

# BAR BULLETIN

August 26, 2020 • Volume 59, No. 16



*Etude with Aquamarine*, by Bette Ridgeway (see page 3)

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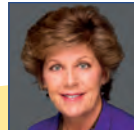
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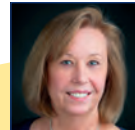
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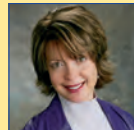
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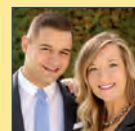
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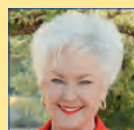
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Executive Director Richard Spinello  
Director of Communications  
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Graphic Designer Julie Sandoval  
jsandoval@nmbar.org  
Account Executive Marcia C. Ulibarri  
505-797-6058 • mulibarri@nmbar.org  
Communications Coordinator Cassandra Scott  
505-797-6040 • notices@nmbar.org

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## Meetings

### August

- 25**  
**Natural Resources, Energy and Environmental Law Section Board**  
Noon, teleconference
- 27**  
**Trial Practice Section Board**  
Noon, teleconference
- 28**  
**Cannabis Law Section Board**  
9 a.m., teleconference
- 28**  
**Immigration Law Section Board**  
Noon, teleconference

### September

- 1**  
**Health Law Section Board**  
9 a.m., teleconference
- 2**  
**Employment and Labor Law Section Board**  
Noon, teleconference
- 8**  
**Appellate Practice Section Board**  
Noon, teleconference

## 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  
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**About Cover Image and Artist:** In her four decade career, Bette Ridgeway has exhibited her work globally with over 80 museums, universities and galleries, including: Palais Royale, Paris and Embassy of Madagascar. Multiple prestigious awards include *Top 60 Contemporary Masters*, *Leonardo DaVinci Prize*, and *Oxford University Alumni Prize* at Chianciano Art Museum, Tuscany, Italy. Mayo Clinic and Federal Reserve Bank are amongst Ridgeway's permanent public placements, in addition to countless important private collections. Many books and publications have featured her work, among them: *International Contemporary Masters* and *100 Famous Contemporary Artists*. Ridgeway has also penned several books about her art and process.



# 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](mailto: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.

### Second Judicial District Court 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.

## Professionalism Tip

**With respect to the courts and other tribunals:**

In civil matters, I will stipulate to facts when there is no genuine dispute.

### 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 were 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.

### Notice of E-Filing

E-filing is coming to Metro Court for attorneys in civil cases. Remote training is available. To register and for more information, visit [www.nmcourts.gov/efiling.aspx](http://www.nmcourts.gov/efiling.aspx).

### STATE BAR NEWS 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](http://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](mailto: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](mailto: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

- Aug. 31
- Sept. 7
- Sept. 14

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](mailto:pmoore@nmbar.org) or Briggs Cheney at [BCheney@DSC-LAW.com](mailto: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>.

## 2021 Judicial Clerkship Program

### Applications Now Being Accepted

The State Bar of New Mexico will begin accepting applications for its Judicial Clerkship Program for second-year law students. This program was jointly initiated by New Mexico Supreme Court's Justice David K. Thomson and the State Bar's Committee on Diversity and Young Lawyers Division. The program is a full-time (32 hours per week), 9

week summer internship program open to all second-year diverse law students. While the hope is that the Clerkship will take place in person, the on-going developments with COVID-19 will dictate the implementation of the program. The 2021 Clerkship may take place virtually or as a hybrid of virtual/in-person attendance. The Clerkship will primarily take place with the New Mexico Supreme Court or with the New Mexico Court of Appeals. Interested students must submit applications via PDF format no later than Monday, Aug. 31. To learn more about this program, visit [www.nmbar.org/judicialclerkship](http://www.nmbar.org/judicialclerkship).

## UNM SCHOOL OF LAW Law Library Hours Spring 2020

### 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.
<i>Reference</i>	
Monday–Friday	9 a.m.–6 p.m.

— *Featured* —

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STATE BAR  
of NEW MEXICO

## 2020 Annual Awards

The Annual awards recognize those who have distinguished themselves or who have made exemplary contributions to the State Bar or legal profession in the past year. The awards will be presented during the virtual 2020 Annual Meeting and Member Appreciation Event on Sept. 25.



### **DEBORAH S. DUNGAN**

#### *Judge Sarah M. Singleton Distinguished Service Award*

Recognizes attorneys who have provided valuable service and contributions to the legal profession, the State Bar of New Mexico and the public over a significant period of time.



### **RENEE VALDEZ**

#### *Distinguished Bar Service Non-Lawyer Award*

Recognizes non-lawyers who have provided valuable service and contributions to the legal profession over a significant period of time.



### **WILLIAM D. SLEASE**

#### *Justice Pamela B. Minzner Professionalism Award*

Recognizes attorneys and/or judges who, over long and distinguished legal careers, have by their ethical and personal conduct exemplified for their fellow attorneys the epitome of professionalism.



## NEW MEXICO IMMIGRANT LAW CENTER

### *Outstanding Legal Organization*

Recognizes outstanding or extraordinary law-related organizations or programs that serve the legal profession and the public.



## VERÓNICA C. GONZALES-ZAMORA

### *Outstanding Young Lawyer of the Year Award*

Awarded to attorneys who have, during the formative stages of their legal careers by their ethical and personal conduct, exemplified for their fellow attorneys the epitome of professionalism by demonstrating a commitment to clients' causes and to public service, enhancing the image of the legal profession.



## JULIA H. BARNES

### *Robert H. LaFollette Pro Bono Award*

Presented to an attorney who has made an exemplary contribution of time and effort, without compensation, to provide legal assistance over his or her career to people who could not afford the assistance of an attorney.



## JUDGE ALVIN F. JONES (POSTHUMOUSLY)

### *Justice Seth D. Montgomery*

### *Distinguished Judicial Service Award*

Recognizes judges who have distinguished themselves through long and exemplary service on the bench and who have significantly advanced the administration of justice or improved the relations between the bench and the bar.





# CRISIS FATIGUE

## With A Side of Humor

*By Pamela Moore, MA, LPCC, Director, New Mexico Judges and Lawyers Assistance Program*

**R**ight now, my bed is my favorite place in my house. Sometimes I just want to stay there for hours, even after I am awake. Has it always been my favorite place in my home, you ask? No, this is a recent development. Well, what has changed recently that would cause this shift? Yes, this is a sarcastic question. Where do I begin?

In a recent Kaiser Family Foundation poll, 47% of American adults who are self-isolating said the pandemic has had a negative impact on their mental health. Of those who said they are not self-isolating at home, 37% reported a negative impact on their mental health due to stress and worry about the pandemic. I'm going to go out on a limb here and say that the pandemic has affected just about every person over the age of 2 in some way, shape or form. Even those two-year olds are feeling the tension or negative energy coming from caregivers that are worried about jobs, the economy, family, friends, evictions, school, the healthcare system, travel, etc. To me, life right now seems a bit....flavorless....and day-less. Working from home, eating at home, attending meetings from home became established and time began to blend together. Days became indistinguishable from each other. I have heard the phrase "Groundhog Day" so many times, more times than when the movie came out.

What I am feeling in those moments when I want to stay in bed for hours, pull the covers over my head, and hide is overwhelmed and a sense of being trapped. In the first minute my mind will suggest that hiding in the comfy space underneath the covers in the dark, will send the heaviness of circumstances and responsibility far away into the abyss, and in the next minute, my mind finally admits that staying in bed is a fake shelter, and I need to get up and face reality.

We all go through periods of feeling overwhelmed, or trapped by our circumstances, personal and/or work-related, sometimes due to our own choices and behaviors, but sometimes due to circumstances that are outside of our control. It is safe to say the majority of Americans right now are feeling overwhelmed by Covid related life, dubbed crisis fatigue. Crisis fatigue is a period of time where we feel exhausted, angry, scared, annoyed, worried, hypervigilant, desperate and/or sad by an event or series of events that have not alleviated. One of the worst parts about this pandemic is the unknown of when there will be some remission of the situation. Let's not forget about the layering of other stressors in the US and world that only adds to us asking, "What the hell is going on here?"

Let's look at some other signs or symptoms of feeling overwhelmed or trapped by life circumstances:

1. Feeling angry, irritated, annoyed or agitated to the point that it is hard to hold the emotion without taking action to "tamp it down".
2. Intense feelings of sadness, numbness or emotionally tired most of the time.
3. Increasingly negative self-talk that seems loud and incessant.
4. Trouble sleeping through the night, meaning waking up in the middle of the night without being able to fall asleep easily, or trouble getting to sleep.
5. An unfocused brain that causes an increase in mistakes and/or missing scheduled appointments.
6. Lack of motivation in activities that you once enjoyed.
7. Avoiding or tuning out especially when it comes to a change in behavior in answering emails, text messages or phone calls.
8. Eating too much, not at all, or consuming more comfort or junk food.
9. Increase in drinking or drugging.
10. Feeling under the weather or having more negative physical ailments such as headaches or sore throat.



But, getting back to my bed, a flavorless and dayless life existence, it's not all bad and as I say when I present on legal well-being statistics, I won't be all doom and gloom here, there is good news. I do know what day it is. ...Wednesday! I think. And, I do have chocolate and mint chocolate chip ice cream in the freezer, so not everything is flavorless. We don't do strawberry ice cream in this house. I don't stay in bed too long after I wake up, I have to let the dogs out. I guess finding a mess to clean up is more motivation for me getting my butt moving than the fear of the world ending due to a pandemic.

In addition to eating chocolate ice cream and knowing what day it is, here are some other ways to keep crisis fatigue at bay during these times:

1. **Laugh.** Really, it helps to feel better, lighter. If you aren't a funny person and don't have funny friends, go online and find funny videos or memes. Everyday find something to smirk or laugh at. And then acquire some funny friends. <https://www.helpguide.org/articles/mental-health/laughter-is-the-best-medicine.htm>
2. **Connect.** Call somebody. I still call friends from elementary school and they know exactly what to say to help me feel better. Sometimes I will call a friend and tell them I need to vent and they just need to listen. Ask for what you need. Knowing that you are not doing "life" alone and that someone cares is HUGE. <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/friendships/art-20044860>
3. **Relax.** Tell yourself to relax. This means take a deep breath (or two or ten), push your shoulders down, and tell yourself to calm down, relax, it's going to be okay. Be present in this moment...you are okay. Now you can think clearly to make a decision. <https://www.healthline.com/health/how-to-calm-down#1>
4. **Exercise.** Getting your heart rate up and breathing heavy helps your brain think a little clearer. Plus, it's vital for your body. I'm sure you've seen and heard all the data on why exercise is so important. Make a commitment to move. Even better, do it outside in nature. <https://disturbmenot.co/exercise-statistics/>
5. **Sleep.** This can be a problem for a lot of people. Most of the time, someone is having trouble going to sleep or waking up in the middle of the night and having trouble getting back to sleep. Have a bedtime routine that does not include reading emails, texts or watching the news. When you wake up in the middle of the night and thoughts start racing, tell yourself you will think about it when you wake up, but for right now, you need to go back to sleep. <https://www.helpguide.org/articles/sleep/getting-better-sleep.htm>
6. **Gratitude.** You've heard this a million times and sometimes it is annoying, "Think about what you are grateful for." I get it. It's hard for me to do this when I am angry, scared or frustrated. So, I think about what in my life I am grateful for when I'm not feeling those feelings. I practice it on a regular basis and it bends my mood to be more positive or optimistic. Try it for one week....everyday, see if you don't feel better. <https://www.health.harvard.edu/healthbeat/giving-thanks-can-make-you-happier>
7. **Control.** You're not in control, really. Life is not about you. Take your hands off the wheel a bit and enjoy the ride. Your life is an adventure, an exploration. Play. Say, "Hmmmm, not sure what's going to happen here, but okay, let's just go with it." For more information: watch YouTube videos or read anything by Michael Singer.

