

BAR BULLETIN

September 9, 2020 • Volume 59, No. 17



Krishna's 1st Visit to Ranchos de Taos, by Randall Biggers

www.randallbiggersart.com

Inside This Issue

Notices	4
Practice Milestones	
Judges Celebrating 25 Years	
Members Celebrating 50 Years.....	9
Legal Specialization Committee	
Seeking Attorneys.....	11
Hearsay/In Memoriam	12
Clerk's Certificates.....	17
Rules/Orders.....	19
From the New Mexico Court of Appeals	
2019-NMCA-072: Giant Cab, Inc. v.	
CT Towing Inc.	20
2019-NMCA-073: State v. Ford	23



CLE programming from the Center for Legal Education

Register online at www.nmbar.org/CLE or call 505-797-6020.

Upcoming Webinars

Solo and Small Firm Institute

Friday, September 11 • 9 a.m. –3:15 p.m.

3.5 G **1.5 EP**

\$228 Standard Fee

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

Friday, September 11 • 3:30–4:30 p.m.

1.0 EP

\$55 Standard Fee

Word Master Class on Formatting Complex Pleadings

Wednesday, September 16 • Noon–1 p.m.

1.0 G

\$49 Standard Fee

Do You Have Your Emotions or Do They Have You?

Thursday, September 17 • 1–2:30 p.m.

1.5 EP

\$73 Standard Fee

2020 Tax Symposium

Thursday and Friday, September 17–18

9 a.m.–12:15 p.m. both days

5.0 G **1.0 EP**

\$258 standard fee

Upcoming Teleseminars

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

Tuesday, September 15 • 11 a.m.–Noon

1.0 G

\$79 Standard Fee

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

Wednesday, September 16 • 11 a.m.–Noon

1.0 G

\$79 Standard Fee

Real Estate Finance: Trends and Best Practices, Part 1

Thursday, September 17 • 11 a.m.–Noon

1.0 G

\$79 Standard Fee

Real Estate Finance: Trends and Best Practices, Part 2

Friday, September 18 • 11 a.m.–Noon

1.0 G

\$79 Standard Fee



505-797-6020 • www.nmbar.org/cle

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



Officers, Board of Bar Commissioners

Ernestina R. Cruz, President
Carla C. Martinez, President-elect
Carolyn Wolf, Secretary Treasurer
Gerald G. Dixon, Immediate Past President

Board of Editors

Gabrielle Dorian, Chair	Gregory B. Dawkins
Michael Eshleman	Debra K. Gerads
James Kalm	Anne E. Minard
Matthew Ramirez	Constance Tatham

State Bar Staff

Executive Director Richard Spinello
Director of Communications
Evann Kleinschmidt
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

©2020, State Bar of New Mexico. No part of this publication may be reprinted or otherwise reproduced without the publisher's written permission. The *Bar Bulletin* has the authority to edit letters and materials submitted for publication. Publishing and editorial decisions are based on the quality of writing, the timeliness of the article, and the potential interest to readers. Appearance of an article, editorial, feature, column, advertisement or photograph in the *Bar Bulletin* does not constitute an endorsement by the *Bar Bulletin* or the State Bar of New Mexico. The views expressed are those of the authors, who are solely responsible for the accuracy of their citations and quotations. State Bar members receive the *Bar Bulletin* as part of their annual dues. The *Bar Bulletin* is available at the subscription rate of \$125 per year and is available online at www.nmbar.org.

The *Bar Bulletin* (ISSN 1062-6611) is published twice a month by the State Bar of New Mexico, 5121 Masthead NE, Albuquerque, NM 87109-4367. Periodicals postage paid at Albuquerque, NM. Postmaster: Send address changes to *Bar Bulletin*, PO Box 92860, Albuquerque, NM 87199-2860.

505-797-6000 • 800-876-6227 • Fax: 505-828-3765
address@nmbar.org • www.nmbar.org

September 9, 2020 • Vol. 59, No. 17

Table of Contents

Notices	4
Calendar of Legal Education	6
Court of Appeals Opinions List.....	8
Practice Milestones	
Judges Celebrating 25 Years	
Members Celebrating 50 Years	9
Legal Specialization Committee Seeking Attorneys	11
Hearsay/In Memoriam	12
Clerk's Certificates.....	17
Rules/Orders.....	19

From the New Mexico Court of Appeals

2019-NMCA-072: Giant Cab, Inc. v. CT Towing Inc.	20
2019-NMCA-073: State v. Ford	23

Advertising	25
-------------------	----

Meetings

September

- 9**
Animal Law Section Board
11:30 a.m., State Bar Center
- 9**
Children's Law Section Board
Noon, Children's Court
- 9**
Tax Section Board
9am, teleconference
- 11**
Prosecutors Section Board
Noon, teleconference
- 15**
Trust and Estate Division Section Board
Noon, State Bar Center
- 15**
Solo and Small Firm Section Board
10:30am, State Bar Center
- 17**
Public Law Section Board
Noon, Legislative Finance Committee, Santa Fe
- 18**
Family Law Section Board
9 a.m., teleconference

Workshops and Legal Clinics

September

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

October

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

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

November

- 4**
Divorce Options Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6022

About Cover Image and Artist: Randall Biggers is a retired Foreign Service Officer and Returned Peace Corps volunteer. When not doing abstract pieces he paints imaginary landscapes based on the Southwest out our window and on places from his travels in Turkey and Afghanistan. Visit the website: randallvbiggersart.com to see more.

Notices

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

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

Supreme Court Law Library

The Supreme Court Law Library is open to the legal community and public at large. The Library has an extensive legal research collection of print and online resources. The Law Library is located in the Supreme Court Building at 237 Don Gaspar in Santa Fe. Building hours: Monday-Friday 8 a.m.-5 p.m. Library Hours: Monday-Friday 8 a.m.-noon and 1 p.m.-5 p.m. For more information call: 505-827-4850, email: libref@nmcourts.gov or visit <https://lawlibrary.nmcourts.gov>.

Second Judicial District Court Notice to Attorneys

Gov. Michelle Lujan Grisham has announced the recent appointment of Clara Marissa Moran to the Second Judicial District Court bench. Effective July 27, Judge Moran was assigned to fill Division XXVIII, the new judgeship created when Gov. Lujan Grisham recently signed into law Senate Bill 185. Judge Moran will be assigned cases from Judge Charles Brown and Chief Judge Stan Whitaker. Individual notices of reassignment was sent out for all active cases. An email notification regarding reassignment of inactive cases and probation violation cases will be sent to the Law Offices of the Public Defender, the District Attorney's Office, and the private defense bar. Pursuant to New Mexico Supreme Court Order 20-8500-0025, peremptory excusals have been temporarily suspended during the COVID-19 Public Health Emergency. Governor Michelle Lujan Grisham has announced the recent appointment of Lucy Solimon to the Second Judicial District Court bench. Effective July 27, Judge Solimon will be assigned to fill Division XXIX, the new judgeship created when Gov. Lujan Grisham recently signed into law Senate Bill 185. Judge Solimon was assigned cases from Judge Cristina Jaramillo. Individual notices of reassignment were sent out

Professionalism Tip

With respect to the courts and other tribunals:

I will be punctual for court hearings, conferences and depositions.

for all active cases. An email notification regarding reassignment of inactive cases and probation violation cases will be sent to the Law Offices of the Public Defender, the District Attorney's Office. Pursuant to New Mexico Supreme Court Order 20-8500-0025, peremptory excusals have been temporarily suspended during the COVID-19 Public Health Emergency.

Twelfth Judicial District Court Notice of Mass Case Reassignment

Effective July 15, a mass reassignment of Division I, II, III and IV family law cases, and Division I and Division IV civil and probate/mental health cases 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.

Change of Address

Effective July 1, the Bernalillo County Metropolitan Court discontinued the use of its P.O. Box. The court's physical address of: 401 Lomas Blvd. NW, Albu-

querque, N.M. 87102 should be used for mail purposes.

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

Reopening of Building

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

New Mexico Judges and Lawyers Assistance Program

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

Monday Night Support Group

- Sept. 14
- Oct. 7
- Oct. 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 or Briggs Cheney at BCheney@DSC-LAW.com and you will receive an email back with the Zoom link.

Employee Assistance Program

Managing Stress Tool for Members

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

UNM SCHOOL OF LAW

Law Library Hours

Due to COVID-19, UNM School of Law is currently closed to the general public. The building remains open to students, faculty, and staff, and limited in-person

classes are in session. All other classes are being taught remotely. The law library is functioning under limited operations, and the facility is closed to the general public until further notice.

Reference services are available remotely Monday through Friday, from 9 a.m.-6 p.m. via email at UNMLawLibref@gmail.com or voicemail at 505-277-0935. The Law Library's document delivery policy requires specific citation or document titles. Please visit our Library Guide outlining our Limited Operation Policies at: <https://libguides.law.unm.edu/limitedops>.

OTHER NEWS

Christian Legal Aid Training Seminar

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

— *Featured* —

Member Benefit



Take advantage of a free employee assistance program, a service offered by the New Mexico Judges and Lawyers Assistance Program in cooperation with The Solutions Group. Get help and support for yourself, your family and your employees. Services include up to four FREE counseling sessions/issue/year for any behavioral health, addiction, relationship conflict, anxiety and/or depression issue. Counseling sessions are with a professionally licensed therapist. Other free services include management consultation, stress management education, critical incident stress debriefing, substance use disorder assessments, video counseling and 24/7 call center. Providers are located throughout the state.

**To access this service call
855-231-7737 or 505-254-3555
and identify with NMJLAP.
All calls are confidential.**

Legal Education

September

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>11 2020 Solo and Small Firm Institute
3.5 G, 1.5 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17 Do You Have Your Emotions or Do They Have You?
1.5 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>24 How to Practice Series - Estate Planning (2019)
4.0 G, 2.0 EP
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>11 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17 Cross By Camera: How to Become a Master of REMOTE Cross-Examination
2.0 G
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>24 How to Practice Series: Estate Planning - Taxes, Beneficiary Designations, IRAs/401Ks (2020)
1.0 G
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>15 Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17-18 2020 Tax Symposium
5.0 G, 1.0 EP
Live Webcast
Paralegal Division
sanders@hurleyfirm.com</p> | <p>26 Trial Preparation and Electronic Discovery
3.0 G
Live Webcast
Paralegal Division
sanders@hurleyfirm.com</p> |
| <p>16 Income and Fiduciary Tax Issues for Trust and Estate Planners, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 Parenting Coordinator Training
11.5 G, 1.0 EP
Live Webinar
Lori Comallie-Caplan
www.comallie-caplan.com</p> | <p>29 Bridge the Gap Mentorship Program CLE (for Civil Attorneys, DAs/PDs)
5.0 G, 1.0 EP (Civil)
3.0 G, 1.0 EP (DA/PDs)
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>16 Word Master Class on Formatting Complex Pleadings
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 Real Estate Finance: Trends and Best Practices, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>30 How to Practice Series: Adult Guardianship (2020)
3.0 G, 3.0 EP
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>17 Real Estate Finance: Trends and Best Practices, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>19 Bostock v. Clayton County Supreme Court Ruling and Implications on LGBTQ Law
1.5 G
Live Webcast
Sunshine Legal LLC
NMLGBTQBARASSN@gmail.com</p> | |

Notice of Possible Event Cancellations or Changes:

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

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

October

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 Bridge the Gap Mentorship Program CLE (for Government Attorneys)
5.0 G, 1.0 EP
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>14 iPhone Forensics: An Update On Capabilities From the Trenches
1.0 G
Live Webcast
Sunshine Legal LLC
NMLGBTQBARASSN@gmail.com</p> | <p>22 Revealing Unconscious Prejudice: How You Can Benefit
2.0 EP
Live Webcast
Paralegal Division
sanders@hurleyfirm.com</p> |
| <p>5 Subtenants in Commercial Leasing: How to Protect Your Client
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>16 The Ethics of Bad Facts and Bad Law
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22 Law and Practice Around the New Mexico Revised Uniform Arbitration Act
3.0 G
Live Webcast
Paralegal Division
sanders@hurleyfirm.com</p> |
| <p>6 The Ins-and-Outs of Licensing Technology, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>19 Governance and Management Agreements for Nonprofit Organizations
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>27 Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>7 The Ins-and-Outs of Licensing Technology, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Outlook Power Hour
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 Construction Contracts: Drafting Issues, Spotting Red Flags and Allocating Risk, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>7 “The Tiger King Case” - Murder for Hire: The Prosecution of Joseph Maldonado-Passage
3.0 G
Live Replay Webcast
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | |

November

- | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>3 Rights of First Offer, First Refusal in Real Estate
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>6 Ethics and Changing Law Firm Affiliation
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>17 Ethics of Beginning and Ending Client Relationships
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>4 Releasing Employees & Drafting Separation Agreements
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>16 Holding Business Interests in Trust
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>18 Word Master Class on Styles
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> |

Opinions

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

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

Effective August 14, 2020

PUBLISHED OPINIONS

A-1-CA-38448	State v. Cesar B	Reverse/Remand	08/12/2020
A-1-CA-37642	State v. G Torres	Affirm/Remand	08/13/2020
A-1-CA-38099	State v. K Hendrix	Affirm/Remand	08/13/2020

UNPUBLISHED OPINIONS

A-1-CA-36959	A Medrow v. State of NM PED	Affirm	08/10/2020
A-1-CA-37347	Del Corazon Hospice V. Taxation and Revenue	Affirm	08/10/2020
A-1-CA-38076	State v. E Benavidez	Affirm	08/10/2020
A-1-CA-38559	Bank of New York Mellon v. R Vigil	Dismiss	08/10/2020
A-1-CA-38668	B Grossetete v. US Eagle FCU	Reverse/Remand	08/10/2020
A-1-CA-38036	CYFD v. Randal T	Affirm	08/12/2020
A-1-CA-38341	CYFD v. Hannah C	Affirm	08/12/2020

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

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



Congratulations to the following attorneys who have achieved 50 years of practice! Those listed received their Juris Doctorates at the end of 1969 and throughout 1970. The turning point of this decade held many landmarks in American history. From the first man walking on the moon, to the debut of the Boeing 747, and even to The Beatles formally disbanding, looking back at all that has happened allows us to appreciate your significant length of service as a special occasion for the legal profession. Your careers are a testimony of your dedication and loyalty to the legal community, your clients and the State Bar.

