visit Prothman at <https://www.prothman.com/> and click on "Open Recruitments". For questions, call 206-368-0050. Gunnison County is an Equal Opportunity Employer. First review of applications: August 23, 2020 (open until filled).

Tribal Government Specialist

The Bureau of Indian Affairs, Southwest Region in Albuquerque, New Mexico is seeking applicants for Tribal Government Specialist. The incumbent will provide guidance to all functions of tribal government operations, including Tribal Courts, Tribal Enrollment matters, Self-Governance negotiations, promotion of self-governance and Tribal litigation matters. A high degree of judgment is required in interpreting and determining the applicability of various laws and regulations. For more information and to apply, please go to <https://go.usa.gov/xfnbM>. Closes August 24, 2020.

Family Attorney

The Law Office of Adam Oakey is seeking an experienced family attorney. We are looking for a person with critical thinking skills and the ability to apply those skills in a fast-paced environment. Exceptional interpersonal communication skills with clients and co-workers is a must. Please email a letter of interest and résumé to oakey.nm@gmail.com or call (505)433-4953 with further questions.

Senior Trial Attorney

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

Riley, Shane & Keller, P.A. New Positions:

Our AV Rated law firm is expanding so we created three (3) new positions. Please come join us for a professional environment, excellent pay, retirement, employee healthcare and other benefits. Paralegal: Full time, work from home position supporting litigation and trials. Five (5) years' experience in insurance defense or civil litigation. We seek a team player with a strong word processing and organizational skills. Candidate should be a member of the Paralegal Division of the State of New Mexico or eligible to join. Construction case experience a plus. Legal Assistant: Full time, in office position supporting shareholders. The position requires five (5) years' experience in insurance defense or civil litigation. Position requires a team player with strong work processing and organizational skills. Records Administrator: This is a full time, in office position handling recovery of medical and public records. Position requires a self-starter, organized team player. Send resume to Riley, Shane & Keller, P.A., office manager, 3880 Osuna Road NE, Albuquerque, NM 87109/mvelasquez@rsk-law.com

Paralegal

Robles, Rael & Anaya, P.C. is seeking an experienced paralegal for its civil defense and local government practice. Practice involves complex litigation, civil rights defense, and general civil representation. Ideal candidate will have 3-5 years' experience in the field of civil litigation. Competitive salary and benefits. Inquiries will be kept confidential. Please e-mail a letter of interest and resume to chelsea@roblesrael.com.

Paralegal

Ahmad Assed & Associates is seeking an experienced paralegal for busy criminal defense practice. Ideal candidate will have at least 1 year of experience in criminal law. Please e-mail a letter of interest and resume to info@assedlaw.com

Paralegals – Temporary Part-Time and Full-Time

ATA Services is currently seeking highly qualified temporary part time and full time Paralegals to work on an assignment in Santa Fe, NM. Work Summary: Employees in this role coordinates administrative support activities and deals with public businesses and other organizations. Employees, under the guidance and direction of an attorney: reporting procedures, identify and describe legal problem areas, and inform public as to legal avenues available; keep accurate files of correspondence and materials relating to cases; make investigations, procedure evidence, take statements of witness and prepare affidavits; notarize documents and files in court records; develop and maintain case files; prepare drafts of proposed rules, regulations and resolutions; determine eligibility for representation; search records and deeds serve summonses, subpoenas and papers sort and distribute daily mail. Minimum Qualifications: High school or GED and a minimum of three (3) years of experience as a Certified Paralegal. ATA Services, Inc is an Equal Opportunity/Affirmative Action Employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, age, protected veteran status, or disability status. Salary: \$22.00 to \$25.00 /hour. Email your resume to Veronica Gutierrez at vgutierrez@ataservices.net.

Paralegal for Santa Fe Firm

Bardacke Allison LLP seeks highly experienced paralegal to assist our clients around the world. You are motivated, reliable, organized, a good writer and communicator, proficient in state and federal court filings and discovery. Bonus if you have experience with trademark and copyright matters. Salary competitive and commensurate with experience. Email resume w/references to breanna@bardackeallison.com.

Legal Assistant

Legal Assistant with minimum of 3- 5 years' experience, including current working knowledge of State and Federal District Court rules and filing procedures, trial preparation, document and case management, calendaring, online research, is technologically adept and familiar with use of electronic databases and legal-use software. Seeking organized and detail-oriented professional with excellent computer and word processing skills for established commercial civil litigation firm. Email resumes to e_info@abrfirm.com or Fax to 505-764-8374.

Litigation Paralegal

The Carrillo Law Firm, P.C., located in Las Cruces, NM, is seeking a self-motivated litigation paralegal for their busy Las Cruces, New Mexico practice. Relocation to Las Cruces is not required if the applicant has a demonstrated aptitude for remote work. The firm's areas of practice include civil litigation, employment and labor law, civil rights defense, and insurance litigation. Candidate must possess knowledge of local rules, court filing procedures, have excellent writing and proofreading skills, and be proficient with Microsoft Word, Excel, and Outlook. A degree or paralegal certification is preferred, but we will consider experience in lieu of education. Competitive salary and benefits offered. All inquiries are kept confidential. Please email resumes to deena@carrillolaw.org.

Paralegal

F/T paralegal needed for fast paced family law office. Excellent computer skills, ability to multitask and being a good team player are all required. Pay DOE. Fax resume: 242-3125 or mail: Law Offices of Lynda Latta, 715 Tijeras Ave. NW, 87102 or email: holly@lyndalatta.com No calls.