There are many more self-care tools and tips, but these are some of my favorites, and they work. Don't let life get flavorless, buy some chocolate ice cream, or if you must, strawberry, and call a friend. If you find yourself really struggling, like not getting out of bed even when you know the dogs can't wait, call **NMJLAP**, (505) 228-1948, and we will do our best to help. At the very least, we will listen and empathize. We also contract with an **EAP that offers 4 FREE counseling sessions to anybody in the NM legal community**. Call (505) 254-3555 and identify with NMJLAP.



# *Announcing the* 2021 JUDICIAL CLERKSHIP PROGRAM



Justice David K. Thomson of the New Mexico Supreme Court, the State Bar of New Mexico Committee on Diversity in the Legal Profession and the Young Lawyers Division are proud to announce the application process is now open for the inaugural Judicial Clerkship Program. The purpose of this jointly initiated program is to provide opportunities to students who are members of traditionally underrepresented groups in the legal profession, particularly within the judiciary. An additional goal of the program is to prepare underrepresented individuals with the tools necessary to obtain judicial clerkships. The program provides opportunities to underrepresented students, which may include, but is not limited to, members of racial or ethnic minorities, women, identify as LGBTQ, students with disabilities, students who are economically disadvantaged.

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**About:** The program is a full-time (32 hours per week), 9 week summer internship program open to all second-year diverse law students. While the hope is that the Clerkship will take place in person, the on-going developments with COVID-19 will dictate the implementation of the program. The 2021 Clerkship may take place virtually or as a hybrid of virtual/in-person attendance. The Clerkship will primarily take place with the New Mexico Supreme Court or with the New Mexico Court of Appeals. Interested students must submit applications via PDF format no later than **Monday, Aug. 31**.

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**To learn more about the application qualifications and process,  
please visit [www.nmbar.org/judicialclerkship](http://www.nmbar.org/judicialclerkship).**

*For more information, contact Member Services  
at [memberservices@nmbar.org](mailto:memberservices@nmbar.org)*

**Interested  
in funding a  
clerkship position?  
Contact Member  
Services!**



# Legal Education

## August

- 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](http://www.nmbar.org)

## September

- |   |   |   |
|---|---|---|
| <p>1 <b>Choice of Entity for Nonprofits &amp; Obtaining Tax Exempt Status, Part 1</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>        | <p>15 <b>Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 1</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p>17 <b>Do You Have Your Emotions or Do They Have You?</b><br/>1.5 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>                |
| <p>2 <b>Choice of Entity for Nonprofits &amp; Obtaining Tax Exempt Status, Part 2</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>        | <p>16 <b>Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 2</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p>18 <b>Parenting Coordinator Training</b><br/>11.5 G, 1.0 EP<br/>Live Webinar<br/>Lori Comallie-Caplan<br/><a href="http://www.comallie-caplan.com">www.comallie-caplan.com</a></p>                   |
| <p>11 <b>2020 Solo and Small Firm Institute</b><br/>3.5 G, 1.5 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>                                     | <p>16 <b>Word Master Class on Formatting Complex Pleadings</b><br/>1.0 G<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>                    | <p>18 <b>Real Estate Finance: Trends and Best Practices, Part 2</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>          |
| <p>21 <b>Basics to Trust Accounting: How to Comply with Disciplinary Board Rule 17-204</b><br/>1.0 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p> | <p>17 <b>Real Estate Finance: Trends and Best Practices, Part 1</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></p>                | <p>24 <b>How to Practice Series - Estate Planning (2019)</b><br/>4.0 G, 2.0 EP<br/>Live Replay Webcast<br/>Center for Legal Education of NMSBF<br/><a href="http://www.nmbar.org">www.nmbar.org</a></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](http://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](mailto:notices@nmbar.org). Include course title, credits, location/course type, course provider and registration instructions.

- |  |  |   |
|--|--|---|
| <p><b>24    How to Practice Series: Estate Planning - Taxes, Beneficiary Designations, IRAs/401Ks (2020)</b><br/>1.0 G<br/>Live Replay Webcast<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> | <p><b>25    2020 Annual Meeting and Member Appreciation Day</b><br/>2.5 G, 2.0 EP<br/>Live Webcast<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> | <p><b>30    How to Practice Series: Adult Guardianship (2020)</b><br/>3.0 G, 3.0 EP<br/>Live Replay Webcast<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> |
|--|--|---|

## October

- |   |  |   |
|---|--|---|
| <p><b>5    Subtenants in Commercial Leasing: How to Protect Your Client</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> | <p><b>16    The Ethics of Bad Facts and Bad Law</b><br/>1.0 EP<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>                             | <p><b>21    Basics to Trust Accounting: How to Comply with Disciplinary Board Rule 17-204</b><br/>1.0 EP<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>         |
| <p><b>6    The Ins-and-Outs of Licensing Technology, Part 1</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>             | <p><b>19    Governance and Management Agreements for Nonprofit Organizations</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> | <p><b>27    Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 1</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> |
| <p><b>7    The Ins-and-Outs of Licensing Technology, Part 2</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>             | <p><b>21    Outlook Power Hour</b><br/>1.0 G<br/>Live Webinar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p>  | <p><b>28    Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 2</b><br/>1.0 G<br/>Teleseminar<br/>Center for Legal Education of NMSBF<br/>www.nmbar.org</p> |



# Opinions

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

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Mark Reynolds, Chief Clerk New Mexico Court of Appeals  
PO Box 2008 • Santa Fe, NM 87504-2008 • 505-827-4925

## Effective July 31, 2020

### PUBLISHED OPINIONS

A-1-CA-37352	State v. K Ledbetter	Reverse/Remand	07/31/2020
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### UNPUBLISHED OPINIONS

A-1-CA-34419	State v. C Ortiz	Affirm/Reverse	07/27/2020
A-1-CA-38045	C Daigle v. Eldorado Community Improvement Assoc.	Affirm	07/27/2020
A-1-CA-38303	State v. M Chavez	Affirm	07/27/2020
A-1-CA-38606	State v. B Patino-Chavez	Affirm	07/27/2020
A-1-CA-37275	State v. G Tafoya	Affirm	07/28/2020
A-1-CA-38419	W Smith v. R Fletcher	Affirm	07/28/2020
A-1-CA-36436	State v. B Baca	Affirm	07/30/2020
A-1-CA-37411	State v. A Baca	Affirm/Reverse	07/30/2020
A-1-CA-38024	CYFD v. Christina L.	Affirm	07/30/2020
A-1-CA-38489	State v. H Rosales	Affirm	07/30/2020

## Effective August 8, 2020

### PUBLISHED OPINIONS

A-1-CA-37695	L O' Brien Quarrie v. NM Institute of Mining and Technology	Affirm	08/03/2020
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### UNPUBLISHED OPINIONS

A-1-CA-37632	Active Solutions Inc v. Tax and Rev	Affirm	08/03/2020
A-1-CA-38168	State v. S Pinon	Affirm	08/03/2020
A-1-CA-37850	State v. M Johnson	Affirm	08/06/2020
A-1-CA-38364	State v. R Morales	Affirm	08/06/2020

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

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

# Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

Joey D. Moya, Chief Clerk New Mexico Supreme Court  
PO Box 848 • Santa Fe, NM 87504-0848 • (505) 827-4860

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## CLERK'S CERTIFICATE OF ADDRESS AND/OR TELEPHONE CHANGES

---

**Andrew A. Abeyta**  
22422 N. 64th Avenue  
Glendale, AZ 85310  
602-316-8075  
andrewabeytaesq@gmail.com

**Mark W. Allen**  
Law Office of Mark W. Allen,  
LLC  
9201 Preston Trail, NE  
Albuquerque, NM 87111  
505-582-2873  
mallen@markallenlawoffice.  
com

**Justus Wendell Anderson**  
Ursus Holdings, LLC  
3209 Tanglewood Trail  
Fort Worth, TX 76109  
817-805-8433  
justusanderson@gmail.com

**Cynthia Aragon**  
New Mexico Children, Youth  
and Families Department  
PO Box 5160  
1120 Paseo de Peralta (87501)  
Santa Fe, NM 87502  
505-250-9475  
505-827-4474 (fax)  
cynthia.aragon@state.nm.us

**Sophie D. Asher**  
Pegasus Legal Services for  
Children  
505 Marquette Avenue, NW,  
Suite 1350  
Albuquerque, NM 87102  
505-244-1101 (phone & fax)  
sophie@pegasuslaw.org

**Kathy L. Black**  
Conklin, Woodcock &  
Ziegler, PC  
320 Gold Avenue, SW,  
Suite 800  
Albuquerque, NM 87102  
505-224-9167  
505-224-9161 (fax)  
klb@conklinfirm.com

**James Bartholomew Boone**  
PO Box 1563  
Bastrop, TX 78602  
512-985-7398  
jbboone@bellsouth.net

**Scott Andrew Booth**  
Kasdan LippSmith Turner  
LLP  
3200 N. Central Avenue,  
Suite 2100  
Phoenix, AZ 85012  
602-224-7800  
602-224-7801 (fax)  
sbooth@kasdancdlaw.com

**Brandee Bess Bower**  
Bower Law Firm, LLC  
Lee's Summit, MO 64063  
816-608-3600  
816-608-3601 (fax)  
bbower@bowerlawfirm.com

**William R. Brummett**  
PO Box 14504  
113 Sixth Street, NW  
Suite E (87102)  
Albuquerque, NM 87191  
505-842-9234  
brummettlaw@live.com

**Melissa C. Candelaria**  
New Mexico Center on Law  
and Poverty  
924 Park Avenue, SW,  
Suite C  
Albuquerque, NM 87102  
505-255-2840  
505-255-2778 (fax)  
melissa@nmpovertylaw.org

**Bobbie Jo Collins**  
Nussbaum Speir Gleason  
PLLC  
2 N. Cascade Avenue,  
Suite 1430  
Colorado Springs, CO 80903  
719-428-2386  
bobbie@nussbaumspeir.com

**Michael Cowen**  
Cowen Rodriguez Peacock  
6243 IH-10 West, Suite 801  
San Antonio, TX 78201  
210-941-1301  
210-579-8968 (fax)  
michael@cowenlaw.com

**Jessica Rose Dittmore**  
U.S. Army JAG Corps  
17395 SW McCormick Hill  
Road  
Hillsboro, OR 97123  
503-515-0016  
jddittmore3@gmail.com

**Michelle L. Dong**  
Whitewater Law Group  
372 S. Eagle Road,  
Suite 338  
Eagle, ID 83616  
208-278-2688  
208-567-3118 (fax)  
mm@whitewaterlawgroup.  
com