Robert J. Baca

Robert J. Baca was born on May 13, 1941. He received his BA from the University of Maryland and his JD from Catholic University in Washington, DC.

Baca's extensive career includes serving as legislative and administrative assistant to U.S. Senator Joseph Montoya, where he served as the senator's liaison to Senate Watergate Committee. He worked in the Civil Rights Division of the United States Department of Health, Education and Welfare.

In New Mexico, he served as assistant U. S. attorney for the Criminal Division District. Baca also served as assistant attorney general for the state of New Mexico. When he was director of Medicaid Fraud Division, which was cross-designated with US Attorney's office to AUSAs, he, Mary Higgins and Edwin Winstead successfully prosecuted twenty million-dollar Medicaid fraud case against Mega Oxygen, N.M.

Baca still maintains an active status with the State Bar of New Mexico and is married to Frances.

Arthur O. Beach

A native New Mexican, Beach was born in Albuquerque and raised in Belen, where he graduated from high school. Beach attended UNM both undergraduate (BBA '67) and law school (JD '70). After passing the bar, he joined the Albuquerque firm of Smith, Ransom & Deaton as an associate, which he considered a fantastic experience. After three and a half years, he joined Keleher & McLeod where he practiced for the next 44 years. Over the years, Beach was primarily engaged in a civil trial practice. Beach was honored by the UNM School of Law Alumni Association with its Distinguished Achievement Award in 2006. He was also honored to be included in Best Lawyers in America and Southwest Super Lawyers for many years. This year, Beach is also celebrating 50 years of marriage to my lovely wife, Alex. Their son, Eric, is an Albuquerque real estate broker.



Daniel J. Behles

Dan Behles was born and grew up in Chicago and obtained his undergraduate degree from the University of Notre Dame. He started law school at Loyola Law in Chicago in 1967, and moved to New Mexico in 1969, obtaining his law degree from UNM in 1970. His law practice has been concentrated in bankruptcy for over 40 years. He is of Counsel to the bankruptcy firm of Askew & White in Albuquerque. He represents debtors, creditors, trustees and committees, and has been both a Chapter 7 and Chapter 11 Trustee. He was certified as a specialist in both business and consumer bankruptcy by the State Bar of New Mexico and by the American Board of Certification. He has been active in State Bar activities, serving on the Board of Bar Commissioners, the Board of the Senior Lawyers Division, the Bankruptcy Law section, and the Spe-

cialization Board. He's been a Southwest Superlawyer for more than 10 years. Behles lives in Los Ranchos with his partner Dr. LuAnn Papile, and has one daughter, Jessica Behles.



Hon. John A. Darden, III

Hon. Darden was born during WWII returning to Albuquerque to the home of his maternal grandparents until his father returned from the War. When his father graduated from University of Virginia Law School, his family moved to Las Cruces. Hon. Darden graduated from Las Cruces

High and then went to attend West Point and University of Arizona Law School. Hon. Darden was law clerk for Chief Justice ME Noble on the New Mexico Supreme Court. Thereafter, he worked as an assistant attorney general, trial and transaction lawyer, United States magistrate judge (16.5 years), and now an arbitrator for FINRA, the American Arbitration Association, and Construction Disputes Resolution Services.

His service to the profession includes past chairman for the Real Property, Trust and Estate Section, president Dona Ana County Bar Association, state chairman for ACTEC, former member of Senior Lawyers Division, and various ACTEC committees.

His service to his community includes past president of Greater Las Cruces Chamber of Commerce, Catholic Diocese Board of Directors, The Whole Enchilada Fiesta, Sunshine District of Boy Scouts, and of Salvation Army Advisory Board. Hon. Darden currently serves chairman on the Las Cruces Airport Board.



Joseph M. Fine

After tiring of New Your City, Joseph M. Fine hitch-hiked out west in search of both America and employment. He was hired by Smith & Ransom, a personal injury firm. Fine eventually opened his own office and has practiced in the fields of criminal law, civil rights and personal

injury, especially medical malpractice. In addition, he has been a mediator in approximately 1,500 cases.

Fine has found the legal profession to be intellectually challenging and a wonderful opportunity to help people in need. He has met so many well-motivated, helpful, ethical lawyers and has truly enjoyed practicing with other lawyers in his firm, including his children. While the practice of law does have severe "ups and downs," he feels privileged and lucky to be a part of the legal profession.

The greatest example of jurisprudence that he has witnessed was provided by the late Justice Gene Francini, who, in chambers, politely asked him and opposing counsel to summarize our rather petty dispute. Justice Francini listened knowingly, paused, looked at both of us, and decreed, "I am going to the bathroom, and by the time I flush, you two idiots better have this case settled." And they did.



Joseph Erwin Gant, III

Joseph Erwin Gant, III was born on March 17, 1940 in Carlsbad. His parents were the late Senator Joseph Erwin Gant, Jr. and Opal Martin Gant. He has one sister, Mary Martin Gant. He graduated from Carlsbad High School in 1958, then attended UNM where he received his BA in 1965 and his JD in Law in 1968.

From 1968 to 1969 Gant was a law clerk for Judge Joe Wood of the Court of Appeals in Santa Fe; 1969 to 1970 he was a law clerk for Marron and McKinnon of Albuquerque; 1970 to 1971 he was an associate with Howden & Turpen of Albuquerque; 1971-1972 assistant district attorney for the 13th Judicial District; 1973-1974 associate for Glascock & McKim of Gallup; February 1974 to present, Gant has been self-employed as an attorney in Carlsbad.

Gant married Beverly in Carlsbad. They have three children: Carla, Mark and Joseph IV. They have eleven grandchildren and six great grandchildren. Sadly, Beverly passed away in 2017. Gant spends his time with family, lunching with friends, reading and watching sports.



Ralph H. Scheuer



Hon. Alan C. Torgerson



Thomas P. Whelan, Jr.

Thomas P. Whelan, Jr. grew up in a small town in northwestern Illinois, graduated from Notre Dame in 1964, and after a stint in the Peace Corps of Chile, obtained his law degree from the University of Chicago in 1970. Whelan moved to New Mexico that summer and studied for the Bar exam in Albuquerque.

Whelan might have stayed in the midwest but for the fact that he spent the last summer of his law school years working on the Navajo Reservation with a BIA lawyer who was a U of C graduate. He finished that summer with a trip through northern New Mexico that changed his post-graduation plans.

Whelan's law career began in the New Mexico Attorney General's office where he spent a total of six years, after which he started a modest solo practitioner's general civil practice and continue with through the present. What he has enjoyed most about the practice and what keeps him going is that it has been and continues to be a learning experience almost on a daily basis. His teachers have been experienced lawyers in the AG's office, colleagues and friends in private practice, and opposing counsel who have taught him lessons in cases they have litigated. Whelan is grateful for all that learning, even when it was not easy.

*While some recipients provided photos and biographies,
we want all those who have achieved this milestone to be recognized.*

Hon. Richard C. Bosson
Bruce Boynton, III
James H. Bozarth
Bill Chappell, Jr.
David F. Cunningham
Charles T. DuMars
Robert A. Engel

W. Peyton George
Joseph Goldberg
Tandy L. Hunt
Thomas E. Luebben
Wilfred T. Martin, Jr.
L. Michael Messina
Robert E. Poulson

Bryan L. Query
Charles W. Rogers
Filmore E. Rose
Hon. Patricio M. Serna
Lee Lanny Sigler
Robert S. Simon
Robert A. Skipworth

Robert M. Strumor
Alan R. Taradash
Ronald T. Taylor
Ray Twohig



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

Hon. Rosemarie Lazcano Allred
Hon. Floripa Gallegos
Hon. Brett R. Loveless

Hon. David Peter Reeb, Jr.
Hon. Linda M. Vanzi



LEGAL SPECIALIZATION COMMISSION



WANTED

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

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

Read more about Legal Specialization Commissioner requirements at nmbar.org



Feeling overwhelmed about the coronavirus? We can help!
FREE SERVICE FOR MEMBERS!

Employee Assistance Program

Get help and support for yourself, your family and your employees.

FREE service offered by NMJLAP.



**The
Solutions
Group**

Services include up to four **FREE** counseling sessions/issue/year for ANY mental health, addiction, relationship conflict, anxiety and/or depression issue. Counseling sessions are with a professionally licensed therapist. Other **FREE** services include management consultation, stress management education, critical incident stress debriefing, video counseling, and 24X7 call center. Providers are located throughout the state.

To access this service call 855-231-7737 and identify with NMJLAP. All calls are **CONFIDENTIAL**.
Brought to you by the New Mexico Judges and Lawyers Assistance Program
www.nmbar.org/JLAP



Pregenzner, Baysinger, Wideman & Sale, P.C., is **pleased to announce Nell Graham Sale** was recently selected by her peers for inclusion in the 27th edition of *The Best Lawyers in America*® for elder law and trusts and estates.



Stefan R. Chacón, a lawyer with Sutin, Thayer & Browne, has been re-appointed to serve as chair of the Healthcare Litigation and Risk Management Interest Group. With more than 1,000 members nationwide, it is the largest interest group within the American Bar Association's Health Law Section. This is his second term as chair. Chacón is a

lawyer in the firm's Albuquerque office, with a practice in healthcare law and commercial litigation. His practice involves healthcare fraud and abuse, qui-tam actions (FCA and FATA), government investigations, commercial and other civil litigation, healthcare compliance, and professional licensure. He has represented a broad variety of clients in healthcare and other industries. Chacón serves on the Board of the New Mexico State Bar Health Law Section and teaches a course on "Healthcare Fraud and Abuse" at the UNM School of Law. His ABA term runs through Aug. 31, 2021.



42 lawyers with the Rodey Law Firm are listed in *The Best Lawyers in America-2021*. Rodey lawyers **Mark Adams, Leslie McCarthy Apodaca, Sandra Beerle, Rick Beitle, Perry Bendicksen III, Jose Blanton, Henry Bohnhoff, Michael Brescia, David Buchholtz, David Bunting, John Burton, Denise Chanez, Jeffrey Croasdel, Jocelyn**

Drennan, Nelson Franse, Catherine Goldberg, Scott Gordon, Alan Hall, Bruce Hall, Justin Horwitz, Charles Hughson, Michael Kaemper, Paul Koller, Jeffrey Lowry, Dick Minzner, Donald Monnheim, Michael Morgan, W. Mark Mowery, Sunny Nixon, Theresa Parrish, Charles (Kip) Purcell, Debora Ramirez, Edward Ricco, Brenda Saiz, John P. Salazar, Andrew Schultz, Charles Seibert, Seth Sparks, Tracy Sprouls, Robert St. John, Thomas Stahl, and Charles Vigil are listed for their expertise and experience in particular areas of law. The 2021 Best Lawyers in America list is based on a rigorous national survey involving more than 4 million detailed evaluations of lawyers by other lawyers.

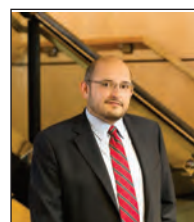


John (Jack) P. Burton has been appointed chair of the Uniform Law Commission's Study Committee on Mortgage Modifications. Burton has served the ULC for many years in many capacities. Burton practices in the Santa Fe office of the Rodey Law Firm. He has a state-wide, multi-disciplined, commercial practice involving transactions,

alternative dispute resolution and litigation in federal and state courts. In August of 2019, Burton was honored by the State Bar of New Mexico with the Distinguished Bar Service Award. The Uniform Law Commission provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.



The judges of the Bernalillo County Metropolitan Court have elected the **Honorable Maria I. Dominguez** (left) to take over as Chief Judge of the state's busiest court. Judge Dominguez will replace Judge Sandra Engel, who stepped down as Chief Judge at the end of July. Judge Dominguez has selected the **Honorable Michelle Castillo Dowler** (middle) to serve as Presiding Judge of the court's Criminal Division, and the **Honorable Frank A. Sedillo** (right) to serve as Presiding Judge of the court's Civil Division.



Luis G. Carrasco has been elected to the board of directors of Opera Southwest. Carrasco is a director in the Rodey Law Firm. He practices in the areas of public finance, real estate, administrative law and government relations and other transactional matters. Prior to joining Rodey Carrasco served as an assistant attorney

General in the New Mexico Attorney General's Office. In that capacity, he served as counsel to the State Board of Finance, the Construction Industries Commission and the Human Rights Commission, among others. Opera Southwest, a member of Opera America, was founded in 1972 as Albuquerque Opera Theatre by Dr. Edward T. Peter, Maestro Kurt Frederick and others. The Opera's mission is to produce quality, professional, enjoyable and accessible opera for audiences of all ages.