Legal Assistant

Solo practitioner seeking an experienced, professional, full-time legal assistant. Practice limited to probate litigation, elder law, guardianships, and a few plaintiff's personal injury cases. The ideal candidate will have experience with MS Office, QuickBooks, Odyssey, and legal billing software. The ideal candidate will possess above-average writing and speaking skills. Duties will include reception, answering multiple telephone lines, scheduling appointments, filing, client billing, bookkeeping, and general office administrative duties. Position offers a very pleasant working environment. Salary \$15-\$18 hour commensurate with experience. Please send a cover letter and resume to nicole@benhancocklaw.com.

Billing And Accounts Payable Position

Small practitioner law office is seeking a part-time billing and accounts payable professional to handle all client invoicing and accounting for the firm. Candidates must have experience with e-billing (including using multiple online billing platforms) and know basic accounting functions. Good organizational and analytical skills required, and familiarity with task code billing terms. Experience with QuickBooks and Practice Panther a plus. Applicants may submit their resumes by e-mail at AE@jalblaw.com

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Office Space

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Downtown Santa Fe Office Space Available for Rent

Large one room office space available for rent. Office large enough for desk, filing cabinets, sitting area and/or assistant space. One block from The Capitol and a couple blocks from the Courthouse. Office includes a private entry, parking space, wi-fi, phone and includes use of a copy room and conference room. Office is furnished or could be cleared out if the tenant brings furniture. Opportunity exists for personal injury and other referrals. Contact Lee Hunt at lee@huntlaw.com for details.

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Miscellaneous

Want To Purchase

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

For Sale Furniture

Solid oak conference table 4x10 with 8 custom wheeled tilted chairs was 5000 now 3000. Two mahogany bookshelves 750 each. Executive 7 drawer mahogany desk 1250. delconroylaw@gmail.com

Search for Will

Searching for Last Will and Testament of Reyes (Rick) M. Montoya of Santa Fe, New Mexico. Please contact attorney Ralph M. Montez at (505)984-3004.

Working on Focussed Research Project

I am an attorney in Silver City considering filing a classaction lawsuit against Governor Lujan challenging the constitutionality and legal validity of the mask mandates and/or other aspects of her "emergency powers mandates". If you are interested in working on such a project, let's talk. Just doing a focussed piece of research on one issue could be great help. Jonathan Diener, 575 388-1754 jonmdiener@gmail.com

New Mexico Reporters

For Sale: Volumes 1 to 150 and 1-12 of NM case law reports, up to about 2018, for \$1900. Also about 26 volumes of West NM Statutes Annot., not updated, \$200. Email Michael Hoeferkamp at mike@hoeferkamp.com or call 505/506-0745.

For Sale: Original NM Reports

7 volumes # 86-108; \$50.00 each. like new. 6 additional volumes # 1913, 1935, 1937, 1939 and 1947; \$70.00 each. Plus two filing cabinets 1 beige, side filing, legal width, 3 drawer, \$100; 1 beige, same, 4 drawer, \$100; 1 black, same, 2 drawer \$75. Call 505 266 5493; leave message, if na.

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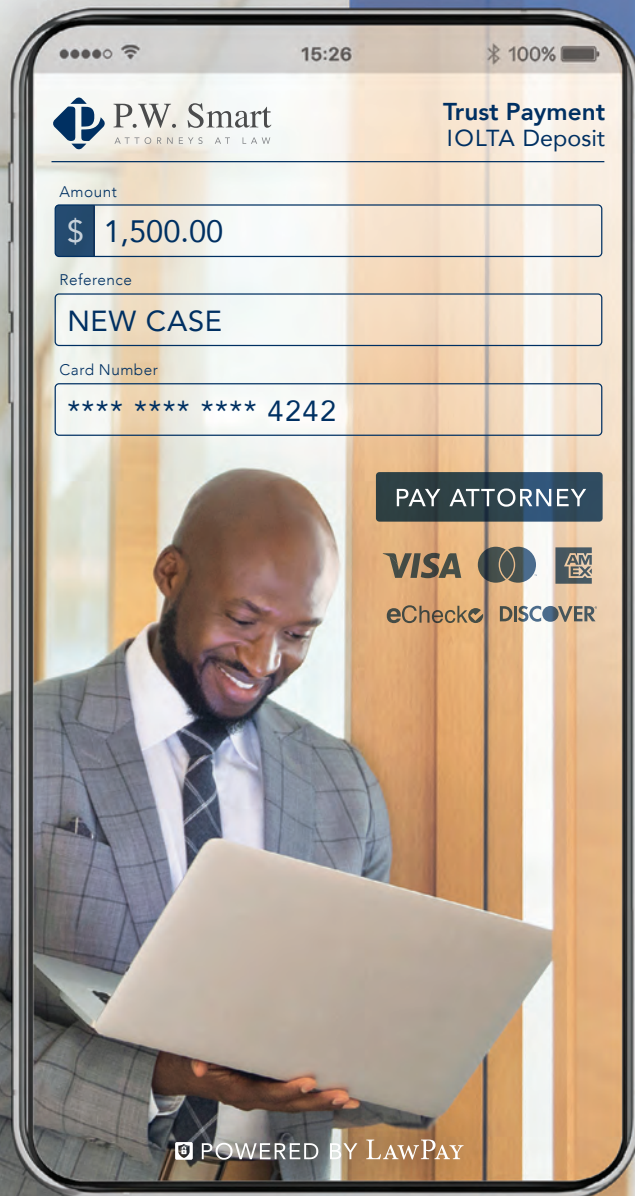
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