**James H. Dupuis Jr.**  
Kean Miller LLP  
1400 Woodloch Forest Drive,  
Suite 400  
The Woodlands, TX 77380  
832-494-1711  
888-781-0162 (fax)  
jimmy.dupuis@keanmiller.  
com

**Roger Eaton**  
8617 Rio Grande Blvd., NW  
Los Ranchos, NM 87114  
505-264-9116  
505-345-4906 (fax)  
roger2eaton@gmail.com

**Niesha Esene**  
Disability Rights New Mexico  
3916 Juan Tabo Blvd., NE  
Albuquerque, NM 87111  
505-256-3100  
505-256-3184 (fax)  
nesene@drnm.org

**Gail Evans**  
New Mexico Environmental  
Law Center  
1505 Luisa Street,  
Suite 5  
Santa Fe, NM 87505  
505-629-4748  
505-989-3769 (fax)  
gevans@nmelc.org

**Daniel Morris Faber**  
Law Office of Daniel Faber  
501 Wyoming Blvd., SE  
Albuquerque, NM 87123  
505-440-6331  
dan@danielfaber.com

**David Hampton Fadduol**  
Law Office of David Fadduol,  
LLC  
PO Box 90787  
Albuquerque, NM 87199  
505-565-7696  
505-355-1945 (fax)  
david@df-lawfirm.com

**John William Fleming**  
Kasdan LippSmith Turner  
LLP  
3200 N. Central Avenue,  
Suite 2100  
Phoenix, AZ 85012  
602-224-7800  
602-224-7801 (fax)  
jfleming@kasdancdlaw.com

**Grant L. Foutz**  
Rosebrough & Fowles, PC  
101 W. Aztec Avenue,  
Suite A  
Gallup, NM 87301  
505-722-9121  
505-722-9490 (fax)  
grant@rf-lawfirm.com

**Kat Fox**  
Law Offices of the Public  
Defender  
285 S. Boardman Drive,  
Suite B  
Gallup, NM 87301  
505-726-4534  
505-726-4566 (fax)  
kat.fox@lopnm.us

**John Adam Frase**  
Roberts Law Firm  
20 Rahling Circle  
Little Rock, AR 72211  
501-821-5575  
johnafrase@gmail.com

## **Russel A. Frost**

Office of the Eleventh Judicial  
District Attorney  
335 S. Miller Avenue  
Farmington, NM 87401  
505-599-9810  
505-599-9822 (fax)  
rfrost@da.state.nm.us

## **Remo E. Gay Jr.**

Remo E. Gay & Associates,  
PC  
PO Box 10160  
Albuquerque, NM 87184  
505-280-1321  
rgay@regapc.com

## **Lindsay K. Griffel**

PO Box 92740  
2107 Wyoming Blvd., NE  
(87112)  
Albuquerque, NM 87199  
505-369-6272  
505-395-9296 (fax)  
lindsay@deckerlawoffice.com

## **Brittany L. Grunau**

Kasdan LippSmith Turner  
LLP  
19900 MacArthur Blvd.,  
Suite 850  
Irvine, CA 92612  
949-851-9000  
949-833-9455 (fax)  
bgrunau@kasdancdlaw.com

## **Salvador Alejandro Guardiola II**

Office of the Thirteenth  
Judicial District Attorney  
711 Camino Del Pueblo  
Bernalillo, NM 87004  
505-771-7461  
sguardiola@da.state.nm.us

## **Robert Michael Hart**

Office of the Second Judicial  
District Attorney  
520 Lomas Blvd., NW  
Albuquerque, NM 87102  
505-350-5791  
robert.hart@da2nd.state.  
nm.us

## **Kevin Hernandez**

7905 Bow Court  
Frisco, TX 75035  
773-899-2914  
hernandezk2011@gmail.com

## **Paul Edward Hescox**

Kiefaber & Oliva, LLP  
815 Walker Street,  
Suite 1140  
Houston, TX 77002  
713-229-0360  
phescox@kolawllp.com

## **Brendon Hischar**

609 Gold Avenue, SW,  
Suite 1Q  
Albuquerque, NM 87102  
505-313-9918  
bhlawllc@gmail.com

## **Loni J. Hodge**

Law Offices of the Public  
Defender  
505 Marquette Avenue, NW,  
Suite 120  
Albuquerque, NM 87102  
505-835-2233  
loni.hodge@lopdmn.us

## **Lily Hofstra**

Pegasus Legal Services for  
Children  
505 Marquette Avenue, NW,  
Suite 1350  
Albuquerque, NM 87102  
505-244-1101 (phone & fax)  
lily@pegasuslaw.org

## **R. Linda Riley James**

Linda Riley James, Attorney  
at Law, LLC  
PO Box 1797  
Gallup, NM 87305  
505-870-1340  
lindarileyjames@  
lindarileyjames.com

## **Jerri K. Katzerman**

Pegasus Legal Services for  
Children  
505 Marquette Avenue, NW,  
Suite 1350  
Albuquerque, NM 87102  
505-244-1101 (phone & fax)  
jerri@pegasuslaw.org

## **Kenneth S. Kasdan**

Kasdan LippSmith Turner  
LLP  
19900 MacArthur Blvd.,  
Suite 850  
Irvine, CA 92612  
949-851-9000  
949-833-9455 (fax)  
kskasdan@kasdancdlaw.com

## **Myung Sub Lee**

6522 Camp Bullis Road #6104  
San Antonio, TX 78256  
254-383-0893  
myung.s.lee19@gmail.com

## **Nathaniel Lenke**

Lastrapes Spangler &  
Pacheco, PA  
333 Rio Rancho Drive, NE,  
Suite 401  
Rio Rancho, NM 87124  
505-892-3607  
nathaniel@lsplegal.com

## **Kristin Greer Love**

9 Bay Pointe Drive  
Bloomington, IL 61704  
510-849-7663  
kgl4@illinois.edu

## **John Lovelace**

Office of the Second Judicial  
District Attorney  
520 Lomas Blvd., NW  
Albuquerque, NM 87102  
505-222-1099  
john.lovelace@da2nd.state.  
nm.us

## **Thomas E. Luebben Jr.**

Law Offices of Thomas E.  
Luebben PC  
21 Star Splash  
Santa Fe, NM 87506  
505-269-3544  
tluebbenlaw@msn.com

## **Marion Maillard**

5235 Westview Drive  
Frederick, MD 21703  
240-651-5937  
marion.maillard@yahoo.com

## **Matthew Roger Martinez**

Nelson & Kennard  
2594 S. Lewis Way,  
Suite A  
Lakewood, CO 80227  
916-920-2295 Ext. 225  
mmartinez@nelson-kennard.  
com

## **Elisabeth Anne Millich**

Millich Law  
1201 Lomas Blvd., NW,  
Suite C  
Albuquerque, NM 87102  
505-979-7080  
lisa@millichlaw.com

## **Lidia Garza Morales**

Morales Law Office  
3212 Calle de Molina  
Santa Fe, NM 87507  
505-473-2131  
505-474-1466 (fax)  
moraleslawofc@gmail.com

## **Jill J. Ormond**

Gordon Rees  
2 N. Central Avenue,  
Suite 2200  
Phoenix, AZ 85004  
602-793-3552  
jormond@grsm.com

## **Belia Pena**

Pena Legacy Consulting dba  
Law Office of Belia Pena  
7017 N. 10th Street, Suite N2  
PMB #330  
McAllen, TX 78504  
956-831-1424  
956-587-5302 (fax)  
info@penalegacy.com

## **Leif Cocq Rasmussen**

New Mexico Department of  
Game & Fish  
1 Wildlife Way  
Santa Fe, NM 87507  
505-478-8000  
leif.rasmussen@state.nm.us

## **Rebekah Reyes**

1704-B Llano Street, Box 333  
Santa Fe, NM 87505  
505-690-2350  
rebekah.reyes3@yahoo.com

## **Peter M. Romero**

Peter M. Romero &  
Associates, PC  
100 Sun Avenue, NE, Suite  
650  
Albuquerque, NM 87109  
505-999-9999  
505-930-7229 (fax)  
promerolawnm@outlook.com

## **Daniel Alan Ross**

Liebold, Harrison &  
Associates, PLLC  
701 Highlander Blvd.,  
Suite 200  
Arlington, TX 76015  
360-220-3321  
dross@ursusholdings.com

**Candyce Ferreri Roybal**  
Veritas 321 Energy Partners,  
L.P.  
PO Box 53425  
406 N. Big Spring,  
Suite 200 (79701)  
Midland, TX 70707  
432-682-4002  
croybal@veritas321.com

**Jackie L. Russell**  
1504 Pine St. W.  
Stillwater, MN 55082  
612-419-1522  
jlrussellrnjd@gmail.com

**John M. Schultz**  
Buchalter  
1420 Fifth Avenue  
Seattle, WA 98101  
503-329-2051  
jschultz@buchalter.com

**David E. Shelle**  
Shelle Legal, LLC  
PO Box 66552  
Albuquerque, NM 87193  
505-639-4522  
david@shellelegal.com

**Lucinda R. Silva**  
Cindy Silva Law, LLC  
PO Box 51116  
Albuquerque, NM 87181  
505-738-3899  
505-738-3879 (fax)  
cindy@cindysilvalaw.com

**George J. H. Skelly**  
Keller & Keller  
505 Marquette Avenue, NW,  
Suite 1300  
Albuquerque, NM 87102  
505-938-2300  
505-938-2301 (fax)  
gskelly@2keller.com

**Steven G. Sosa**  
905 Rio Grande Street, Unit 1  
Las Cruces, NM 88001  
575-571-3296  
stevesosa@gmail.com

**Stacy Stein**  
Mountain Peak Law Group  
PC  
PO Box 441365  
Aurora, CO 80044  
877-749-7221  
855-749-7221 (fax)  
stacy@  
mountainpeaklawgroup.com

**Heather Whiteman Runs Him**  
304 Rountree Hall  
1145 N. Mountain Avenue  
Tucson, AZ 85721  
303-210-1075  
whitemanrunshim@arizona.  
edu

**Mariel Graeber Willow**  
Pegasus Legal Services for  
Children  
505 Marquette Avenue, NW,  
Suite 1350  
Albuquerque, NM 87102  
505-244-1101 (phone & fax)  
mariel@pegasuslaw.org

**Stephanie M. Zorie**  
City of Las Cruces  
700 N. Main Street,  
Suite 3200  
Las Cruces, NM 88001  
575-541-2128  
575-541-2017 (fax)  
szorie@las-cruces.org

## CLERK'S CERTIFICATE OF ADDRESS AND/OR TELEPHONE CHANGES

**Joshua J. Alt**  
Law Office of Adam Oakey  
714 Tijeras Avenue, NW  
Albuquerque, NM 87102  
505-433-4953  
joshua.alt@oakeylawoffice.  
com

**Brianne A. Bigej**  
PO Box 27116  
Santa Fe, NM 87502  
505-827-8662  
brianne.bigej@state.nm.us

**James Walker Boyd**  
New Mexico State Ethics  
Commission  
800 Bradbury Drive, SE,  
Suite 215  
Albuquerque, NM 87106  
505-554-7196  
walker.boyd@state.nm.us