Jesse D. Hale, a lawyer with Sutin, Thayer & Browne, has been re-appointed to serve as vice chair of the Membership Committee of the Health Law Section of the American Bar Association. The committee focuses on recruiting and retaining section members and on the benefits of membership. This is his second term as vice chair. Hale is a lawyer in Sutin's Albuquerque office, where his practice

focuses on healthcare law, commercial litigation, and real estate law. He advises and represents healthcare clients in litigation, regulatory and compliance matters, fraud and abuse matters, government investigations, billing and payment issues, payor auditing, credentialing, licensing, contract formation, and purchasing and procurement. In his commercial litigation and real estate practice, Hale represents businesses and individuals in disputes relating to contracts, leases, and real estate matters. His ABA term runs through Aug. 31, 2021.

Jeffrey H. (Jeff) Albright of JAlbright Law LLC has been selected as 2021 Lawyer of the Year for his work in Administrative/Regulatory Law in Albuquerque as well as being recognized as a 2021 Best Lawyers in America for Administrative/Regulatory Law, Communications Law, Environmental Law and Litigation-Environmental.



2021 is already a banner year for family law firm WBMH Law. This award year, every senior lawyer at the firm has been recognized by Best Lawyers. When WBMH to bring together the most talented family lawyers in the state to focus on cases in which financial, geographic, or custodial complexities required the highest level of family law competence. The firm has succeeded, almost beyond its own expectations, and the awards keep coming in. In the last decade, the lawyers who form WBMH have taken home the honor of being named Santa Fe Family Lawyer of the Year an amazing six times. This year it's **Sarah Bennett's** (top left) third time being so honored. **David Walther** (top middle) and of counsel attorney, **Michael Golden** (top right), have also been chosen as Santa Fe Family Lawyer of the Year multiple times during their careers and were named Best Lawyers again for 2021. But the awards this year are particularly satisfying: While the senior lawyers at the firm have been perennially honored, this year the lawyers of WBMH's team are emerging as powerhouses in their own right. **Morgan Honeycutt** (bottom left) and **Amber Macias-Mayo** (bottom middle) both were named Best Lawyers Ones to Watch, an honor reserved for lawyers practicing in family law for less than 10 years. Best Lawyers uses a process designed to capture the consensus opinion of local lawyers about the professional abilities of their colleagues to determine who will receive Best Lawyer of the Year and who will be named a Best Lawyer or One to Watch. Apparently, WBMH lawyers' peers think very highly of them indeed. WBMH serves New Mexico and out-of-state clients from offices located at 123 E. Marcy Street, Suite 205, in Santa Fe. For more information, please visit www.wbmhlaw.com or contact Amber Macias-Mayo at 505-795-7117.

Fifty-eight attorneys from Brownstein Hyatt Farber Schreck were selected by their peers for inclusion in the 2021 edition of *Best Lawyers in America*, the legal profession's oldest and most respected peer-review publication. Attorneys from seven of Brownstein's offices were recognized in 36 different law categories ranging from bankruptcy, litigation and gaming to corporate, real estate and government relations. Shareholder **Eric Burris** is recognized on the *Best Lawyers in America* list for his work in product liability litigation-defendants. With more than 30 years of experience, Burris has worked extensively in civil litigation in New Mexico. Additionally, he is office managing partner of the firm's Albuquerque office and chair of the firm's litigation department. Since its inception in 1983, *Best Lawyers* has become universally regarded as the definitive guide to legal excellence.

Ashley Cook (left) and **Marcus Sedillo** (right) have been recognized for the Inaugural Edition of "*Best Lawyers: Ones to Watch*." Cook was recognized for her work in two practice areas – banking and finance law and bankruptcy and creditor debtor rights/insolvency

and reorganization law. Sedillo was recognized for his work in bankruptcy and creditor debtor rights/insolvency and reorganization law. *Best Lawyers: Ones to Watch* recognizes lawyers who are earlier in their careers for their outstanding professional excellence in private practice. Recipients typically have been in practice for 5-9 years. Cook joined Giddens + Gatton Law, P.C., in 2019, after graduating from UNM School of Law, where she finished in the top 5% of her class. She interned with the United States Department of Justice, Criminal Division, in the Office of International Affairs, in Washington, D.C. She earned her undergraduate degree at UNM where she graduated *summa cum laude* with a Bachelor of Science in Biochemistry. Sedillo joined the firm in 2018. An Albuquerque native, he spent four years in the U.S. Marine Corps, serving in Iraq and Japan before attending Central New Mexico Community College where he earned an AA in Liberal Arts with honors. Sedillo continued his education at the University of New Mexico, graduating *magna cum laude* with a Bachelor of Arts in Economics and a minor in Psychology. He finished his juris doctor from UNM in 2018. Giddens + Gatton Law, P.C., has a staff of four attorneys who serve individuals, small businesses and bankers in the areas of bankruptcy, creditor's rights, business law and real estate law. Individuals may contact the firm at 505-271-1053 or visit their website at www.giddenslaw.com.

Albuquerque lawyers **Eduardo A. Duffy** (Securities/Capital Markets Law) and **Deborah E. Mann** (Health Care Law) have been recognized as 'Lawyer of the Year' in their practice areas from Best Lawyers in America. Best Lawyers also selected 15 Sutin lawyers for its 2021 edition: Anne P. Browne – banking and finance law; real estate law, Suzanne Wood Bruckner – public finance law; tax law, Maria Montoya Chavez – family law; family law arbitration; family law mediation, Eduardo A. Duffy – corporate law; securities/capital markets law, Susan M. Hapka – commercial litigation; employment law – management, Robert G. Heyman – banking and finance law; corporate law; financial services regulation law; public finance law; securities/capital markets law, David H. Johnson – health care law, Deborah E. Mann – health care law; medical malpractice law – defendants, Lynn E. Mostoller – commercial litigation, Jay D. Rosenblum – corporate law; mergers and acquisitions law, Andrew J. Simons – litigation – bankruptcy, Barbara G. Stephenson – employment law – management; labor law – management and Benjamin E. Thomas – banking and finance law; commercial litigation. Ones to watch: Robert J. Johnston – tax law and L. Curtis Vernon – commercial litigation; public finance law; tax law; trusts and estates.



Modrall Sperling mourns the passing of **Timothy C. Holm**, a beloved friend and colleague who left us unexpectedly on July 28. Tim joined the firm in 1987, returning from North Carolina to Albuquerque, where he had spent part of his childhood. An avid sports fan, Tim tried to embrace the Lobos but remained a loyal Tar-Heel, having

received his undergraduate and law degrees from the University of North Carolina, where he was named to the Order of the Coif. Back in Albuquerque, Tim's legal career thrived. He was a leader in the firm's civil litigation practice, representing pharmaceutical companies, medical device manufacturers and other business clients in class action, mass tort and product liability litigation. Tim received numerous accolades for his creative litigation skills, having been recognized by *Chambers USA* as a leading individual in New Mexico in the area of litigation and by *Best Lawyers of America*® in the areas of commercial litigation, products liability litigation, mass tort litigation, and railroad law. He was twice selected by Best Lawyers as "Lawyer of the Year" in Albuquerque for his practice areas. He was further honored by Benchmark Litigation as a local Litigation Star and was selected as one of the Top 25 New Mexico Super Lawyers by *Southwest Super Lawyers*®. Tim was a leader of the firm, serving over the years on our executive committee and as chair of the associates committee, but he was best known as a leader of the peloton, riding almost daily (if not twice daily) on the Bosque bike trail, regardless of the weather. A lover of music with eclectic tastes, Tim was a voracious reader and impatient poet, quick to offer his unfiltered opinions, whether or not they were solicited. Tim was kind-hearted, brilliant, tenacious, charitable, demanding, and could always be counted on to bring a laugh or a smile to us all with his irreverent sense of humor. He was a loving son and brother, commuting to North Carolina the past five years to care for his mother and sister (who meant the world to him). Most of all, Tim was generous of spirit, donating much of his earnings to multiple causes and anyone in need, and of his time off the bike to mentoring associates and volunteering for Big Brothers Big Sisters. He will be greatly missed.

Miranda "Mir" Teresa Sanchez, 41, left this earth on July 13. She was born March 27, 1979, in Albuquerque to Robert M. Sanchez and Barbara A. Sanchez. Upon returning home from her time in France, Miranda attended UNM School of Law and earned her juris doctorate. She became a practicing lawyer, working at her father's law firm until the time of her death. While Miranda attained many accomplishments and accolades in her lifetime, those who know her best will remember her for the simple fact that she brought joy to everyone around her. From the unmistakable sound of her laughter to the sweetness and compassion she exuded, Mir made a lasting impression on each person she met. Miranda is preceded in death by her mother, Barbara Sanchez, with whom she is now joyously reunited after just ten short months. She is survived by her father, Robert M. Sanchez, brothers Robert M. Sanchez Jr. (wife, Lisa Sanchez) and Michael Sanchez, nephews Robert A. Sanchez and Christian Sanchez, nieces Mikhaela Sanchez and Makenzie Sanchez, grandmother Dahlia Tapia, numerous uncles, aunts, cousins, friends and fans.

John Hakanson lost his long fight to Parkinson's May 17. He was born December 11, 1942 in Ellensburg, Wash. to John and Mae (Burgess) Hakanson. The family then moved to a farm in the Yakima Valley. John graduated from Toppenish High School in 1961 and then attended Linfield College in McMinnville, Ore. During his junior year, John and some of his fraternity brothers decided to go somewhere else. They threw darts and the winning one landed in New Mexico. The group attended UNM. It was here that John met his wife, Kristin Kirk. They were married in December of 1965. The joke was that he lost a dart game but gained a wife. John went back to Washington and graduated from Central Washington University in Ellensburg in 1966. He then moved back to New Mexico. One day while playing golf with his father-in-law in Deming, he met the superintendent of Deming schools. He was hired to teach English at the high school. At Deming High School, he sponsored plays, helped start the baseball team and refereed basketball. John was elected "Teacher of the Year". He earned his master's degree from Western New Mexico University. After teaching for three years, John quit and went to work for Select Western Lands. He became interested in politics and served as vice-chairman of the Luna County Republican Party. Later, he was elected probate judge. While serving as probate judge, John became interested in the law. In 1984, at the age of 42, he went back to school at Washburn University in Topeka, Kan. He earned his juris doctorate degree in 1987 and was inducted into the Order of the Barristers. John was licensed to practice law in New Mexico and Kansas and did so until his retirement in 2016. John loved to hunt and fish. He was an Eagle Scout, a member of the Alamogordo Foundation, the Alamogordo Rotary Club (with a 33-year perfect attendance), the Elks, and the Eagles. He attended Grace United Methodist Church and served as an usher and on various boards. John is survived by his wife Kris, his son Chip and wife Darla of Decatur, Texas, son Eric of Albuquerque, grandsons Carter and Seth of Decatur, sister-in-law Anita Achay of Albuquerque and many cousins most of whom are in Sweden. He was preceded in death by his father, mother, stepmother Alma, and sister Hilda.

C.A. Bowerman 'Chester Avon', 74, of Albuquerque, passed away Aug. 2 at Westwind House Assisted Living. C.A. was born June 28, 1946, in Delta, Colo. to Chester and Gladys Bowerman. C.A. had many fond memories growing up in a large family. The Bowerman house was full of much teasing, laughter, and love. C.A. was a competitor early on in his life. He loved sports, excelled in football and in college was a wrestling champion. After graduating with a law degree, C.A. worked in the district attorney's office. He then opened his own practice and was a tribal judge for the Pueblo of Laguna. Before his illness, he had a great love and respect for the legal profession. C.A. loved and was loved by so many. He enjoyed his time with his family and friends. C.A. was a proud member of The Church of Jesus Christ of Latter-Day Saints. He was preceded in death by his parents and eldest brother, I.D. He is survived by 2 sons, Jeff (J.D.) his wife Racquel and granddaughter, Sofia; and his son Turner (T.J.) all of Albuquerque. He is also survived by two brothers, L.D. and wife Mary of Sandy, Utah and J.C. and wife Carol of Rio Rancho; four sisters, Carol Gifford of Ft. Collins, Colorado, Evelyn Baker and husband Gordon, Ginger Nuanes and husband Henry, and Easter Haynie of Rio Rancho; and many nieces and nephews.