**Ronald R. Bratton**  
PO Box 533  
Bernalillo, NM 87004  
505-508-6251  
legal@ronaldratton.com

**Joseph E. Caldwell**  
Caldwell Law Firm LLC  
1181 Don Bernabe Garcia  
Lane  
El Prado, NM 87529  
575-770-0647  
jecons@taosnet.com

**Carolyn Griffin Carmody**  
1873 Harcourt Avenue  
Crofton, MD 21114  
802-310-3598  
clgrif02@yahoo.com

**Kelly Mack Cassels**  
Sanders, Bruin, Coll &  
Worley, P.A.  
701 W. Country Club Road  
Roswell, NM 88201  
575-622-5440  
575-622-5853 (fax)  
kmc@sbcw.com

**Henry J. Castillo**  
8100 Barstow Street, NE  
#10101  
Albuquerque, NM 87122  
602-614-8237  
henryjc13@gmail.com

**Israel S. Chávez**  
Office of the Third Judicial  
District Attorney  
845 N. Motel Blvd., 2nd Floor,  
Suite D  
Las Cruces, NM 88007  
575-524-6370 Ext. 1171  
575-524-6379 (fax)  
ichavez@da.state.nm.us

**Darin Andrew Childers**  
Brigham Young University  
Division of Continuing  
Education  
419 HCEB  
Provo, UT 84602  
801-422-4147  
darinandrewchilders@gmail.  
com

**Carrie Louise Cook**  
4004 Paseo Vista Place, NE  
Rio Rancho, NM 87124  
505-226-2172  
carriecook42@gmail.com

**John James D'Amato Jr.**  
The D'Amato Law Firm, P.C.  
PO Box 7888  
1112 Second Street, NW  
(87102)  
Albuquerque, NM 87194  
505-269-4428  
505-247-0600 (fax)  
john@damatolawoffice.com

**Douglas W. Decker**  
Office of the County Attorney  
PO Box 70  
207 W. Hill Avenue (87301)  
Gallup, NM 87305  
505-722-3868  
doug.decker@co.mckinley.  
nm.us

**Alisa Roberts Diehl**  
New Mexico Center on Law  
and Poverty  
924 Park Avenue, SW,  
Suite C  
Albuquerque, NM 87102  
505-255-2840  
alisa@nmpovertylaw.org

**Thomas E. Dow**  
6401 Duero Place, NW  
Albuquerque, NM 87114  
575-317-9961  
thomasedow@hotmail.com

**Deborah S. Dungan**  
PO Box 6266  
Santa Fe, NM 87502  
505-660-2303  
dsdungan2@gmail.com

**Wesley Enns**  
Batley Powers, PA  
316 Osuna Road, NE,  
Suite 301  
Albuquerque, NM 87107  
505-246-0500  
wenns@batleypowers.com

**Steve Glenn Farber**  
PO Box 2473  
323 Staab Street  
Santa Fe, NM 87504  
505-988-9725  
505-988-9250 (fax)  
sfarberlawoffice@aol.com



**Pamela Leigh Faris**

Cortez & Hoskovec, LLC  
6121 Indian School Road, NE,  
Suite 203  
Albuquerque, NM 87110  
505-247-1726  
505-248-0214 (fax)  
[pamela@cortezhoskovec.com](mailto:pamela@cortezhoskovec.com)

**Steven P. Fisher**

Sanders, Bruin, Coll &  
Worley, P.A.  
701 W. Country Club Road  
Roswell, NM 88201  
575-622-5440  
575-622-5853 (fax)  
[spf@sbcw.com](mailto:spf@sbcw.com)

**Sean James Fitting**

New Mexico Department of  
Transportation  
PO Box 1149  
1120 Cerrillos Road, Room  
123 (87505)  
Santa Fe, NM 87504  
505-690-5191  
505-690-2432 (fax)  
[sean.fitting@state.nm.us](mailto:sean.fitting@state.nm.us)

**Elizabeth V. Friedenstein**

Weinstein & Riley, P.S.  
2501 San Pedro Drive, NE,  
Bldg. A, Suite 102  
Albuquerque, NM 87110  
505-348-3075  
505-214-5116 (fax)  
[elizabethf@w-legal.com](mailto:elizabethf@w-legal.com)

**Julio P. Garcia**

ADVISE  
3705 B-1 Ellison Road, NW,  
PMB #323  
Albuquerque, NM 87114  
505-718-9952  
[juliopgarcia1@gmail.com](mailto:juliopgarcia1@gmail.com)

**Nathan William Graff**

Law Offices of the Public  
Defender  
505 Marquette Avenue, NW,  
Suite 120  
Albuquerque, NM 87102  
505-835-2113  
[nathan.graff@lopdnm.us](mailto:nathan.graff@lopdnm.us)

**Richard J. Grodner**

3620 Wyoming Blvd., NE,  
Suite 102C  
Albuquerque, NM 87111  
505-266-2566  
505-266-2696 (fax)  
[rickgrodner1@comcast.net](mailto:rickgrodner1@comcast.net)

**Paul A. Hanna**

5803 Westslope Drive  
Austin, TX 78731  
512-589-4399  
[paul.a.hanna@outlook.com](mailto:paul.a.hanna@outlook.com)

**Diane Madeline Henson**

908 Terrace Mountain Drive  
Austin, TX 78746  
512-633-5214  
[hensonlaw@aol.com](mailto:hensonlaw@aol.com)

**Mason William Herring**

Herring Law Firm  
4640 Banning Drive  
Houston, TX 77027  
832-500-3170  
832-500-3172 (fax)  
[mherring@herringlawfirm.com](mailto:mherring@herringlawfirm.com)

**Rip Harwood**

Ripley B. Harwood, P.C.  
201 Third Street, NW,  
Suite 500  
Albuquerque, NM 87102  
505-299-6314  
505-944-9091 (fax)  
[ripharwoodrbhpc@gmail.com](mailto:ripharwoodrbhpc@gmail.com)

**Kaythee Hlaing**

Law Office of Meredith Baker  
112 Edith Blvd., NE  
Albuquerque, NM 87102  
505-697-1900  
505-933-6363 (fax)  
[kaythee.abqlawoffice@gmail.com](mailto:kaythee.abqlawoffice@gmail.com)

**Michael Hoeferkamp**

Michael D. Hoeferkamp P.C.  
445 Woodbrook Way  
Lawrenceville, GA 30043  
505-506-0745  
[mike@hoeferkamp.com](mailto:mike@hoeferkamp.com)

**Denise Hosay**

PO Box 40792  
Mesa, AZ 85274  
480-772-1780  
[dlhosay1@gmail.com](mailto:dlhosay1@gmail.com)

**Kimberly Annise Huson**

Lewis Brisbois Bisgaard &  
Smith  
8801 Horizon Blvd. NE,  
Suite 300  
Albuquerque, NM 87113  
505-545-8290  
505-828-3900 (fax)  
[kimberly.huson@lewisbrisbois.com](mailto:kimberly.huson@lewisbrisbois.com)

**Henry A. Jones**

Kennedy, Hernandez &  
Associates, P.C.  
201 Twelfth Street, NW  
Albuquerque, NM 87102  
505-842-0653  
[hjones@kennedyhernandez.com](mailto:hjones@kennedyhernandez.com)

**Christine J. Jordan**

13600 Commerce Blvd., Apt.  
339  
Rogers, MN 55374  
612-559-9501  
[cjordan0110@gmail.com](mailto:cjordan0110@gmail.com)

**Joan Annette Kelly**

N.M. Human Services  
Department-Child Support  
Enforcement Division  
39-A Plaza La Prensa  
Santa Fe, NM 87507  
505-476-9233  
505-476-6265 (fax)  
[joan.kelly@state.nm.us](mailto:joan.kelly@state.nm.us)

**Liane E. Kerr**

Liane E. Kerr, LLC  
PO Box 10491  
10439 Fourth Street, NW  
(87114)  
Albuquerque, NM 87184  
505-848-9190  
505-908-9042 (fax)  
[leklawyer@aol.com](mailto:leklawyer@aol.com)

**Deisy Hortencia Lee**

32714 Turning Springs Drive  
Fulshear, TX 77423  
832-763-9765  
[dgomezlaw@yahoo.com](mailto:dgomezlaw@yahoo.com)

**Robert Don Lohbeck**

Lawyers505.com  
PO Box 950  
Sandia Park, NM 87047  
505-888-5200  
505-361-2926 (fax)  
[lohbeck@lawyers505.com](mailto:lohbeck@lawyers505.com)

**Ian D. McKelvy**

Sanders, Bruin, Coll &  
Worley, P.A.  
701 W. Country Club Road  
Roswell, NM 88201  
575-622-5440  
575-622-5853 (fax)  
[idx@sbcw.com](mailto:idx@sbcw.com)

**Gayle E. Miller**

The Checkett Law Firm,  
PLLC  
4835 E. Cactus Road,  
Suite 345  
Scottsdale, AZ 85254  
480-272-9100  
480-272-9039 (fax)  
[gmiller@checkett-law.com](mailto:gmiller@checkett-law.com)

**Christopher Lee Moander**

1623 Band Saw Drive, NW  
Albuquerque, NM 87104  
505-216-6487  
[chrismoander@gmail.com](mailto:chrismoander@gmail.com)

**Sarah Marie Montoya**

PO Box 266  
544 S. Second Street  
Raton, NM 87740  
575-445-0000  
[montoyalawraton@gmail.com](mailto:montoyalawraton@gmail.com)

**Rolando Morales**

2418 Montana Ave.  
El Paso, TX 79903  
915-493-3933  
915-533-1618 (fax)  
[mr.rolandomorales@outlook.com](mailto:mr.rolandomorales@outlook.com)

**Michael Ray Murphy**

Disability Rights New Mexico  
3916 Juan Tabo Blvd., NE  
Albuquerque, NM 87111  
505-256-3100  
505-256-3184 (fax)  
[mmurphy@drnm.org](mailto:mmurphy@drnm.org)

**Jessica Lynn Nixon**

Robles Rael Anaya, P.C.  
500 Marquette Avenue, NW,  
Suite 700  
Albuquerque, NM 87102  
505-242-2228  
505-242-1106 (fax)  
[jnixon@roblesrael.com](mailto:jnixon@roblesrael.com)

**Isaac H. Ortega**

Alcock & Associates  
2 N. Central Avenue, 26th  
Floor  
Phoenix, AZ 85004  
602-404-6000  
[iortega@alcocklaw.com](mailto:iortega@alcocklaw.com)

**Michelle Kay Ostrye**

PO Box 483  
Fort Benton, MT 59442  
505-249-7559  
[ostryehd@gmail.com](mailto:ostryehd@gmail.com)

**Amina Linsley Quargnali-Diehl**  
19 Minnesota Avenue  
Whitefish, MT 59937  
406-310-9061  
aminaqd@gmail.com

**Jessica I. Rivera Smith**  
1700 Hooks Street #6207  
Clermont, FL 34711  
407-861-6434  
nriverasmith@gmail.com

**Rodolphe Rouhana**  
525 Dorset Blvd.  
Carmel, IN 46032  
408-439-8243  
rudy@451law.com

**Daniel Ross Rubin**  
Ortiz & Zamora  
2011 Botolph Road  
Santa Fe, NM 87505  
505-986-2900  
505-986-2911 (fax)  
daniel@ortiz-zamora.com

**Karl M. Rysted**  
2556 Millennium Street  
Las Cruces, NM 88001  
405-826-2148  
marathonmanmatt@yahoo.com

**Catherine Sanchez**  
Weinstein & Riley, P.S.  
2501 San Pedro Drive, NE,  
Bldg. A, Suite 102  
Albuquerque, NM 87110  
505-348-3075  
505-214-5116 (fax)  
csanchez@w-legal.com

**Andrés Santiago**  
4600 Paradise Blvd., NW,  
PMB #65746  
Albuquerque, NM 87114  
505-508-0807  
andres@  
santiagoimmigrationlaw.com

**Malia May Santilla**  
Pinal County Superior Court  
PO Box 2190  
Florence, AZ 85132  
760-409-1080  
msantilla@courts.az.gov

**Mandana Shoushtari**  
500 Marquette Avenue, NW,  
Suite 1200  
Albuquerque, NM 87102  
505-336-4011  
m4justice@yahoo.com

**Jessica L. Streeter**  
Streeter Law Firm, LLC  
715 E. Idaho Avenue,  
Suite 4B  
Las Cruces, NM 88001  
575-652-3345  
575-652-4592 (fax)  
jessica@streeterlawfirmnm.com

**C. William Sutherland**  
Sutherland Law Firm, LLC  
5901-J Wyoming Blvd., NE,  
PMB #338  
Albuquerque, NM 87109  
505-539-3232  
866-235-0023 (fax)  
bill@sutherlandlegal.net

**Mariam Sutherland**  
Sutherland Law Firm, LLC  
5901-J Wyoming Blvd., NE,  
PMB #338  
Albuquerque, NM 87109  
505-539-3232  
866-235-0023 (fax)  
miriam@sutherlandlegal.net

**Joseph M. Tapia Jr.**  
Domenici Law Firm, P. C.  
320 Gold Ave. SW  
Suite 1000  
Albuquerque, NM 87102  
505-883-6250  
505-884-3424 (fax)  
jtapiaDominicilaw.com

**Sarah S. Thomas**  
1050 Sunset Road, SW, PMB  
#72065  
Albuquerque, NM 87195  
505-289-0580  
sarahthomas888@gmail.com

**Aaron K. Thompson**  
Sanders, Bruin, Coll &  
Worley, P.A.  
701 W. Country Club Road  
Roswell, NM 88201  
575-622-5440  
575-622-5853 (fax)  
akt@sbw.com

**Joseph M. Thompson**  
Thompson Law Firm  
1941 Indian School Road,  
NW  
Albuquerque, NM 87104  
505-681-7227  
thompson.consulting@gmail.com

**Kody J. Thurgood**  
Elder Law of Arizona  
2020 S. McClintock Drive,  
Suite 107  
Tempe, AZ 85282  
602-358-8606 (phone & fax)  
kody@elderlawofaz.com

**Dawn M. Vernooy**  
New Mexico Legal Aid, Inc.  
PO Box 25486  
505 Marquette Avenue, NW,  
Suite 700 (87102)  
Albuquerque, NM 87125  
505-551-0262  
505-551-0337 (fax)  
dawnv@nmlegalaid.org

**Brandon Wells Vigil**  
500 Marquette Ave. NW,  
Suite 1200  
Albuquerque, NM 87102  
505-489-3654  
bwvigil@gmail.com

**Jensen Nicole Wallace**  
Batley Powers Family Law,  
P.A.ke  
316 Osuna Road, NE,  
Suite 301  
Albuquerque, NM 87107  
505-246-0500  
505-246-9953 (fax)  
jwallace@batleypowers.com

**Russell S. Warren III**  
Office of the First Judicial  
District Attorney  
327 Sandoval Street  
Santa Fe, NM 87501  
505-428-6911  
505-827-5076 (fax)  
rwarren@da.state.nm.us

**David B. Weaver**  
8705 Centennial Drive  
Jackson, WY 83001  
307-203-2307  
davidbweaver@me.com

**Doug Wolf**  
The Center for Biological  
Diversity  
3201 Zafarano Drive,  
Suite C, PMB #149  
Santa Fe, NM 87507  
202-510-5604  
dwolf@biologicaldiversity.org

**Katherine Flint Lindsay**  
Worthington  
14 Camino Del Campos  
Placitas, NM 87043  
505-999-8484  
kflworthington@gmail.com

**Jeffrey S. Young**  
Supreme Court of New  
Mexico  
PO Box 848  
237 Don Gaspar Avenue  
(87501)  
Santa Fe, NM 87504  
505-827-4357  
supjsy@nmcourts.gov

**Natalie Zerwekh**  
Law Offices of the Public  
Defender  
505 Marquette Avenue, NW,  
Suite 120  
Albuquerque, NM 87102  
505-835-2255  
505-796-4612 (fax)  
natalie.zerwekh@lopdnm.us

**Arnold Jones Olsen**  
**Robert J. McCrea**  
**Jonathan E. Roehlk**  
**Gabriella Taylor Baker**  
Hennighausen Olsen &  
McCrea, LLP  
PO Box 1416  
604 N. Richardson Avenue  
(88201)  
Roswell, NM 88202  
575-624-2463  
575-624-2878 (fax)

# Advance Opinions

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From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

**Opinion Number: 2019-NMCA-071**

No. A-1-CA-36369 (filed August 23, 2019)

NEW MEXICO  
CONSTRUCTION INDUSTRIES  
DIVISION AND MANUFACTURED  
HOUSING DIVISION,  
Petitioner-Appellee,  
v.  
RABBI Y'HOSHUA COHEN,  
Respondent-Appellant.

**APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY**

ANGIE K. SCHNEIDER, District Judge

Released for Publication December 17, 2019.

HECTOR H. BALDERAS,  
Attorney General  
SALLY J. GALANTER,  
Special Assistant Attorney General  
Albuquerque, NM  
for Appellee

RABBI Y'HOSHUA COHEN  
Alto, NM  
Pro Se Appellant

## Opinion

**M. Monica Zamora,  
Chief Judge**

{1} Respondent Y'Hoshua Cohen appeals the district court's order requiring him to allow investigators, acting under the authority of the New Mexico Construction Industries and Manufactured Housing Division (the Division), to enter his property to inspect for code violations. Respondent, pro se, argues, among other things, that the order violates his Fourth Amendment right to be free from unreasonable searches and seizures. Concluding that an administrative search warrant supported by probable cause was required to conduct the search of Respondent's premises, we reverse and remand with instructions to the district court to issue findings determining whether probable cause has been shown to support the issuance of an administrative search warrant.

### BACKGROUND

{2} Respondent's property is located in Alto, New Mexico. Evidence presented at trial demonstrated that Respondent, while he also lived there, rented out parts of his property as "apartments" to tenants. At the heart of this case is whether Respondent conducted

new construction without a permit on his property to create these "apartments," contrary to 14.5.2.8(A) NMAC, entitled "Permits required."

{3} The Division is charged with adopting and enforcing codes and standards for construction. NMSA 1978, § 60-13-1.1 (1989). The Division received two written complaints regarding Respondent's property. It received a letter from an attorney on behalf of Jennifer Wright, a former tenant of Respondent, regarding the unsafe conditions of Respondent's property. Ms. Wright's affidavit, attached to the letter, stated she had significant health issues from renting from Respondent, including headaches and nausea she attributed to a swamp gas smell and either no or inadequate venting in the home. The attorney's letter requested that the Division "take whatever action appropriate under your authority to immediately inspect and determine whether the apartments are safe for occupancy." The Division also received a letter from the planning director of Lincoln County, Curt Temple, expressing concern with Respondent's property. Mr. Temple wrote that the Lincoln County planning office had received complaints for several years about Respondent's property and that the "complaint has always been about the multiple additions that have occurred on the property without proper permits, or inspections." Mr. Temple also asked that

the Division inspect the property to ensure Respondent was in compliance with the building code.

{4} Soon thereafter, the Division's inspectors attempted to inspect the property to look for code violations, but Respondent denied access. The Division then issued an order requiring Respondent to schedule an inspection. The order stated that the Division received a complaint alleging that Respondent had constructed additions to his home without obtaining permits and that the additions are commercially leased or rented. Respondent did not permit the inspection and instead filed a petition for a writ of mandamus in the First Judicial District. The First Judicial District Court granted the Division's motion to quash the petition, ordering the case dismissed with prejudice and finding that the Division had the statutory authority to conduct an inspection and pursue any related relief.

{5} The Division then filed a petition in the Twelfth Judicial District seeking a court order to enforce its "administrative order" demanding entry to inspect Respondent's property. The Division asserted that it had a right to enter the property to inspect for violations based on NMSA 1978, Section 60-13-42(A) (2011), which provides in part: "A state certified inspector may, during reasonable hours, enter any building or go upon any premises in the discharge of the inspector's official duties for the purpose of making an inspection of work performed or for the purpose of testing any installation authorized within the jurisdiction of the inspector's trade certification."

{6} Respondent filed an answer to the petition in which he argued, in part, that the Division could not simply secure an order from the district court to enforce its administrative order and that under the Fourth Amendment, a search warrant based on probable cause was required. The district court ultimately held a trial on the merits where the Division presented witness testimony and introduced exhibits into evidence. Omar Halama, the Division's compliance officer, Thomas Maese, the Division's chief inspector, and Clay Bailey, LP Gas Bureau Chief, each testified about complaints the Division had received and each of their fruitless efforts to obtain consent to search Respondent's property. For the presentation of his case, Respondent testified by way of making a statement and represented that there had not been any new construction since he purchased the property.

{7} In its oral findings, the district court stated that it was basing its findings and conclusions "on the totality of what was submitted." The district court issued a written "Trial Order" (order) directing that the



Division would inspect the property within twenty days of the order. In it, the district court made the following findings: (1) the Division has an obligation to conduct an investigation upon receipt of complaints as to life and property safety, (2) the Division has the statutory authority and the statutory right to conduct an inspection and to pursue any relief based on its statutory duty to protect life and property safety, and (3) the Division has a statutory duty to protect life and property by ensuring code compliance. Otherwise, the district court made no findings of fact.

## DISCUSSION

### I. The Fourth Amendment

{8} The primary question before us is whether the Division can enforce its administrative order statutorily or whether an administrative search warrant is required. Respondent argues that the district court order permitting the Division to search his property violates his Fourth Amendment rights because it is a “nonconsensual, warrantless, administrative” entry. Quoting *Mimics, Inc. v. Village of Angel Fire*, 394 F.3d 836, 844 (10th Cir. 2005), Respondent contends that a search warrant was required for the Division to search his property because “New Mexico’s interest in safeguarding the well-being of the public by prohibiting unsafe construction does not necessarily equate with a need for nonconsensual, warrantless, investigative entries.”

{9} In response, the Division argues that the Fourth Amendment is not implicated by a court order to inspect a building when no entry or inspection occurred without judicial authorization. Thus, the Division contends that the district court did not err in ordering the search to take place. Moreover, the Division argues that even if the Fourth Amendment does apply, warrantless entry is permitted because the case falls into an exception to the administrative search warrant requirement.