Thomas Benton Catron III died peacefully at home at age 98 on May 1 after a life well lived and dedicated to his family and to the Santa Fe community. He was the son of Fletcher A. Catron and Carolyn Updike Catron (Bergere). Tom grew up and went to grade school in Santa Fe and, after his parents' divorce, in Los Angeles during the school year with his mother and beloved stepfather Antonio Luna Bergere. He attended Black Foxe Military Institute, then New Mexico Military Institute for high school. While at NMMI, he began a lifelong friendship with one of his instructors, author Paul Horgan. Tom attended Stanford University in 1940 where he fell in love with a beauty in his freshman English class, June Ellis. That romance continued for decades, and Tom and June celebrated their 74th anniversary just four days before his death. Tom enlisted in the Army in 1942 and served in Italy during WWII, in field artillery and as an Army correspondent. It was there that he was introduced to opera in Naples by his friend Gene Hagstrum, and they attended every opera they could as the troops moved north. His love of opera and music in general gave rich meaning to the rest of his life. Upon his return from Italy, Tom and June were married in San Francisco in 1946. After graduating from Stanford University, Tom attended Stanford School of Law and, upon completion, moved to Santa Fe with young sons Fletcher and Stephen. Daughter Peggy was born soon after. Tom joined the Catron law firm on the Plaza, started by his grandfather in 1867, the oldest law firm in New Mexico. During his 67 years at the firm, he practiced with his father, his uncle, his brother John S. 'Bud' Catron, his son Fletcher, and his granddaughter Julia. Tom retired from the practice of law in December 2018 but continued working until this March. In addition to being an admired attorney, he was active in legal and community affairs as a young man, including: president of the Santa Fe County Bar Association, Assistant City Attorney, attorney for Santa Fe Public Schools, Santa Fe district chairman of the Boy Scouts of America, second president of the Rio Grande Symphony Board, special gifts division chairman of the United Way, and board member on the Fairview Cemetery Association. Tom's lifelong commitment to cultural and civic activities in the City he loved so much began early. In 1956, at age 34, Tom had a fateful meeting with John Crosby and 4 other Santa Fe business leaders. Crosby proposed creating an opera company in Santa Fe and asked Tom to be the lawyer for the new venture. Tom jumped at the chance although it seemed like a crazy idea to many. Tom was fond of recounting the occasion on which John called from New York in early 1957 and simply asked Tom to listen. Through the phone, Tom heard the initial rehearsal for *Madame Butterfly*, the first Santa Fe Opera production. At that point, he knew that the Opera would actually happen. In the early years, he and June would make calls to people listed in the Santa Fe phone book to sell tickets to performances. They have attended every opening night but one, for their granddaughter's wedding on the East Coast, and two or more performances of every Santa Fe Opera production since 1957. He served continuously on the SFO Board, holding every Board office including President and chairman, until his death. In 1962, Tom's love of history and art made him the right person to lead the creation of the Museum of New Mexico Foundation, and he served as its chairman for 26 years and on the Board until his death. Prior to the Foundation, state museums had no means to solicit donations or acquire art. The Museum Foundation became the engine for contributions, acquisitions, collections, exhibitions, and education for the New Mexico museum system. Tom is credited with securing the donation of the Alexander Girard 100,000 piece folk art miniature collection to the Museum of

International Folk Art. He was honored beyond measure in 2019 when the Foundation dedicated its new administration building as the Thomas B. Catron III Building. He was also a director and vice president of the Spanish Colonial Arts Society, which operates the Museum of Spanish Colonial Art, and a founding director of the Witter Bynner Foundation for Poetry. In 1972, he helped organize Santa Fe's Capital Bank (eventually acquired by Bank of America) because he felt the City needed a bank with a personal connection to its clients. The bank became Santa Fe's largest bank, through the efforts of his friend Ike Kalangis and fellow Board members, and Tom served as chairman of its board for 20 years. In 2007, Tom was proud to be co-nominated by both the Museum Foundation and the Opera to be named a Santa Fe Living Treasure by the Living Treasure organization that honors elders who have generously served the community. In 2012, Tom was honored with the Governor's Award for Excellence in the Arts for his significant lifelong contributions to the cultural life of New Mexico. In addition to his legal and civic commitments and his devotion to his family, Tom was an avid reader, music lover, raconteur, hiker, and traveler, and was a musical artist in his own right when it came to whistling. His life was full of interesting stories such as having a bit part in a Shirley Temple movie, patting Seabiscuit in his stall, dancing with Ginger Rogers, swimming with Rita Hayworth, securing an audience with the Pope as a GI, and the time Georgia O'Keeffe tried to "borrow" an axe head from June and Tom's home. Tom loved the outdoors, beginning with fishing trips and duck and quail hunting with his father and later adventures with his friends and children. Tom, Bud Kelly, Dee Lord, John Dillon, and several other friends formed the Pajarito Hiking Club and roamed the local mountains. Beginning in 1958, Tom shouldered packs with Fletcher and Stephen and took them on Boy Scout backpacking trips ranging from two days to 11 days in length, including "survival" camps with no food, and winter camps on snowshoes to Spirit Lake and Lake Katherine. Tom developed deep and enduring friendships with fellow Santa Feans through a variety of social and cultural organizations, including the Kiva Club, *¿Quien Sabe* and the Chili Club. Tom worked tirelessly to make Santa Fe a beautiful, interesting and compassionate community. Beyond what he did, was how he lived: generous of time, spirit and treasure, caring and committed. His word was his bond. Tom was, in a phrase, a very good man. He is survived by his wife June, son Fletcher R. Catron (wife, Diane L. Catron) and daughter Peggy Catron (husband, Jerome C. Premo), grandson Thomas F. Catron (wife, Janette Denevan Catron and their sons Max and Silas), and granddaughters Julia D. Catron (husband, David Andersson), Clare Premo Perez (husband, Andres Perez) and Emily C.E. Premo. Tom and June's son Stephen died in 1985, and now father and son are listening to Strauss together.

Timothy Connor Holm, 57, of Albuquerque, passed away unexpectedly July 28. Tim was a highly successful attorney with the law firm of Modrall Sperling for 30 years. He was an avid bicyclist (having completed more than 50 “century” rides) and a die-hard UNC basketball fan. He was a fiercely intelligent and hugely generous man. He took care of those he loved with intense devotion. He will be remembered and missed by many, many people. Tim is survived by his brother, Eric Holm of Wilmington, N.C.; and his sister, Annie Holm of Burlington, N.C. A private Memorial Service will be held in Chapel Hill, N.C. His ashes will be scattered at St. Jude’s Chapel in the mountains of N.C., where the ashes of his mother Arlis, his sister Kristina, and his sister Susan are at rest. His friends and colleagues are producing a remote tribute to Tim, timing to be announced.

Wycliffe V. Butler passed away peacefully from heart failure at the age of 89, in Albuquerque on Aug. 7. He was born in St. Joseph, Mo. and his family settled in Albuquerque. His family built and operated the Tesuque Drive In Theatre. Wick worked at the theatre as a film projectionist. Wick graduated from Albuquerque High School, earned a degree from UNM in Business Administration and Physics. He joined the Air Force Reserves as a 1st Lieutenant as a buyer and purchaser of training films. He met his wife, Joyce, an artist, at Wright Patterson Air Force Base in Dayton, Ohio. Wick worked as a realtor while attending UNM Law School. Wick graduated from Law School and passed the NM Bar exam and opened his law practice in 1961, where he continued to practice law for 59 years. Wick’s son, Stewart Butler, who is also an attorney joined Wick in his law practice in 1994. Attorney, Stewart Butler will continue to operate and represent the law firm’s clients at Butler & Butler. Wick was a member of the State Bar of New Mexico, Estate Planning Council and New Mexico Trial Lawyers Association. Wick was a well known family and estate planning attorney. He and Joyce were avid tennis players at Four Hills and Tanoan Country Clubs. Wick and Joyce regularly attended church at the Aquinas Newman Center. Wick and Joyce operated “Joyce of Hawaii” a Hawaiian women’s wear dress shop in Winrock in Albuquerque in the 1980’s and were members of the NM Advertising Federation. Wick loved reading, cooking and eating dark chocolate. Wick was known for his humor and funny, but bad, jokes and sharing his wealth of knowledge and his views of the latest book he was reading. He is preceded in death by his parents Clifford Butler and Helen Butler and his sister Bonnylu Schuh. He is survived by his wife of 65 years Joyce C. Butler; his daughter, Dr. Renee Butler-Lewis and her spouse Janine Brunjes; and his grandsons, Erik Lewis and Jeffery Lewis; Wick’s son, Stewart Butler, Esq. and his family, wife Tammy Butler PharmD and her daughter, Mariah Jassman; Wick’s niece Jenny Barkovic and nephew Kurt Schuh and their families.

Jay D. Hertz passed away unexpectedly on July 2 at the age of 72. Jay was a lifelong resident of Albuquerque, and graduated from Highland High School in 1965, UNM in 1969, and the University of Wisconsin Law School in 1972. Jay is survived by his wife, Helen Grevey; daughter, Abbi and son-in-law, David Kraus, and grandchildren, Mara and Judah; brother, Jon Hertz and sister-in-law, Lisa, and nephew, Jeffrey; sister, Judy Stubbs and brother-in-law, Bruce Stubbs, and nephews, Michael and Brian; and sister, Ellen Davidson, niece, Amy, and nephew, Adam. Jay was a quiet person and a deep thinker. He was a respected lawyer with the firm of Sutin, Thayer & Browne in Albuquerque for 40 years. He served as the president of the Jewish Community Center of Greater Albuquerque between 2003 and 2005. He was a talented old car hobbyist and restorer, and delighted in describing the history of the items in his collection to visitors at his garage. He was also an enthusiastic student of classical guitar and an avid bicyclist. Jay’s compassion, love of family and friends, intellect, and keen sense of humor will all be deeply missed.

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

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS AND CHANGE OF ADDRESS

Effective May 18, 2020:

Emily Arnett
508 Woodside Drive
Starkville, MS 39759

CLERK'S CERTIFICATE OF NAME CHANGE

As of July 2, 2020:

**Heba Adelaide Atwa
f/k/a Heba Adelaide
Atwa-Kramer**
North Carolina Justice Center
224 S. Dawson Street
Raleigh, NC 27601
919-856-2176
heba@ncjustice.org

CLERK'S OF CERTIFICATE OF NAME AND ADDRESS CHANGE

As of July 6, 2020:

**Lauren Law Barela
f/k/a Lauren L. Zabicki**
Rio Abajo Law, LLC
PO Box 2416
1504 Juan Perea Road
Los Lunas, NM 87031
505-866-1252
laurenlawbarela@gmail.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective July 16, 2020:

Raymond Michael Basso
118 E. Maple Avenue
Merchantville, NJ 08109
215-557-9084
215-557-8514 (fax)
rbasso@locustlaw.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS AND CHANGE OF ADDRESS

Effective July 6, 2020:

Ginger L. Bolinger
1405 Vegas Verdes Drive #318
Santa Fe, NM 87507
214-995-2463
gingerbolinger@yahoo.com

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

Effective June 29, 2020:

Walter Gilbert Bryan
616 E. Bender Blvd.
Hobbs, NM 88240

CLERK'S CERTIFICATE OF NAME CHANGE

As of June 30, 2020:

**Christina Calderwood
f/k/a Christina Calderwood
Vigil**
Presbyterian Healthcare
Services
PO Box 26666
Albuquerque, NM 87125
505-923-8826
cvigil@phs.org

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective July 17, 2020:

Jason W. Galbraith
1009 N. Florence Street
El Paso, TX 79902
469-422-7663
nobblueprints@hotmail.com

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

Effective July 1, 2020:

Michael Paul Gross
460 St. Michael's Drive,
Suite 401
Santa Fe, NM 87505

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS AND CHANGE OF AD- DRESS

Effective June 26, 2020:

Russell Taylor Jackson
Thomas J. Henry Law, PLLC
5711 University Heights Blvd.,
Suite 101
San Antonio, TX 78249

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective July 8, 2020:

Jennifer C. McCabe
Law Office of Jennifer C.
McCabe, LLC
PO Box 575
Taos, NM 87571
575-758-2646
jennifer@nmagua.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective July 17, 2020:

Laurie McFarland
5633 Pikes Peak Loop, NE
Rio Rancho, NM 87144
505-369-3165
laurie_mcfarland@hotmail.
com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective July 17, 2020:

Christopher J. Nairn-Mahan
1433 Dartmouth Drive, NE
Albuquerque, NM 87106
505-273-1852
cjoshnm@gmail.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective July 13, 2020:

Shannon Robinson
504 14th Street, NW
Albuquerque, NM 87104
505-247-0405
505-273-2274 (fax)
sr@dist17.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS AND CHANGE OF ADDRESS

Effective July 17, 2020:

Amos L. Soignier
2855 Main Avenue,
Suite B101
Durango, CO 81301
970-247-3510
amos@soignierlaw.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS AND CHANGE OF ADDRESS

Effective July 17, 2020:

Shannon Michele Soignier
2855 Main Avenue,
Suite B101
Durango, CO 81301
970-247-3510
970-247-9191 (fax)
soignier@gmail.com

CLERK'S CERTIFICATE OF NAME CHANGE

As of July 14, 2020:

**Kristin Sovey
f/k/a Kristin Sanderson**
New Mexico Human Services
Department
4363 Jager Drive
Rio Rancho, NM 87144
505-383-6385
505-383-6373 (fax)
kristin.sanderson@state.
nm.us

CLERK'S OF CERTIFICATE OF NAME AND ADDRESS CHANGE

As of June 8, 2020:
Marina A. Tapia Cansino
 f/k/a Marina A. Cansino
 New Mexico Financial &
 Family Law, PC
 320 Gold Avenue, SW,
 Suite 1401
 Albuquerque, NM 87102
 505-503-1637
 mac@nmfinanciallaw.com

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS AND CHANGE OF ADDRESS

Effective June 26, 2020:
Anne Kathryn Ziehe
 1524 La Cabra Drive, SE
 Albuquerque, NM 87123

IN MEMORIAM

As of March 4, 2020:
James P. Baiamonte
 900 Lomas Blvd. NW
 Albuquerque, NM 87102

As of January 26, 2020:
Burton F. Broxterman

As of April 15, 2020:
Marcia B. Lincoln

As of October 20, 2019:
Donald W. Miller

As of December 20, 2019:
Marc Prelo

As of November 29, 2019:
Peter B. Rames

As of December 21, 2019:
Edwin E. Piper Jr.
 5509 Estrellita del Norte, NE
 Albuquerque, NM 87111

As of March 5, 2020:
Sandra E. Rotruck
 PO Box 1333
 Alamosa, CO 81101

As of February 25, 2020:
Don C. Schutte
 PO Box 1091
 Tucumcari, NM 88401

As of January 9, 2020:
Francis M. Selph
 3901 Montgomery, NE, #1205
 Albuquerque, NM 87109