#### A. Standard of Review

{10} “We review any factual questions under a substantial evidence standard and . . . review the application of the law to those facts, making a de novo determination of the constitutional reasonableness of a search or seizure.” *State v. Sewell*, 2009-NMSC-033, ¶ 12, 146 N.M. 428, 211 P.3d 885 (alteration, internal quotation marks, and citations omitted); see *State v. Williamson*, 2009-NMSC-039, ¶ 28, 146 N.M. 488, 212 P.3d 376 (explaining that in the context of a warrantless search, we review the lower court’s determination de novo). Whether a warrant is required by the Fourth Amendment and whether an exception to the warrant requirement applies require a de novo review. See

*State v. Vargas*, 2017-NMSC-029, ¶ 16, 404 P.3d 416 (reviewing the Fourth Amendment argument de novo); *State v. Trudelle*, 2007-NMCA-066, ¶ 28, 142 N.M. 18, 162 P.3d 173 (applying a de novo standard of review to the question of whether exigent circumstances supported warrantless entry).

#### B. Under the Fourth Amendment, the Division’s Search Required an Administrative Search Warrant Supported by a Finding of Probable Cause

{11} The Construction Industries Licensing Act (the Act), NMSA 1978, §§ 60-13-1 to -59 (1967, as amended through 2019), charges the Division with “promot[ing] the general welfare of the people of New Mexico by providing for the protection of life and property by adopting and enforcing codes and standards for construction, alteration, installation, connection, demolition and repair work.” Section 60-13-1.1. The New Mexico Construction Code requires a permit for any building or structure. 14.5.2.8(A) NMAC (“[N]o building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, no electrical wiring, plumbing or mechanical work and LP gas work as defined and described in the applicable New Mexico construction codes for those trades, may be installed, repaired or maintained in or on such building or structure, unless the applicable permit has first been obtained from the division, unless otherwise provided by statutes or rule.”). The Act provides that “[a] state certified inspector may, during reasonable hours, enter any building or go upon any premises in the discharge of the inspector’s official duties for the purpose of making an inspection of work performed or for the purpose of testing any installation authorized within the jurisdiction of the inspector’s trade certification.” Section 60-13-42(A). To ensure compliance, “[t]he commission or division may enforce in the district court of the county in which the offense was committed the provisions of the . . . Act by injunction, mandamus or any proper legal proceeding.” Section 60-13-53. Certain violations under the Act can bring criminal or disciplinary penalties. See Section 60-13-52 (penalizing falsely holding out as a contractor or journeyman); 14.5.2.16 NMAC (explaining that a fee or disciplinary action may be assessed for failure to obtain a permit before beginning work).

{12} But, the Division’s statutory authority is still subject to the constitutional limitations of the Fourth Amendment. See *Marshall v. Barlow’s, Inc.*, 436 U.S. 307, 325 (1978) (holding that part of the Occupational Safety and Health Act (OSHA) was

unconstitutional “insofar as it purports to authorize inspections without a warrant or its equivalent”); *N.M. Envtl. Improvement Div. v. Climax Chem. Co.*, 1986-NMCA-137, ¶ 6, 105 N.M. 439, 733 P.2d 1322 (citing *Marshall* and concluding that if a statutory scheme provides the governmental agency with sufficient authority to obtain a search warrant and “consent to enter and inspect is denied, an administrative search warrant is [necessary]”). The Fourth Amendment which is applicable to the states through the Fourteenth Amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend IV;<sup>1</sup> see *Mapp v. Ohio*, 367 U.S. 643, 646 n.4, 655 (1961). The primary purpose of the Fourth Amendment is to “safeguard the privacy and security of individuals against arbitrary invasions by governmental officials.” *Camara v. Mun. Court of City & Cty. of San Francisco*, 387 U.S. 523, 528 (1967).

{13} The United States Supreme Court has held that the Fourth Amendment applies to searches and seizures in the civil context. *Id.* at 534. Specifically, administrative searches by government inspectors “are significant intrusions upon the interests protected by the Fourth Amendment,” *id.*, and thus, searches by administrative agencies must comport with the requirements and limitations of the Fourth Amendment. See *Barlow’s, Inc.*, 436 U.S. at 311, 324-25 (holding that a search warrant was required to search the nonpublic area of an electrical and plumbing installation business even though the OSHA statute authorized warrantless searches of a business); see *v. City of Seattle*, 387 U.S. 541, 545 (1967) (holding that “administrative entry, without consent, upon the portions of commercial premises which are not open to the public may only be compelled through prosecution or physical force within the framework of a warrant procedure”); *Mimics, Inc.*, 394 F.3d at 847 (concluding that a building inspector “was required to seek a warrant to remain in compliance with the Fourth Amendment” to search a corporation’s private condominium); *Climax Chem. Co.*, 1986-NMCA-137, ¶ 6 (considering an administrative inspection of a chemical plant and holding that “[o]btaining a search warrant, as was done in this case, is the proper procedure”). Therefore, “except in certain

<sup>1</sup>Although Respondent briefly cites to N.M. Const., art. II, § 10, he fails to develop any argument that the New Mexico Constitution offers different protections. “This Court has no duty to review an argument that is not adequately developed.” *Corona v. Corona*, 2014-NMCA-071, ¶ 28, 329 P.3d 701. Therefore, we only review his federal constitutional claim.



carefully defined classes of cases, a search of private property without proper consent is 'unreasonable' unless it has been authorized by a valid search warrant." *Camara*, 387 U.S. at 528-29 (citing supporting cases); see *Climax Chem. Co.*, 1986-NMCA-137, ¶ 6 ("In the event consent to enter and inspect is denied, an administrative search warrant is required." (citing *Barlow's, Inc.*, 436 U.S. 307)). We begin by examining whether the order satisfies the requirements of the Warrant Clause.

{14} The Division argues that no inspection occurred without judicial authorization, and therefore, the Fourth Amendment is not implicated here. Citing no authority, the Division argues that the order "provid[ed] much more protection and accountability than a search warrant" and is "certainly a more than adequate substitute for a warrant." {15} The "precise and clear" words of the Warrant Clause of the Fourth Amendment "require only three things" for a valid search warrant:

First, warrants must be issued by neutral, disinterested magistrates. Second, those seeking the warrant must demonstrate to the magistrate their probable cause to believe that the evidence sought will aid in a particular apprehension or conviction for a particular offense. Finally, warrants must particularly describe the things to be seized, as well as the place to be searched.

*Dalia v. United States*, 441 U.S. 238, 255 (1979) (internal quotation marks and citations omitted). We first address the requirement that the Division demonstrate probable cause because it is dispositive to our analysis. {16} Administrative probable cause exists based on either: (1) "specific evidence of an existing violation" or (2) "a showing that reasonable legislative or administrative standards for conducting an inspection are satisfied with respect to a particular establishment." *Barlow's, Inc.*, 436 U.S. at 320 (alteration, omission, internal quotation marks, and citation omitted). Since the Division based its order to search on specific complaints regarding Respondent, this case falls into the first category, specific evidence. While "[a]n administrative warrant application based upon specific evidence is more analogous to an application for a criminal search warrant than to an application for a search warrant under a regulatory scheme[.]" *Marshall v. Horn Seed Co.*, 647 F.2d 96, 101 (10th Cir. 1981), the probable cause standard in administrative cases differs from the standard in criminal cases. See *Wilson Corp. v. State ex rel. Udall*, 1996-NMCA-049, ¶ 9, 121 N.M. 677, 916 P.2d 1344 (stating that "probable cause does not have the same meaning in the context of administrative searches that it has in the context of searches for evidence of crime"). Rather, when, like in this case, the

search is "grounded not upon conformance with administrative or legislative guidelines but upon 'specific evidence' of violations . . . , there must be some plausible basis for believing that a violation is likely to be found." *Marshall*, 647 F.2d at 102. "The facts offered must be sufficient to warrant further investigation or testing." *Id.* For an administrative warrant, "[i]t is not sufficient that the affiant . . . simply state that a complaint was received and detail the conditions alleged to be unsafe[.]" rather, the "warrant application must, of course, inform the [judicial officer] of the substance of the complaint so that [it] can determine whether the alleged conditions, if true, constitute a violation." *Id.* at 103.

{17} Here, the district court's order found that the Division had statutory authority to conduct an inspection; however, the order lacked a determination of whether probable cause supported an administrative search. As we have stated, merely having statutory authority is not the end of the inquiry. See *Climax Chem. Co.*, 1986-NMCA-137, ¶¶ 5-6 (considering a similar statutory scheme in which the statute provides for inspections and holding that a search warrant was required). Instead, the district court needed to determine whether there was a plausible basis to believe that a violation of the code is likely to be found. *Id.* ¶ 12. Because the order lacked any findings related to probable cause, the district court erred. To be clear, our holding is not that the district court lacked specific evidence of an existing violation to support a finding of probable cause under this standard, but rather that the district court did not enter the requisite findings, whether or not there was probable cause. We now turn to whether this case falls into an exception permitting warrantless searches.

{18} Because Respondent did not consent to the inspection, a warrant supported by probable cause is required unless this case falls into one of the "certain carefully defined classes of cases" permitting warrantless searches. See *Michigan v. Tyler*, 436 U.S. 499, 508-09 (1978) (internal quotation marks and citation omitted). The Division argues that this case does not require a search warrant because it falls into an exception to the general prohibition of warrantless searches that has developed for pervasively regulated businesses and "closely regulated" industries long subject to close supervision and inspection." *Barlow's, Inc.*, 436 U.S. at 313 (internal quotation marks and citation omitted); see *United States v. Biswell*, 406 U.S. 311, 316 (1972) ("[I]f the law is to be properly enforced and inspection made effective, inspections without warrant must be deemed reasonable official conduct under the Fourth Amendment."); *State ex rel. Env'tl. Improvement Agency v. Albuquerque Publ'g. Co.*, 1977-NMSC-083, ¶ 3, 91 N.M. 125, 571 P.2d 117 (listing requirements for a nonconsensual administrative

inspection of a business); *State v. Montoya*, 1993-NMCA-097, ¶ 10, 116 N.M. 297, 861 P.2d 978 (explaining that "if certain criteria are met, closely regulated industries with a history of pervasive government regulation may be inspected without a warrant"). The United States Supreme Court has explained that "[t]he element that distinguishes these [closely regulated] enterprises from ordinary businesses is a long tradition of close government supervision, of which any person who chooses to enter such a business must already be aware." *Barlow's, Inc.*, 436 U.S. at 313.

{19} The Tenth Circuit has already rejected the argument that "balancing the important government interest in safe construction against any individual harm from government intrusion justifies as reasonable brief, unauthorized investigative entries[.]" *Mimics, Inc.*, 394 F.3d at 844. The Tenth Circuit explained that "New Mexico's interest in safeguarding the well-being of the public by prohibiting unsafe construction does not necessarily equate with a need for nonconsensual, warrantless, investigative entries." *Id.* We are persuaded by the Tenth Circuit, and the Division fails to distinguish this case or cite us to any other contrary authority suggesting that construction is a pervasively regulated industry. See *Curry v. Great Nw. Ins. Co.*, 2014-NMCA-031, ¶ 28, 320 P.3d 482 ("Where a party cites no authority to support an argument, we may assume no such authority exists."); see also *Barlow's, Inc.*, 436 U.S. at 313 (clarifying that "[t]he clear import of our cases is that the closely regulated industry of the type involved in *Colonnade [Catering Corp. v. United States]*, 397 U.S. 72 (1970) and *Biswell* is the exception[.]" not the general rule).

{20} Finally, the Division argues that Respondent's property is open to the public, and therefore a warrantless search is lawful. However, the Division's conclusory statement is an undeveloped argument that we will not review. See *Headley v. Morgan Mgmt. Corp.*, 2005-NMCA-045, ¶ 15, 137 N.M. 339, 110 P.3d 1076 ("We will not review unclear arguments, or guess at what [the plaintiff's] arguments might be").

{21} Thus, under the facts before us, no exception to the warrant requirement applies. Because the district court only found that the Division had the statutory authority and did not determine whether there was probable cause to support an administrative search warrant, we hold that the district court erred by ordering enforcement of the Division's order.

## II. Respondent's Additional Arguments

{22} Because we remand this case for further proceedings, we address Respondent's remaining arguments. We conclude they are all meritless.

{23} First, Respondent argues that the Division lacks standing to bring this petition against Respondent because the Division lacks the requisite statutory authority. However, as discussed above, Sections 60-13-42 and 60-13-53 give the Division the authority to enforce the Act “in the district court of the county in which the offense was committed . . . by injunction, mandamus or any proper legal proceeding.” Section 60-13-53. Respondent’s arguments regarding any other statutory authority are inapposite.

{24} Respondent additionally argues, as he did below, that the district court judge, Judge Schneider, abused her discretion in refusing to recuse herself from this case. Respondent bases this claim on Judge Schneider’s former representation of the Property Owners’ Committee of Rancho Ruidoso Valley Estates (POCRRVE), a committee Respondent has a contentious relationship with, and the fact that Respondent met with Judge Schneider years ago relating to her representation of POCRRVE. Respondent contends that Judge Schneider “had prior personal intimate knowledge of the parties [and] issues, had formerly represented the party or parties that made the false allegations to [the Division], and overall gave the appearance that she would be biased.”

{25} “We review the denial of a motion to recuse for an abuse of discretion.” *State v. Trujillo*, 2009-NMCA-128, ¶ 9, 147 N.M. 334, 222 P.3d 1040. “An abuse of discretion occurs when the ruling is clearly against the logic and effect of the facts and circumstances of the case. We cannot say the [district] court abused its discretion by its ruling unless we can characterize it as clearly untenable or not justified by reason.” *State v. Rojo*, 1999-NMSC-001, ¶ 41, 126 N.M. 438, 971 P.2d 829 (internal quotation marks and citation omitted).

{26} Rule 1-088.1(G) NMRA states that “[n]o district judge shall sit in any action in which the judge’s impartiality may reasonably be questioned under the provisions of the Constitution of New Mexico or the Code of Judicial Conduct[.]” However, “there must be a reasonable factual basis for doubting the judge’s impartiality[.]” *State ex rel. Bardacke v. Welsh*, 1985-NMCA-028, ¶ 62, 102 N.M. 592, 698 P.2d 462, and “[a] claim of bias, including a claim of an appearance of bias, cannot be based on mere speculation.” *Trujillo*, 2009-NMCA-128, ¶ 11. “[R]ecusal is only required when a judge has become so embroiled in the controversy that he [or she] cannot fairly and objectively hear the case.” *State v. Riordan*, 2009-NMSC-022, ¶ 14, 146 N.M. 281, 209 P.3d 773 (alteration, internal quotation marks, and citation omitted). “In determining whether an objective observer would conclude that a

judge’s impartiality was questionable, an appellate court should look to see how the judge arrived at the decision not to recuse and then should review the judge’s actions for bias.” *Trujillo*, 2009-NMCA-128, ¶ 10 (internal quotation marks and citation omitted).

{27} In *Trujillo*, this Court examined whether a district court judge abused its discretion when it denied a request to recuse, upon allegations that before joining the bench, the judge had been appointed as a contract public defender to represent the victim in a separate matter. *Id.* ¶¶ 3, 10. However, a private investigator in the case determined that the judge’s former law partner actually appeared at all the hearings in the victim’s case. *Id.* ¶ 5. The judge stated on the record that she did not personally represent the victim and thus denied the motion to recuse. *Id.* ¶ 4. This Court held that the judge did not abuse her discretion because she did not actually represent the victim, and she had no knowledge of the case. *Id.* ¶ 12.

{28} Similarly, here, Judge Schneider explained on the record that she had no independent, personal knowledge or recollection or any prior legal proceeding that would cause her to be biased, and that she was convinced she could be fair and impartial. The record reveals that Judge Schneider’s former client, POCRRVE, was not a party to this case. Like *Trujillo*, Judge Schneider did not actually represent a party in this case, and she had no recollection of interacting with Respondent. Respondent has not shown a factual basis to demonstrate bias, and thus, we cannot say that Judge Schneider abused her discretion by not recusing herself.

{29} Respondent also argues that the Division sought entrance to his property to obtain evidence of alleged criminal violations of Section 60-13-52 (listing criminal penalties for holding out as a contractor or journeyman within the meaning of the Act without a license), and thus, the district court violated his rights by refusing to appoint him counsel. Because Section 60-13-52 regards misdemeanors, Respondent additionally argues that this case is therefore barred by the criminal statute of limitation for misdemeanors. The criminal statute of limitations does not apply since this is a civil matter regarding failure to permit and have inspections, and does not involve criminal or unlicensed contracting. Additionally, Respondent fails to cite us to anywhere in the record in which the Division sought to pursue criminal penalties under Section 60-13-52. We conclude that Respondent does not have a right to counsel. See *Bruce v. Lester*, 1999-NMCA-051, ¶ 4, 127 N.M. 301, 980 P.2d 84 (explaining that a party in a civil proceeding “does not have a right to appointed counsel”).

{30} We also reject Respondent’s unsupported argument that a court should not hold a pro se party to the same standard as attorneys. We have already stated, on many occasions, that we hold pro se litigants to the “same standard of conduct and compliance with court rules, procedures, and orders as are members of the bar.” *Newsome v. Farer*, 1985-NMSC-096, ¶ 18, 103 N.M. 415, 708 P.2d 327. To the extent Respondent argues that holding him to the “technical niceties of the law” was a violation of his constitutional rights, this argument is unpreserved, and we will not review it. See *Benz v. Town Ctr. Land, LLC*, 2013-NMCA-111, ¶ 24, 314 P.3d 688 (“To preserve an issue for review on appeal, it must appear that appellant fairly invoked a ruling of the [district] court on the same grounds argued in the appellate court.” (internal quotation marks and citation omitted)).

{31} Respondent’s argument that the Division “enter[ed] into a scheme to abuse the Electronic Filing System” and misused Odyssey is not developed and relies on facts not in the record proper before us. We therefore also do not reach this argument. See *Muse v. Muse*, 2009-NMCA-003, ¶ 51, 145 N.M. 451, 200 P.3d 104 (“It is not our practice to rely on assertions of counsel unaccompanied by support in the record. The mere assertions and arguments of counsel are not evidence.”).

{32} Finally, to the extent Respondent argues that the district court erred by failing to have hearings on all of his motions he filed, we are not persuaded. “A request for hearing shall be filed at the time an opposed motion is filed.” Rule 1-007.1(G) NMRA. The district court pointed out to Respondent on the record that to have a hearing on his motions, he had to request a hearing with the district court. We have found nowhere in the record in which Respondent has requested a hearing that was not granted.

## CONCLUSION

{33} While the district court and the Division thoroughly followed the statutory requirements, such statutory adherence does not, on its own, satisfy the important Fourth Amendment requirements of the Warrant Clause. For the aforementioned reasons, this case is reversed and remanded to the district court with instructions to make a determination of whether probable cause exists to support the issuance of an administrative search warrant.

{34} IT IS SO ORDERED.

M. MONICA ZAMORA, Chief Judge

WE CONCUR:

MEGAN P. DUFFY, Judge

MICHAEL D. BUSTAMANTE, Judge Pro Tempore

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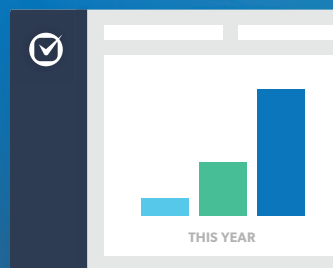
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### Executive Director

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](http://www.sclonm.org)

### 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](mailto: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](mailto:FMartinez-Estevez@da.state.nm.us) or call 575-388-1941.

### 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.

### Attorney

Conklin, Woodcock & Ziegler, P.C. is seeking a full-time experienced attorney with at least three years litigation experience for an associate position with prospects of becoming a shareholder. We are a well-respected seven-attorney civil defense firm that practices in among other areas: labor and employment, construction, personal injury, medical malpractice, commercial litigation, civil rights, professional liability, insurance defense and insurance coverage. We are looking for a team player with a solid work record and a strong work ethic. Our firm is AV-rated by Martindale-Hubbell. Excellent pay and benefits. All replies will be kept confidential. Interested individuals should e-mail a letter of interest and resumes to: [jobs@conklinfirm.com](mailto:jobs@conklinfirm.com).



## **Request for Applications to Replace Retiring Chief Disciplinary Counsel for the Disciplinary Board of the New Mexico Supreme Court**

**Deadline for Applications:** The Disciplinary Board, an agency of the New Mexico Supreme Court, requests submission of a letter of interest, a Curriculum Vitae, and a minimum of five professional references by September 9, 2020, to the Disciplinary Board Search Committee c/o Disciplinary Board Chair Hon. Cynthia A. Fry (Ret.), 2440 Louisiana Blvd. NE, Suite 280, Albuquerque, New Mexico, 87110. The position will remain open until a candidate is selected and hired. **Nature of work:** The position of Chief Disciplinary Counsel is a highly responsible litigation and management position. The work includes directing and supervising the day to day operations of the Office of Disciplinary Counsel which is responsible for the attorney disciplinary system in New Mexico, consistent with New Mexico Supreme Court rules and Disciplinary Board policy. Chief Disciplinary Counsel is responsible for the hiring and supervision of attorneys and other staff in the office and for preparing and implementing the budget of the Disciplinary Board. Subject to the oversight and authority of the New Mexico Supreme Court, Chief Disciplinary Counsel generally reports to and works with the Disciplinary Board, and is responsible to the Supreme Court and the Board. **Major Duties and Responsibilities:** Directs and supervises the receipt, evaluation, investigation and prosecution of attorney disciplinary complaints and related matters, in accordance with New Mexico Supreme Court rules and other relevant authorities. Chief Disciplinary Counsel is also expected to maintain an appropriate caseload in addition to the administrative responsibilities described hereinafter. Hires, trains (or arranges for training), supervises, evaluates performance and disciplines attorneys and staff working within the Office of Disciplinary Counsel. Supervises the work of all staff attorneys and staff within the Office of Disciplinary Counsel, monitors the caseload of staff attorneys and non-attorney staff members, reviews case progress to ensure high quality work. Holds regular staff meetings to review the progress on specific assignments and timelines. Ensures that records are properly maintained, including pertinent statistical data regarding the investigation and prosecution of disciplinary complaints. Oversees the development and implementation of policies, procedures, strategic plans, and other initiatives consistent with Disciplinary Board policy, Supreme Court mandate and the public protection mission of the New Mexico disciplinary system. Oversees the formulation and implementation of short-term and long-term goals to improve the efficiency and effectiveness of the disciplinary system. Reports to the Disciplinary Board