As of November 10, 2019:
Ron Shortes
 PO Box 533
 Pie Town, NM 87827

As of February 17, 2020:
Joseph N. Wiltgen
 4525 Larchmont, NE
 Albuquerque, NM 87111

As of January 18, 2020:
Walter Frank Wolf Jr.
 PO Box 2830
 Gallup, NM 87305

As of March 11, 2020:
Clyde F. Worthen
 PO Box AA
 Albuquerque, NM 87103

As of March 6, 2020:
Patricia Morrin Taylor
 12433 Regent, NE
 Albuquerque, NM 87112

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective July 17, 2020:
Jack Bennett Jacks
 10143 Fourth Street, NW
 Albuquerque, NM 87114
 505-463-1021
 jack.justiceinc@gmail.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO NON-PROBATIONARY ACTIVE STATUS

Effective July 16, 2020:
Yvonne Kathleen Quintana
 PO Box 2395
 306 Paseo de Onate
 Espanola, NM 87432
 505-753-1911
 505-753-2279 (fax)
 yvonne@
 yvonnekquintanalaw.com

CLERK'S CERTIFICATE OF AMENDED LIMITED ADMISSION

Effective June 11, 2020:
Angela Swenson
 Office of the Thirteenth
 Judicial District Attorney
 PO Box 637
 700 E. Roosevelt Avenue,
 Suite 30
 Grants, NM 87020
 505-285-4627
 505-285-4629 (fax)
 aswenson@da.state.nm.us

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective August 4, 2020:
Kyle Bailey
 15945 Wheeler Point
 Broomfield, CO 80023
 845-417-8999
 kylebailey84@gmail.com

CLERK'S CERTIFICATE OF WITHDRAWAL AND CHANGE OF ADDRESS

Effective August 3, 2020:
Spencer Keith Despain
 424 W. Dreyfuss Street
 Meridian, ID 83646

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

Effective June 26, 2020:
Jonathan A. Elms
 1200 Amistad
 Proper, TX 75078

CLERK'S OF CERTIFICATE OF NAME CHANGE

As of July 22, 2020:
Tara Kirsten Kaminski
 f/k/a Tara Kirsten Lor
 U.S. Bankruptcy Court -
 District of New Mexico
 333 Lomas Blvd., NW,
 Suite 360
 Albuquerque, NM 87102
 505-410-2009
 tara_kaminski@
 nmb.uscourts.gov

CLERK'S OF CERTIFICATE OF NAME AND ADDRESS CHANGE

As of July 21, 2020:
Kathleen Murphy
 f/k/a Kathleen Brockel
 2836 S. Grape Way
 Denver, CO 80222
 303-758-2454
 kathleenbrockel@gmail.com

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

Effective July 13, 2020:
Mark A. Smith
 PO Box 2283
 Tijeras, NM 87059

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective August 4, 2020:
Orlando J. Torres
 1216 Montana Avenue
 El Paso, TX 79902
 915-543-0900
 915-975-8064 (fax)
 otorreslaw@gmail.com

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

Effective July 3, 2020:
Peter Thomas White
 125 E. Palace Avenue,
 Suite 50
 Santa Fe, NM 87501

Rules/Orders

From the New Mexico Supreme Court

<http://www.nmcompcomm.us/>

BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF THE STATE OF NEW MEXICO

IN THE MATTER OF DOUGLAS A. AZAR, ESQ.

DISCIPLINARY NO. 2019-12-4441

AN ATTORNEY LICENSED TO PRACTICE LAW BEFORE THE COURTS OF THE STATE OF NEW MEXICO

FORMAL REPRIMAND

You are being issued this Formal Reprimand pursuant to a Conditional Agreement Admitting the Allegations and Consent to Discipline accepted by the Disciplinary Board in your disciplinary case.

In or about 2001, you were retained to represent a client in a personal injury case arising out of an automobile accident. You filed a Complaint for Personal Injury Damages in 2004, which was amended in 2005. Over the next several years, you represented to your client that you were working to settle her case, but this was inaccurate. Your client's case was dismissed for lack of prosecution in 2007.

Your client did not file a complaint with the Office of Disciplinary Counsel until 2019 at which time you contacted your client and offered her a \$20,000.00 settlement. You did not advise your client in writing or orally to seek independent counsel when you proposed the settlement nor did you initially tell her that the case had been dismissed and you were planning to pay the settlement from your own funds. Your client asserts that you advised her that the insurance company had offered

\$15,000.00, but they had "backed out" of the offer and you wanted to pay her an additional \$5,000.00 because the settlement took so long. You did pay your client \$20,000.00. Your conduct violated New Mexico Rules of Professional Conduct 16-101, by failing to provide competent representation to a client; 16-103, by failing to act with reasonable diligence and promptness in representing a client; 16-104(A), by failing to keep the client reasonably informed about the status of the matter; 16-108(H), by settling a claim with an unrepresented client or former client, without first advising that client in writing of seeking the advice of independent counsel; 16-302, by failing to make reasonable efforts to expedite litigation consistent with the interests of a client; and 16-804(D), by engaging in conduct that is prejudicial to the administration of justice. In mitigation of this matter you have no prior disciplinary history, you have been fully cooperative with the Office of Disciplinary Counsel and you have remorse for your misconduct. See, ABA Standards for Imposing Lawyer Sanctions, Standard 9.32(a), (e) and (l).

You are hereby formally reprimanded for these acts of misconduct pursuant to Rule 17-206(A)(5) of the Rules Governing Discipline. The formal reprimand will be filed with the Supreme Court in accordance with 17-206(D), and will remain part of your permanent records with the Disciplinary Board, where it may be revealed upon any inquiry to the Board concerning any discipline ever imposed against you. In addition, in accordance with Rule 17-206(D), the entire text of this formal reprimand will be published in the State Bar of New Mexico Bar Bulletin.

Dated July 24, 2020

The Disciplinary Board of the New Mexico Supreme Court

By
Hon. Cynthia Fry (Ret.)
Board Chair

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

Opinion Number: 2019-NMCA-072

No. A-1-CA-36212 (filed August 27, 2019)

GIANT CAB, INCORPORATED,

Plaintiff-Appellee,

v.

CT TOWING, INC.,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

ALAN M. MALOTT, District Judge

Released for Publication December 17, 2019.

Whitener Law Firm, P.A.

THOMAS M. ALLISON

Albuquerque, NM

for Appellee

Western Agriculture, Resource
and Business Advocates, LLP

A. BLAIR DUNN

Albuquerque, NM

Law Office of Andrew G. Thornton

ANDREW G. THORNTON

Albuquerque, NM

for Appellant

Opinion

Jennifer L. Attrep, Judge

{1} Defendant CT Towing, Inc. appeals a district court judgment awarding Plaintiff Giant Cab Incorporated compensatory damages and costs for CT Towing's failure to allow Giant Cab to remove certain attached equipment from an accident-damaged taxicab CT Towing had lawfully towed and stored on its lot. CT Towing contends the district court erred in concluding (1) the items were not subject to the lien it lawfully held on the taxicab under NMSA 1978, Section 48-3-19 (1967), and (2) Giant Cab satisfactorily established its ownership of the items as required by 18.3.12.24(B)(1)(c) NMAC (2/13/2015). We conclude the district court correctly interpreted the relevant statutory and regulatory provisions and substantial evidence supported the district court's finding that Giant Cab provided proof of ownership. We affirm.

BACKGROUND

{2} We draw the facts from the testimony presented at the bench trial. At the direction of law enforcement, CT Towing towed a damaged taxicab from the scene of an accident to its storage lot. Robert Torch, the owner of Giant Cab, went to the storage lot the following morning to check on the condition of the vehicle and to retrieve certain

items. Torch presented Martha Stanke, co-owner of CT Towing, his identification and asked to examine the vehicle and to retrieve the registration and other personal items. Torch was permitted onto the lot, where he retrieved the registration and observed that the vehicle was likely inoperable. He returned to the front office and showed Stanke the registration that had been stored in the vehicle. Stanke presented him with an invoice for the towing charges, which he signed. Based on standard CT Towing practice, his signature on the invoice indicated he had shown proof of ownership for the cab.

{3} Torch then asked Stanke for permission to return to the vehicle to remove the taxicab's fare meter, the dome light painted with his company name and telephone number, and the relay, which operated the dome light, as he could still make use of those items. He explained to Stanke that removal would be straightforward, need not damage the vehicle, and could be accomplished in approximately fifteen minutes. Torch had installed the fare meter and the dome light himself in customizing and painting the cab after purchasing it, as was his general practice.

{4} Stanke denied Torch's request, citing insurance concerns.¹ She later testified that the registration Torch retrieved from the vehicle appeared to be for a different vehicle and she had asked him to return with the correct registration. Regardless,

instead of granting Torch's request to return to the vehicle, Stanke offered him an alternative—he could pay CT Towing's towing and storage fee, they would tow the vehicle off the lot, and he could retake possession of the vehicle and the items he sought.

{5} That alternative was unacceptable to Torch and he left the lot. A few days later, Torch filed an action in district court, alleging claims of conversion and prima facie tort based on CT Towing's refusal to let him remove the items. The district court later held a one-day bench trial. Based on the evidence presented, the district court concluded Torch should have been allowed to remove the dome light, fare meter, and relay because the items constituted personal property under 18.3.12.24(B)(1)(c) NMAC (2/13/2015), which the parties agreed was exempt from the tow company lien under Section 48-3-19. The court awarded Torch compensatory damages and costs. CT Towing appealed.

DISCUSSION

I. Standard of Review

{6} We review the district court's findings of fact for substantial evidence. See *Williams v. Mann*, 2017-NMCA-012, ¶ 25, 388 P.3d 295. We review de novo the district court's application of law to the facts. See *TPL, Inc. v. N.M. Taxation & Revenue Dep't*, 2003-NMSC-007, ¶ 10, 133 N.M. 447, 64 P.3d 474. We also review the district court's interpretation of the statutory and regulatory language de novo. See *Truong v. Allstate Ins. Co.*, 2010-NMSC-009, ¶¶ 22, 24, 147 N.M. 583, 227 P.3d 73.

{7} We aim to give effect to the Legislature's intent in construing statutory provisions. See *Key v. Chrysler Motors Corp.*, 1996-NMSC-038, ¶ 13, 121 N.M. 764, 918 P.2d 350. We are aided by classic canons of statutory construction in discerning intent, and we look first to plain meaning. See *Marbob Energy Corp. v. N.M. Oil Conservation Comm'n*, 2009-NMSC-013, ¶ 9, 146 N.M. 24, 206 P.3d 135. We read provisions in their entirety and construe them in relation with all others so as to produce a harmonious whole. See *Key*, 1996-NMSC-038, ¶ 14. "In interpreting sections of the Administrative Code, we apply the same rules as used in statutory interpretation." *All. Health of Santa Teresa, Inc. v. Nat'l Presto Indus.*, 2007-NMCA-157, ¶ 18, 143 N.M. 133, 173 P.3d 55.

II. The District Court Did Not Err in Concluding CT Towing's Lien on the Taxicab Did Not Extend to the Identified Items

{8} In its interpretation of the relevant statutory and regulatory language, the district court determined that the taxicab

¹CT Towing has not advanced on appeal any insurance-related justification for refusing Torch's request.

equipment was not a “fixture.” CT Towing contends the district court erred in interpreting the word “fixture” and as a result erred in concluding CT Towing’s lien on the vehicle did not extend to the fare meter, dome lamp, and relay.

{9} Neither the statutory language nor the regulatory language identified by the parties, however, makes any reference to fixtures. Section 48-3-19 grants a lien on “automobiles” towed or stored, at the direction of a person lawfully in possession, for the reasonable value of those services. NMSA 1978, Section 48-3-21 (1965) establishes that an “automobile” for purposes of Section 48-3-19 includes “motor vehicles of all classes and kinds[,]” and that a “motor vehicle” is any “self-propelled device in, upon or by which, any person or property is, or may be, transported.” Section 48-3-21. The pertinent regulation sets forth procedures by which automobile owners may retake possession of automobiles subject to towing and storage liens. The regulation establishes that an owner may obtain possession of a vehicle not held for further law enforcement investigation by paying certain reasonable charges and providing proof of ownership. See 18.3.12.24(B)(2) NMAC (2/13/2015). Even in the absence of payment to retake possession, the regulation also permits an owner or agent, without charge, to “remove personal property from the motor vehicle if he or she presents proof of ownership.” 18.3.12.24(B)(1)(c) NMAC (2/13/2015).

{10} The statutory provision at issue here, Section 48-3-19, makes reference only to “automobiles” and does not tell us explicitly whether Torch’s equipment might have merged with the automobile. See *id.* The statutory definition of “motor vehicle,” incorporated in the statutory definition of automobile, provides no more guidance. See § 48-3-21. Other related statutory provisions shed more light on the question.