and assists the Board on issues relating to the disciplinary system and helps to prepare and administer the budget of the Disciplinary Board. Establishes and maintains effective working relationships with colleagues within the New Mexico State Bar, other agencies of the New Mexico Supreme Court, and professional relationships with judges. Is the chief spokesperson for the Office of Disciplinary Counsel and works to educate the public about the disciplinary system as well as encouraging other attorneys within the Office of Disciplinary Counsel to do the same. Assumes other duties as assigned by the Chair of the Disciplinary Board or the New Mexico Supreme Court. (Note, this description of duties and responsibilities is illustrative only and not a comprehensive list of all functions required or performed). **Work Environment and Physical Demands:** The following functions are representative, but not all-inclusive of the work environment and physical demands an employee may expect to encounter in performing tasks assigned to this job. Work is performed in an office or court setting. A valid driver's license and travel both in and out-of-state may be required. The assigned work schedule may include nights, weekends and holidays. The employee must regularly interact positively with co-workers, clients, the public, and judges and justices. This position serves at the pleasure of the New Mexico Supreme Court and the Disciplinary Board and is terminable at will. **Pay Range and Benefits:** The pay range for this position is \$102,000 to \$135,000 per year. Benefits include: Medical/Dental/Vision/Rx, Short and Long Term Disability Insurance Programs, employee assistance program (EAP) [<http://www.mybenefitsnm.com/>]; Paid life insurance, supplemental and dependent life insurance; Paid Vacation, Sick and Personal Leave; Ten (10) paid holidays; Deferred Compensation Plan 457(b) plan; Lifetime Defined Benefits Retirement Plan [<http://www.nmpera.org/>]; Paid continuing legal education. **Qualifications:** Active New Mexico law licensure. If the applicant chosen for the position is not currently licensed to practice law in New Mexico, the chosen applicant must successfully obtain an active license to practice law in the State of New Mexico in accordance with Rule 15-102 NMRA, and be admitted to the New Mexico Bar within one year of the date of hire. During the interim, the chosen applicant must immediately obtain a limited license to practice law in New Mexico in accordance with Rule 15-301.1 NMRA, provided, however, that the chosen applicant's limited license shall not satisfy the active licensure requirement for this position for more than one year from the date of hire. A minimum of ten years of increasingly responsible legal experience, including trial and/or administrative hearings, appellate, governmental and disciplinary experience is preferred. Experience in office

management to include program planning, administration, budgeting and human resource management is desired. Extensive knowledge of the rules of professional responsibility and related case law, procedural rules and rules of evidence. Reputation for integrity and no history of disciplinary offenses as an attorney or in any other capacity. Excellent written and verbal communication skills including public speaking skills. Excellent interpersonal, communication and conflict management skills. Ability to set priorities and work with various interest groups or individuals. Proficient in the use of office equipment, including standard computers and computer software. Ability to compile data for reporting purposes. Ability to travel within and outside of New Mexico. Must be willing to submit to a background check which may include, but is not limited to, a criminal background check and a disciplinary background check, and to execute and deliver any and all necessary waivers and releases of information requested by the Board to conduct such checks, including but not limited to waivers and releases for all applications for bar membership, disciplinary history and criminal history.

### **Personal Injury Attorney**

Get paid more for your great work. Make a difference in the lives of others. Salary plus incentives paid twice a month. Great benefits. Outstanding office team culture. Learn more at [www.HurtCallBert.com/attorneycareers](http://www.HurtCallBert.com/attorneycareers). Or apply by email to [Greg@ParnallLaw.com](mailto:Greg@ParnallLaw.com) and [Bert@ParnallLaw.com](mailto:Bert@ParnallLaw.com). Write "Apples" in the subject line.

### **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](http://www.thejonesfirm.com) to learn about the Firm's history and areas of practice. Please provide a resume and references to [terri@thejonesfirm.com](mailto:terri@thejonesfirm.com) before September 15, 2020.

### **Lawyer Position**

Guebert Gentile & Piazza P.C. seeks an attorney with up to five years' experience and the desire to work in tort and insurance litigation. If interested, please send resume and recent writing sample to: Hiring Partner, Guebert Bruckner Gentile P.C., P.O. Box 93880, Albuquerque, NM 87199-3880. [advice1@guebertlaw.com](mailto:advice1@guebertlaw.com). All replies are kept confidential. No telephone calls please.



### 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

Aldridge, Hammar & Wexler, P.A., a well-established firm in uptown Albuquerque, practicing in the areas of commercial and business law, estate planning and probate, fiduciary services, real estate, and creditor's rights is seeking an associate attorney to support the Firm's Partners in all areas of practice. The ideal candidate is a great communicator, verbally and in writing, quick to accept changing business needs, and eager to learn. Recently licensed attorneys and third-year law students considered. Compensation DOE. Please send cover letter, resume and references to Personnel@abqlawnm.com. All inquiries will be maintained as confidential.

### 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.

### 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@mm-slawpc.com.

### Associate General Counsel

Jobe Materials, L.P., a privately-owned company based in El Paso, is seeking an Assistant General Counsel with a minimum of five years' experience. Texas and New Mexico bar licenses are preferred. Areas of legal work include commercial real estate transactions, commercial business law, environmental law, administrative law and regulatory compliance, and oil and gas law. Good writing and drafting skills are important. Good opportunity to focus legal skills on a wide variety of projects from inception to completion with a growing company. Salary based on experience. Please send letter of interest, resume, references, and writing samples to: Ralph Wm. Richards, General Counsel, 1150 Southview Drive, El Paso, Texas 79928, or to: ralph@jobeco.com.

### 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.

### Associate Attorney

Riley, Shane & Keller, P.A., an AV-rated defense firm formed in 1982 in Albuquerque, seeks an associate attorney for an appellate/research and writing position. We seek a person with appellate experience, an interest in legal writing and strong writing skills. The position is full-time with an off-site work option and flexible schedule. We offer an excellent salary and benefits package. Please submit a resume, references and writing samples to 3880 Osuna Rd., NE, Albuquerque, NM 87109 c/o Office Manager, (fax) 505-883-4362 or mvelasquez@rsk-law.com

### 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.

### 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

The City of Albuquerque Legal Department is seeking a Paralegal to assist an assigned attorney or attorneys in performing substantive administrative legal work from time of inception through resolution and perform a variety of paralegal duties, including, but not limited to, performing legal research, managing legal documents, assisting in the preparation of matters for hearing or trial, preparing discovery, drafting pleadings, setting up and maintaining a calendar with deadlines, and other matters as assigned. Excellent organization skills and the ability to multitask are necessary. Must be a team player with the willingness and ability to share responsibilities or work independently. Competitive pay and benefits available on first day of employment. Please apply at <https://www.governmentjobs.com/careers/cabq>.

## 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](mailto:deena@carrillolaw.org).

**The Bar Bulletin publishes twice a month on the second and fourth Wednesday. Advertising submission deadlines are also on Wednesdays, three weeks prior to publishing by 4 pm.**

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

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

## 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](mailto:e_info@abrfirm.com) or Fax to 505-764-8374.

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

Our AV Rated law firm is expanding so we created two (2) 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. Send resume to Riley, Shane & Keller, P.A., office manager, 3880 Osuna Road NE, Albuquerque, NM 87109/ [mvelasquez@rsk-law.com](mailto:mvelasquez@rsk-law.com)

## Senior Secretary

Presbyterian Healthcare Services is seeking a Senior Secretary for its Risk Management department (Requisition 2020-15240) to provide extensive administrative support and communication triage support. Manages and updates case files in system. Schedules, tracks, bills and trains PHS staff on criminal and civil subpoenas for court testimony, pre-trial interviews and depositions. Coordinates requests for subpoenas, law enforcement agencies, and other county/state/federal agencies) providing information, routine inquiries, etc. Assist in gathering data and completing insurance policy renewal applications; issuing certificates of insurance; completing requests for claim histories and insurance verification. Legal administrative work experience or paralegal certificate preferred; Notary Public preferred. Able to establish and maintain effective communication with all levels of employees, as well as patients and families, physicians, attorneys, insurance professionals, and people in all aspects of the community and business affiliations. Apply at [phs.org/careers](https://phs.org/careers): <https://careers-phs.icims.com/jobs/15240/senior-secretary/job?mode=view>

## Services

### Briefs, Research, Appeals

Leave the writing to me— Experienced, effective, reasonable. [cindi.pearlman@gmail.com](mailto:cindi.pearlman@gmail.com) (505) 281 6797

## Office Space

### Oso Del Rio

Beautiful Rio Grande Boulevard office for 4-6 lawyers & staff. 3707 sq. ft. available for lease July 1, 2020. Call David Martinez 343-1776; [davidm@osolawfirm.com](mailto:davidm@osolawfirm.com)

### 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](mailto:lee@huntlaw.com) for details.

### Professional Downtown Location

Executive office suite available on the 5th floor of the prestigious Albuquerque Plaza Building. This Class A office space provides fully furnished offices with IT, dedicated phone line, mail services and full-time receptionist. Parking access and flexible lease terms are available. Please contact Leasing Manager, Cindy Campos at 505-270-4168.

## Miscellaneous

### Want To Purchase

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

### 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](mailto: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.

SAVE THE DATE!

# 2020

## Annual Meeting and Member Appreciation Event

**Friday, Sept. 25**  
**Virtual event • FREE**

The State Bar of New Mexico is pleased to announce our 2020 Annual Meeting and Member Appreciation Event. The event will be held virtually and will be free to all members. It will offer at least four hours of CLE credit.

**CLE Topics:**

Access to Justice Issues in the Era of COVID-19  
Presentation on Wellness and Diversity in the Legal Profession  
Updates from the Supreme Court in the Time of COVID-19

**Plus:**

Remarks from President Tina Cruz and the Chief Justice of the Supreme Court  
Annual Awards Presentation

Sponsorship opportunities are available!

**[www.nmbar.org/annualmeeting](http://www.nmbar.org/annualmeeting)**





**CUDDY & McCARTHY, LLP**

*Attorneys at Law*

Cuddy & McCarthy is proud to announce the following  
Partners have been selected by their peers for inclusion in  
*The Best Lawyers in America* © 2021

**PATRICIA SALAZAR IVES** has been named Best Lawyers®  
2021 Administrative/Regulatory Law “Lawyer of the Year” in Santa Fe

**JAMES S. RUBIN** has been named Best Lawyers® 2021 Litigation –  
Land Use and Zoning Law “Lawyer of the Year” in Santa Fe

**John F. McCarthy – Real Estate Law**

**K. Stephen Royce – Litigation – Insurance**

**Julie A. Wittenberger – Family Law**

**James S. Rubin – Land Use & Zoning Law & Real Estate Law  
Litigation – Land Use and Zoning Law**

**Patricia Salazar Ives – Administrative/Regulatory Law**

**SANTA FE OFFICE**  
1701 Old Pecos Trail  
Santa Fe, NM 87505

Tel: 505-988-4476 • Fax: 888-977-3814

**ALBUQUERQUE OFFICE**  
201 Third Street, N.W., Suite 1300  
Albuquerque, NM 87109

Tel: 505-888-1335 • Fax: 888-977-3816

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