{11} Section 48-3-19 sets forth just one of many legislatively created liens on personal property—Article 3 of Chapter 48 houses a variety of others, including mechanics’ liens, landlord’s liens, and common carriers’ liens. See, e.g., NMSA 1978, §§ 48-3-1 (1977), 48-3-5 (1997), 48-3-8 (1923). Some of these other liens, under appropriate circumstances, may apply to vehicles much like the tow company’s lien does here. See §§ 48-3-1, -5, -8. But notably, in establishing the scope of these other liens, our Legislature has seen fit to specify that the liens may also extend to “parts” of these vehicles, depending on the nature of the services provided. See, e.g., § 48-3-1(A) (specifying mechanics “who repair[] any motor vehicle or furnish[] parts therefor . . . shall have a lien upon such motor vehicle or any part or parts thereof”); NMSA 1978, § 48-3-29(A)

(1985) (specifying aircraft maintenance facility that “stores, maintains or repairs any aircraft accessories or furnishes materials for an aircraft . . . shall have a lien upon the aircraft or any part thereof”). No such specification appears in Section 48-3-19. The omission signals the Legislature’s intent that, given the more limited nature of the services tow companies provide, the liens granted to tow companies are less expansive than those applicable to mechanics or common carriers and do not extend to equipment like that at issue here. See, e.g., *United Rentals Nw., Inc. v. Yearout Mech., Inc.*, 2010-NMSC-030, ¶ 25, 148 N.M. 426, 237 P.3d 728 (“[I]f a statute on a particular subject omits a particular provision, inclusion of that provision in another related statute indicates an intent that the provision is not applicable to the statute from which it was omitted.” (alteration, internal quotation marks, and citation omitted)). Had the Legislature intended the tow company’s lien to extend not just vehicles but vehicle parts, it could have demonstrated the intent by including more specific language. See *City of Eunice v. N.M. Taxation & Revenue Dep’t*, 2014-NMCA-085, ¶ 19, 331 P.3d 986 (“[The Legislature] could readily have demonstrated such an intent by including language to that effect.”). But no such language is included, and we decline to read it into the statute.

{12} Mindful of the principle that a regulation may not impose requirements inconsistent with those established by statute, we recognize the regulation’s potential distinction between “personal property” and “vehicle” may be confusing given that the vehicle itself is personal property and the tow company’s lien clearly extends to the vehicle. See *Albuquerque Cab Co. v. N.M. Pub. Regulation Comm’n*, 2014-NMSC-004, ¶ 14, 317 P.3d 837 (explaining agency “may not by regulation impose requirements that are greater than, and inconsistent with, those set forth by” statute); *Hubbard v. Albuquerque Truck Ctr., Ltd.*, 1998-NMCA-058, ¶ 17, 125 N.M. 153, 958 P.2d 111 (noting vehicle damage is personal property damage). But the regulation’s use of the word “remove” helps clear up any confusion and aids our examination of the scope of the lien here. To “remove” something is commonly defined as “to move” it “by lifting, pushing aside, or taking away or off.” *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/remove> (last visited on Aug. 13, 2019). That definition (or concept) contemplates what Torch proposed to do here, which was to retake possession of his taxi equipment after detaching it from the vehicle without causing damage to the vehicle itself or diminishing its value. Use of “remove” thus suggests the regulation contemplates, with no apparent

inconsistency with the statutory language, that owners may retake possession of a variety of items that do not make up the vehicle as “personal property,” including attached equipment like Torch’s, even without retaking possession of the vehicle itself.

{13} New Mexico’s longstanding law of real property and fixtures, though not perfectly analogous given the personal property at issue here, bolsters the conclusion CT Towing’s lien did not extend to the taxi equipment. Our appellate courts have often observed that statutory provisions are enacted against a background of common law principles, and unless “clearly abrogated,” we presume those principles to be consistent with the new legislation. *Sims v. Sims*, 1996-NMSC-078, ¶ 24, 122 N.M. 618, 930 P.2d 153. In applying common law principles to determine whether an article or item is a “fixture” to be treated as part of a piece of real property, our courts generally look to considerations of the intent of the party making the installation, the article’s adaptation to the use of the property, and the article’s “annexation” to the property. *Boone v. Smith*, 1968-NMSC-172, ¶ 5, 79 N.M. 614, 447 P.2d 23. Intent is generally “the chief test and must affirmatively and plainly appear.” *Id.* ¶ 8; see also *Sw. Pub. Serv. Co. v. Chaves Cty.*, 1973-NMSC-064, ¶ 15, 85 N.M. 313, 512 P.2d 73 (“Thus our inquiry, though not disregarding annexation or adaptation, must center upon [the installing party’s] intentions in installing and maintaining the components of steam production in their present location.”).

{14} Application of that principle here is instructive because there was no evidence that Torch intended, or that any other party understood, that his equipment would merge with the vehicle for purposes of the lien or otherwise. Torch testified that the equipment was freely transferrable, and that he had in fact recently transferred the same sort of equipment from another wrecked vehicle to a new one. See *Sw. Pub. Serv. Co.*, 1973-NMSC-064, ¶ 30 (“The equipment was readily portable and was frequently moved about for one reason or another.”). The parties agreed the equipment was in fact removable without any diminution in value of the vehicle. Cf. *Mitchell v. Lovato*, 1982-NMSC-018, ¶ 21, 97 N.M. 425, 640 P.2d 925 (affirming the district court’s conclusion that items had merged with realty and noting “defacement and injury to certain floors and walls, caused by removal of these items”). There was, moreover, no evidence CT Towing relied in any way on any indication of permanency, and no evidence of any “objective manifestations” indicating permanency. See *Kerman v. Swafford*, 1984-NMCA-030, ¶ 18, 101 N.M. 241, 680 P.2d 622. Examination of our real property principles thus suggests Torch’s equipment

was distinct from the vehicle and informs our interpretation of the relevant statutory and regulatory language. See *Sims*, 1996-NMSC-078, ¶ 24 (observing statutory provisions are enacted against background of common law and where “no aspect of the background of law is clearly abrogated, it is presumed to be consistent with . . . new legislation”).

{15} Application of the law of trade fixtures, though likewise imperfectly analogous, points toward the same conclusion. A “trade fixture” is generally defined as “[r]emovable personal property that a tenant attaches to leased land for business purposes[.]” *Trade Fixture*, *Black’s Law Dictionary* (10th ed. 2014). New Mexico courts have long recognized the existence of trade fixtures. See *Porter Lumber Co. v. Wade*, 1934-NMSC-042, ¶ 13, 38 N.M. 333, 32 P.2d 819 (noting general rule that tenant is permitted to remove trade fixtures at expiration of tenancy). In *Wade*, our Supreme Court examined whether bowling alleys constructed on a premises had become part of the underlying realty. *Id.* ¶ 12. *Wade* concluded they had not, explaining the bowling alleys were trade fixtures because they “did not constitute an integral part of the realty and [were] to be used for a specific trade purpose only.” *Id.* These trade fixtures principles, much like the more general property principles noted above, also inform our statutory and regulatory interpretation in the absence of any legislative signal of abrogation. See *Sims*, 1996-NMSC-078, ¶ 24. Examination of these principles suggests again Torch’s equipment had not merged with the vehicle itself, because the parties appeared to agree the equipment was not an integral part of the vehicle, and it was undisputed that the equipment was to be used specifically for the cab company. See *id.*

{16} Given the statutory and regulatory language identified, the omission of more specific language the Legislature used in other statutory provisions, the guidance we find in other strands of property law, and the record the parties made, we cannot conclude the district erred in determining the lien imposed by Section 48-3-19 did not extend to the equipment Torch sought to remove here.

III. The District Court’s Determination That Torch Presented Adequate Proof of Ownership Was Supported by Substantial Evidence

{17} CT Towing adds a contention that 18.3.12.24(B)(1)(c) NMAC (2/13/2015) required Torch to show proof of ownership of the vehicle before he was permitted to remove his equipment, and the district court erred in determining he had met that requirement. In reviewing this determination for substantial evidence, we ask whether the record featured relevant evidence a reasonable mind could accept as adequate to support the finding. See *Clovis Nat’l Bank v. Harmon*, 1984-NMSC-119, ¶ 7, 102 N.M. 166, 692 P.2d 1315. “[W]e resolve all disputed facts in favor of the [prevailing] party, indulge all reasonable inferences in support of [the judgment], and disregard all evidence and inferences to the contrary.” *Id.*

{18} The applicable regulation defines “proof of ownership” for purposes of the regulation here as “a certificate of title, evidence of current registration of a motor vehicle or other legal documentation of ownership[.]” 18.3.12.7(D) NMAC (2/13/2015). Given that standard, various evidence supported a determination that Torch established his ownership. Torch showed CT Towing his driver’s license and “additional information” upon his

arrival. He recalled he had been permitted on arrival to go retrieve personal items, including a first aid kit, from the cab. He added that he thought he had at some point presented “[t]he ownership and registration and the title.” Regardless which specific documents he had presented, he recalled showing Stanke documentation establishing he was the owner. Another co-owner of CT Towing testified that Torch had presented a registration to a Giant Cab vehicle, though perhaps not the one at issue here, along with a driver’s license, and that Torch eventually signed CT Towing’s tow invoice, which typically indicated proof of ownership had been shown. Moreover, Stanke recalled that CT Towing has a practice of requiring proof of ownership and identification before allowing an owner to access a vehicle, and she recalled, in her deposition, requiring proof of ownership from Torch before she allowed him to do an initial inspection of the vehicle.

{19} That evidence was sufficient to allow a reasonable fact-finder to conclude Torch had shown proof of ownership as required by 18.3.12.24 NMAC (2/13/2015), and thus we conclude the district court did not err in determining Torch met the prerequisites for removal of his equipment.

CONCLUSION

{20} We affirm the district court’s judgment.

{21} **IT IS SO ORDERED.**
JENNIFER L. ATTREP, Judge
WE CONCUR:
JULIE J. VARGAS, Judge
KRISTINA BOGARDUS, Judge

From the New Mexico Court of Appeals

Opinion Number: 2019-NMCA-073
No. A-1-CA-36450 (filed September 5, 2019)

STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ANDREW CHRISTIAN FORD,
Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
ALISA A. HART, District Judge

Released for Publication December 17, 2019.

HECTOR H. BALDERAS,
Attorney General
Santa Fe, NM
WALTER HART,
Assistant Attorney General
Albuquerque, NM
for Appellee

BENNETT J. BAUR,
Chief Public Defender
Santa Fe, NM
STEVEN J. FORSBERG,
Assistant Appellate Defender
Albuquerque, NM
for Appellant

Opinion

Jacqueline R. Medina, Judge

{1} Defendant challenges the sufficiency of the evidence supporting his convictions for receiving or transferring a stolen vehicle, contrary to NMSA 1978, Section 30-16D-4 (2009), and possession of burglary tools, contrary to NMSA 1978, Section 30-16-5 (1963). We conclude the evidence is sufficient to support Defendant's conviction for receiving or transferring a stolen vehicle but it is not sufficient to support his conviction for possession of burglary tools. We therefore affirm in part and reverse in part.

BACKGROUND

{2} The testimony at trial was as follows. On February 20, 2015, Cirilo Holguin purchased a dark silver, four-door 1998 Honda Civic. Four days later on February 24, 2015, the Civic was stolen from a parking lot in Albuquerque, New Mexico. Holguin reported the auto theft to the Albuquerque Police Department (APD). Holguin had not yet had time to register the car but did have a temporary thirty-day permit from the dealer attached to the front windshield. Holguin provided APD with a description of his vehicle but was unable to provide the vehicle identification number when he reported the theft.

{3} On March 12, 2015, Albuquerque Police Detective Aaron Jones, who was acting undercover at the time, witnessed

Defendant driving a vehicle near Carlisle and I-40 in Albuquerque that matched the description of Holguin's stolen Civic. Detective Jones and other officers followed the Civic until it stopped in a parking lot. Detective Jones subsequently detained both Defendant and his passenger.

{4} Detective Jones testified that he saw a screwdriver located in the center console of the vehicle and that the ignition had been "punched." Detective Jones explained that a screwdriver could be used to start a vehicle with a punched ignition. Officers did not find keys either in the ignition or at the scene. According to Detective Jones, he did not tag the screwdriver into evidence because the tow truck driver needed it to start and load the vehicle.

{5} APD contacted Holguin by mail to inform him that his Civic had been recovered. Holguin drove to a tow lot off Jefferson Street in Albuquerque, where he identified the Civic as his vehicle. Holguin testified that the tires and rims had been replaced with poorer quality tires, the roof had been stained, the backseat was damaged, and the body had been dented. In addition, the temporary dealer permit had been moved from the windshield to the back of the car. Holguin had to use a screwdriver to operate his car because his keys no longer made contact to start the vehicle.

{6} This appeal followed.

DISCUSSION

Standard of Review

{7} "The test for sufficiency of the evidence is whether substantial evidence of either a direct or circumstantial nature exists to support a verdict of guilty beyond a reasonable doubt with respect to every element essential to a conviction." *State v. Montoya*, 2015-NMSC-010, ¶ 52, 345 P.3d 1056 (internal quotation marks and citation omitted). We "view the evidence in the light most favorable to the guilty verdict, indulging all reasonable inferences and resolving all conflicts in the evidence in favor of the verdict." *State v. Cunningham*, 2000-NMSC-009, ¶ 26, 128 N.M. 711, 998 P.2d 176. We disregard all evidence and inferences that support a different result. See *State v. Rojo*, 1999-NMSC-001, ¶ 19, 126 N.M. 438, 971 P.2d 829.

{8} Despite our deferential approach, our responsibility is to "ensure that the jury's decisions are supportable by evidence in the record, rather than mere guess or conjecture." *State v. Slade*, 2014-NMCA-088, ¶ 14, 331 P.3d 930 (internal quotation marks and citation omitted). Our inquiry requires that we "distinguish between conclusions based on speculation and those based on inferences[.]" *Id.* "A reasonable inference is a conclusion arrived at by a process of reasoning which is a rational and logical deduction from facts admitted or established by the evidence." *Id.* (alterations, internal quotation marks, and citation omitted).

{9} When a challenge to the sufficiency of the evidence "requires us to engage in statutory interpretation to determine whether the facts of [a] case, when viewed in the light most favorable to the verdict, are legally sufficient to sustain a conviction," we apply a de novo standard of review. *State v. Baragan*, 2001-NMCA-086, ¶ 24, 131 N.M. 281, 34 P.3d 1157, *overruled on other grounds by State v. Tollardo*, 2012-NMSC-008, ¶ 37 n.6, 275 P.3d 110.

Defendant's Conviction for Receiving or Transferring a Stolen Vehicle Is Supported by Sufficient Evidence

{10} Pursuant to *State v. Franklin*, 1967-NMSC-151, 78 N.M. 127, 428 P.2d 982, and *State v. Boyer*, 1985-NMCA-029, 103 N.M. 655, Defendant argues the evidence was insufficient to prove that the vehicle he was driving was the car stolen from Holguin. At trial, Detective Jones testified that the stolen vehicle he observed Defendant driving matched the description of the stolen Civic and that the same was towed to Knittles Towing on Jefferson Street. Holguin testified he retrieved his Civic from the Knittles tow yard on Jefferson Street, upon receipt of a card from the police notifying him that his vehicle was located there. Holguin testified that even though the Civic was damaged,

it looked like his vehicle and had the same temporary dealer tag. We conclude that the testimony of Detective Jones and Holguin could support the jurors' determination that Defendant was in possession of Holguin's stolen Civic.

The Evidence Was Insufficient to Support Defendant's Conviction for Possession of Burglary Tools

{11} Defendant argues the evidence is insufficient to support his conviction for possession of burglary tools because there was (1) no evidence of a burglary, (2) no evidence that he had access to the screwdriver before he entered the vehicle, and (3) no evidence that he intended to use the screwdriver to make an unauthorized entry. The State argues that, as defined in Section 30-16-5, a "burglary tool" includes but is not limited to a tool used for breaking and entering and therefore the evidence showing Defendant's use of the screwdriver to "possess the vehicle by driving it," was evidence of his intent to use the screwdriver to commit a burglary. The State dismisses the issue of whether the screwdriver was inside the vehicle before or after entry as "wholly irrelevant."

{12} The arguments on appeal require us to interpret and consider the relationship between the burglary and possession of burglary tools statutes. "Our primary goal when interpreting statutory language is to give effect to the intent of the [L]egislature." *State v. Torres*, 2006-NMCA-106, ¶ 8, 140 N.M. 230, 141 P.3d 1284. "We do this by giving effect to the plain meaning of the words of [a] statute, unless this leads to an absurd or unreasonable result." *State v. Marshall*, 2004-NMCA-104, ¶ 7, 136 N.M. 240, 96 P.3d 801.

{13} Burglary is defined as "the unauthorized entry of any vehicle, watercraft, aircraft, dwelling or other structure, movable or immovable, with the intent to commit any felony or theft therein." NMSA 1978, § 30-16-3 (1971). Burglary is "complete upon entry with the requisite intent." *State v. Office of Pub. Def. ex rel. Muqddin*, 2012-NMSC-029, ¶ 60, 285 P.3d 622. While intent to commit any theft or felony is an element of burglary, entry is the primary concern protected by the burglary statute. *See id.* ¶¶ 41, 60. Burglary is a standalone crime and does not require the requisite intended crime be completed after entry. *See State v. Ramirez*, 2008-NMCA-165, ¶ 6, 145 N.M. 367, 198 P.3d 866.

{14} The possession of burglary tools statute states, "Possession of burglary tools consists of having in the person's possession a device or instrumentality designed

or commonly used for the commission of burglary and under circumstances evincing an intent to use the same in the commission of burglary." Section 30-16-5. The statute explicitly requires possession of tools "designed or commonly used for the commission of burglary and under circumstances evincing an intent to use the same in the commission of burglary." *Id.* (emphasis added). The Legislature's specific use of the term *burglary* indicates that the tools must be used, or intended to be used, in the commission of a burglary. Because *burglary* is completed upon entry, it is at the moment of entry or prior to the entry that the use or intended use of burglary tools matters. It therefore follows that burglary tools must be used, or intended to be used, to facilitate entry.

{15} Consistent with the statute and UJI 14-1633 NMRA, the jury was instructed that in order to convict Defendant of possession of burglary tools, it had to find, beyond a reasonable doubt, each of the following elements of the crime: (1) Defendant had in his possession a screwdriver which is designed or commonly used in the commission of a burglary; (2) Defendant intended that such tool or device be used for the purpose of committing a burglary; and (3) that this happened in New Mexico on or about March 12, 2015. The second element specifically required the State prove that Defendant possessed the screwdriver with intent to use it in the commission of a burglary.¹ *See State v. Smith*, 1986-NMCA-089, ¶ 7, 104 N.M. 729, 726 P.2d 883 ("Jury instructions become the law of the case against which the sufficiency of the evidence is to be measured").

{16} The State directs us to *State v. Hernandez*, in which we affirmed the defendant's conviction for possession of burglary tools despite the fact that the tools were not used to gain access to the vehicle but instead as a means of starting the car. 1993-NMCA-132, ¶ 2, 116 N.M. 562, 865 P.2d 1206. *Hernandez* is factually distinguishable. In that case, the defendant purchased a screwdriver at a nearby store, opened an unlocked door to a vehicle that did not belong to him, and tried to start the car by inserting the screwdriver into the ignition. *Id.* ¶ 2. On appeal, the defendant argued that there was not sufficient evidence to support his convictions for possession of burglary tools because "an intent to steal the car is not an intent to commit a theft 'therein.'" *Id.* ¶ 6. In other words, according to the defendant, the burglary statute required proof of intent to steal or otherwise do wrong within the car, not proof of an intent to steal the car itself. *Id.*

{17} We rejected the defendant's argument, concluding that theft of a car can be accomplished from within the vehicle, reasoning that the term "therein" in the burglary statute indicated that the crime exists if the defendant formed an intent to commit a crime "in that place" including an intent to commit car theft. *Id.* ¶ 7 (internal quotation marks and citation omitted). The fact that the door was unlocked—and the defendant did not have to use the screwdriver to gain entry—did not negate the evidence that the defendant purchased the screwdriver with intent to use it to commit the burglary. It was the defendant's intent to use the screwdriver—prior to entry—that supported his conviction for possession of burglary tools. *See State v. Jennings*, 1984-NMCA-051, ¶ 14, 102 N.M. 89, 691 P.2d 882 (stating that the intent to use, rather than actual use, will support conviction).

{18} Unlike the facts in *Hernandez*, where the defendant had a screwdriver in his possession before he entered the vehicle, there is no evidence here that Defendant possessed the screwdriver before he entered Holguin's Civic. Detective Jones testified that he witnessed Defendant driving the Civic and that he later saw a screwdriver in the center console. While this evidence is sufficient to prove that at some point Defendant entered the Civic and may have possessed the screwdriver after entry, it does not establish that he possessed the screwdriver while entering the vehicle. Indeed, the State concedes that "no evidence was submitted that Defendant used or intended to use the screwdriver to obtain unauthorized entry to the vehicle, and that it would be speculation to so conclude from Defendant's possession of the screwdriver." Because there was no evidence that Defendant had the screwdriver before he entered the vehicle or that he had any intent to use the screwdriver to make the unauthorized entry into the vehicle, there is insufficient evidence to support Defendant's conviction for possession of burglary tools.

CONCLUSION

{19} Based on the forgoing, we affirm Defendant's conviction for receiving or transferring a stolen vehicle, and reverse his conviction for possession of burglary tools.

{20} IT IS SO ORDERED.

JACQUELINE R. MEDINA, Judge

WE CONCUR:

J. MILES HANISEE, Judge

BRIANA H. ZAMORA, Judge

¹The State is correct that the December 31, 2017, amendment to UJI 14-1633 was not applicable at the time of trial in this case.

Better. Stronger. Together.

This is a difficult time. We get it. We have been there for people in the toughest battles for over 50 years – and **we are here for you**. Co-counsel. Trial counsel. Resources. We are just a phone call away.



www.SpenceNM.com, (505) 302-2091



TIMOTHY C. HOLM (1962 – 2020)

Modrall Sperling mourns the passing of Timothy C. Holm, a beloved friend and colleague who left us unexpectedly on July 28, 2020. Tim joined the firm in 1987, returning from North Carolina to Albuquerque, where he had spent part of his childhood. An avid sports fan, Tim tried to embrace the Lobos but remained a loyal Tar-Heel, having received his undergraduate and law degrees from the University of North Carolina, where he was named to the Order of the Coif.

Back in Albuquerque, Tim's legal career thrived. He was a leader in the firm's civil litigation practice, representing pharmaceutical companies, medical device manufacturers and other business clients in class action, mass tort and product liability litigation. Tim received numerous accolades for his creative litigation skills, having been recognized by *Chambers USA* as a leading individual in New Mexico in the area of litigation and by *Best Lawyers in America*® in the areas of commercial litigation, products liability litigation, mass tort litigation, and railroad law. He was twice selected by *Best Lawyers* as "Lawyer of the Year" in Albuquerque for his practice areas.



He was further honored by *Benchmark Litigation* as a local Litigation Star and was selected as one of the Top 25 New Mexico Super Lawyers by *Southwest Super Lawyers*®.

Tim was a leader of the firm, serving over the years on our Executive Committee and as Chair of the Associates Committee, but he was best known as a leader of the peloton, riding almost daily (if not twice daily) on the Bosque bike trail, regardless of the weather. A lover of music with eclectic tastes, Tim was a voracious reader and impatient poet, quick to offer his unfiltered opinions, whether or not they were solicited.

Tim was kind-hearted, brilliant, tenacious, charitable, demanding, and could always be counted on to bring a laugh or a smile to us all with his irreverent sense of humor. He was a loving son and brother, commuting to North Carolina the past 5 years to care for his mother and sister (who meant the world to him). Most of all, Tim was generous of spirit, donating much of his earnings to multiple causes and anyone in need, and of his time off the bike to mentoring associates and volunteering for Big Brothers Big Sisters. He will be greatly missed.



MODRALL SPERLING

L A W Y E R S

Albuquerque

www.modrall.com

Santa Fe

CHAPMAN AND PRIEST

P. C.



Stephen M. Simone

MEDIATION and ARBITRATION

Over 42 years of litigation experience in
personal injury and insurance

Martindale-Hubbell AV Preeminent Rating

Statewide Availability

505-242-6000 • stephensimone@cplawnm.com

eNews

Get Your Business Noticed!

Advertise in our email
newsletter, delivered to your
inbox every Friday.

Benefits:

- Circulation of 8,000
- Affordable pricing
- High open/click rates
- Schedule flexibility
- Popular content



Contact Marcia Ulibarri,
at 505-797-6058 or
[email mulibarri@nmbar.org](mailto:mulibarri@nmbar.org)



5810 4TH STREET NW ALBUQUERQUE, NM 87107

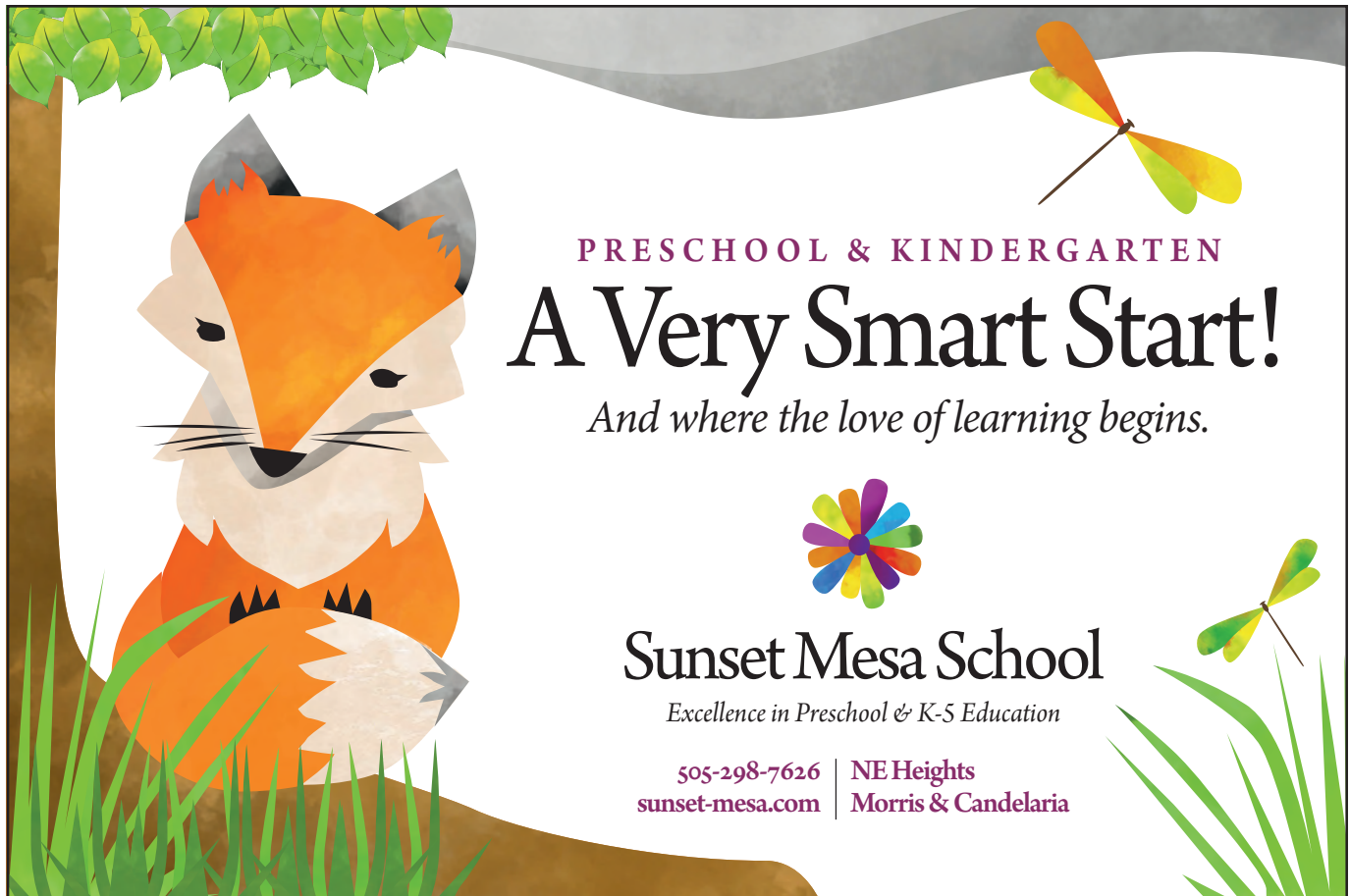
- Sale Price: \$625,000
- Lease Rate: \$16.50 PSF/yr
- Building Size: 4,038 SF [can be divided]
- Solar panels significantly reduce electricity costs
- Excellent condition; Move in ready
- Furniture included

KELLY SCHMIDT

SENIOR ADVISOR

505-503-2643 | kelly.schmidt@svn.com






PRESCHOOL & KINDERGARTEN

A Very Smart Start!

And where the love of learning begins.



Sunset Mesa School

Excellence in Preschool & K-5 Education

505-298-7626 | NE Heights
sunset-mesa.com | Morris & Candelaria



TERRI SAUER BEACH


HOME BEGINS HERE

An experienced attorney.
 Now a successful Realtor.
 Terri can help you whether
 you want to buy or sell a home.

505.250.6411
terri.beach@cblegacy.com

Associate Broker

LEGACY
 505.292.8900



24/7 Live virtual
 receptionist services.

Ruby's got your back.

From your office, to
 your home, to on
 the go!

TO LEARN MORE VISIT:
WWW.RUBY.COM/NMBAR

Arbitration, Mediation and Guardian Ad Litem Representation



Experience:

- Litigating cases involving Civil Rights, Employment Law and Personal Injury
- 19+ years experience as both plaintiff's and defense counsel
- LL.M. in Dispute Resolution with a concentration in Mediation; to be completed in 2021 at Pepperdine University School of Law in Malibu, California

Alternative Dispute Resolution:

- Online Mediation: Cost Effective and Efficient
- Over 300 hours of training in arbitration, mediation, negotiation, and dispute resolution
- Mediating matters throughout New Mexico
- Pro Bono mediator with the 2nd and 8th Judicial District Courts

Guardian Ad Litem Representation:

- Court appointed guardian ad litem representing the interests of minor children and incapacitated adults in settled personal injury matters.

CRUZ LAW OFFICE, LLC



www.cruzlaw-nm.com • (575) 758-7958 • tina.cruz@cruzlaw-nm.com



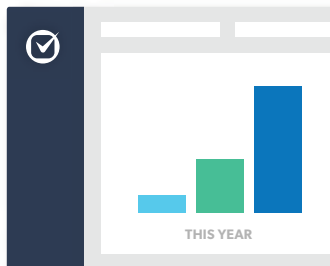
ERNESTINA R. CRUZ, ESQ.

*"Discourage litigation.
Persuade your neighbor to
compromise whenever you can.
As a peacemaker the lawyer has
a superior opportunity of
being a good [person]."*
-Abraham Lincoln



Data matters. Get more with Clio.

Better run your firm with the
insights you need to make
smart business decisions.



1-866-734-7216
landing.clio.com/NMBar



State Bar of New Mexico Members
receive an exclusive 10% discount.

Expertise. Accuracy. Credibility.

From the boardroom to the courtroom,
rely on the forensic and litigation
expertise at Atkinson to deliver results
that are on time and on target.

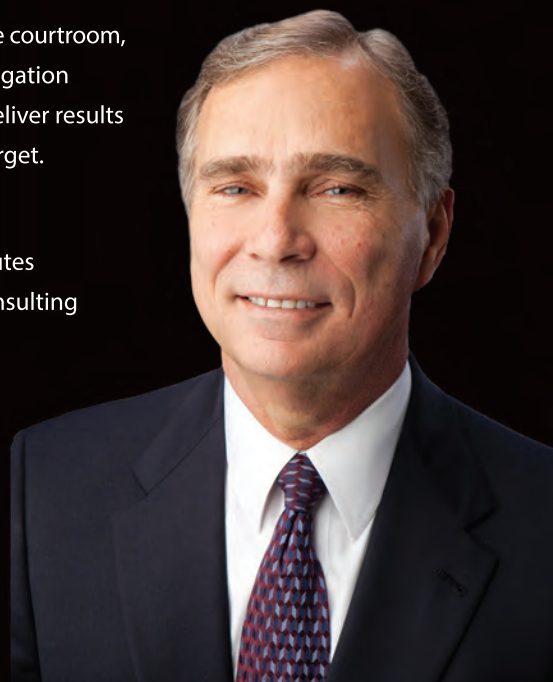
Litigation Services
Partner/Shareholder Disputes
Forensic Accounting & Consulting
Valuation Services

atkinson

Certified Public Accountants

atkinsoncpa.com
albuquerque
505 843-6492

Henry South,
CPA, CVA





Zia Trust, Inc.

The Advisors' Trust Company®



Need to name a Trustee?

Reasons to select Zia Trust over family or a friend:

- Experienced trust officers and support staff
- Timely and accurate financial reporting
- Established in New Mexico for nearly 20 years
- Completely independent from banks
- Oversight by NM Financial Institutions Division

We work alongside your clients' investment advisor

505.881.3338  www.ziitrust.com

6301 Indian School Rd. NE Suite 800, Albuquerque, NM 87110

**Ready to Elevate
your Technology?**

**LightHouse has been
raising technology to new
heights for law firms
since 2003**

**Guiding and Improving
Organizations by Delivering
Effective Technology
Solutions**



**ProActive IT
VoIP Phone Systems
Security Solutions
Cloud Hosting**

WWW.LHBIS.COM | (866) 542-4711 | INFO@LHBIS.COM



DPC DIGITAL PRINT CENTER

Where Quality and Customer Service Matters!

We have turn-key service.
Your job will have personal
service from start to finish.

Featuring: Business cards,
Stationary, Envelopes, Brochures,
Booklets, Magazines, Programs,
Calendars, Invitations, Postcards,
Note cards and Holiday cards
Binding (Square Back, Spiral,
Saddle Stitch), Folding, Trimming,
Punching, Scoring

Ask about your Member Discount!

Marcia Ulibarri, Advertising and
Sales Manager: 505-797-6058
or mulibbarri@nmbar.org



**STATE BAR
of NEW MEXICO**
DIGITAL PRINT CENTER

WE HELP LAWYERS BUILD A BETTER PRACTICE WITH MALPRACTICE INSURANCE

Did you know: The #1 most frequent claim is due to violations of the Fair Debt Collection Practices Act (FDCPA). If you collect any form of payment, you could be vulnerable.

Are you covered?

THE
BAR PLAN
MUTUAL INSURANCE COMPANY

WE HELP LAWYERS BUILD A BETTER PRACTICE.®

800-843-2277 | www.thebarplan.com



LAI PROFESSIONAL INSURANCE PROGRAMS

Or contact LAI for assistance at:
800-803-2229



Lawyers' Professional Liability Insurance • Court Bonds • Risk Management • Practice Management
Workers' Compensation • Lawyers' Business Owner's Policy

Jeff Thompson
Regional Sales Manager

NEW FEATURE

Read the *Bar Bulletin*
online with



- Beautiful layout
- Keyword search
- Get notification of new issues
- Access from your mobile phone

www.nmbar.org/barbulletin
issuu.com/nmbar

EXPERTISE WITH *Compassion.*



GIDDENS+GATTON LAW | P.C.

Our areas of
practice include:
Bankruptcy
Creditor's Rights
Commercial Litigation
Employment Law
Business Law
Real Estate Law

505.271.1053
www.GiddensLaw.com
Albuquerque | NM



Christopher M. Gatton | George "Dave" Giddens

TIM GARCIA, ADR

Mediation, Arbitration, Case Evaluation and Mock Trial Service

Judge Tim Garcia, Ret., has joined the distinguished team of independent panelists lead by the Hon. Layn R. Phillips, Ret., founder of Phillips ADR Enterprises (PADRE), to bring it's experience, in-depth preparation and fierce commitment to neutrality directly to New Mexico.

In light of COVID-19 disruptions, PADRE will provide you with a variety of virtual ADR options: in-depth preparation, candid questioning, thorough evaluation, and mediation. Our chief virtual mediation option is PADRE's full-service video-conferencing platform which allows us to simultaneously utilize various virtual "rooms" to manage joint party sessions, as well as private, separate caucus sessions. Confidentiality and security are carefully protected in our virtual platform.

Bookings for virtual mediations or audio-only conferencing services are available. In-person New Mexico conferences can be reserved for later this year. Please feel free to contact me or any member of the PADRE team to schedule your ADR conference.

Be healthy and safe as we continue to navigate these uncharted waters.



www.phillipsadr.com | tgarcia.adr@gmail.com | (505) 660-6700

LAWPAY[®]

AN AFFINIPAY SOLUTION

POWERING PAYMENTS FOR THE LEGAL INDUSTRY

Plugs into law firms' existing workflows to drive cash flow, reduce collections, and make it easy for clients to pay



PROUD
MEMBER
BENEFIT

888-726-7816
lawpay.com/nmbar



We
have a
podcast!

SBNM is Hear

Listen at www.nmbar.org/podcast



Spotify[®]



YouTube



STATE BAR
of NEW MEXICO

VERITAS ATHENA LLC

Clarity, Competence, Purpose, Transparency



GUARDIANS AND CONSERVATORS

www.veritas-athena.com • 505-337-9151

Gregory T. Ireland, President, Nationally Certified Guardian
gti@veritas-athena.com

Crystal Anson, General Counsel
ca@veritas-athena.com

*Bespoke lawyering for
a new millennium™*

THE BEZPALKO LAW FIRM

Legal Research

Tech Consulting

(505) 341-9353
www.bezpalkolawfirm.com

David Stotts

Attorney at Law

Business Litigation,
Real Estate Litigation

242-1933

MADISON, MROZ, STEINMAN & DEKLEVA, P.A.

We are pleased to announce

Leah R. Shover

has joined the Firm as an Associate

Ms. Shover earned her Bachelor of Arts degree in Journalism in 2005 from University of Missouri and her Doctor of Jurisprudence in 2008 from University of Cincinnati College of Law.

We welcome her to our practice.

201 Third Street N.W., Suite 1600
Albuquerque, NM 87102
505.242.2177 • www.madisonlaw.com

Style is Everything *in Microsoft® Word®*

A Handbook of Time-Saving Techniques
for Formatting Complex Documents
and Other Practical Tips

by *Mary McArthur*
The Software Lady

Available on **Amazon.com**.

Don Bruckner

Mediation & Arbitration

donbruckner@guebertlaw.com
505.823.2300

Visit the
State Bar of
New Mexico's
website

www.nmbar.org

DP&S

DURHAM, PITTARD & SPALDING, L.L.P.

Texas • New Mexico

Caren I. Friedman Civil and Criminal Appeals

cfriedman@dpslawgroup.com | 505.986.0600
505 Cerrillos Rd. Suite A209 Santa Fe, NM 87501

—MEDIATION— JOHN B. POUND

jbpsfnm@gmail.com
505-983-8060
505 Don Gaspar, Santa Fe

ROBERT CASWELL INVESTIGATIONS



rcipi.com
505-797-5661

When you need to know the facts, call the experts

Internal Investigations, EEOC, Employee misconduct,
Backgrounds, Locates, Surveillance, Fraud, Process Serving
and more!

Serving New Mexico for over 25 years

Classified

Positions

Request For Proposal – Legal Services – Varied Governmental

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

Attorney

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

Attorney

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

Deputy District Attorney

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

Assistant City Attorney

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

Multiple Trial Attorney Positions

Available in the Albuquerque Area

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

Entry-Level Attorney

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

Associate Attorney

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

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.

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.

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.

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. All replies are kept confidential. No telephone calls please.

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.

Litigation Attorney

Robles, Rael & Anaya, P.C. is looking for an attorney with experience (3-5 years) in civil litigation. The successful candidate should have excellent communication skills (written and oral), be a self-starter who takes ownership of executing tasks, has an ability to manage and prioritize assigned case-load and is an effective team player. We offer a competitive compensation and benefits package, 401k plan, professional development, CLE credits and more. We also offer a defined bonus incentive program. Please submit resume and writing sample to chelsea@roblesrael.com.

Attorney

Law firm with offices in Albuquerque and Santa Fe seeks an attorney with 4 or more years of experience in estate planning, probate, and litigation matters involving trusts, estates, guardianships and conservatorships. We offer a collaborative team approach, health and dental benefits, matching 401(k), and a profit sharing program. Compensation DOE. Please submit resume and cover letter to kknapp@pbwslaw.com.

Clinical Contract Specialist

UNM Medical Group, Inc. (UNMMG) is the practice plan organization for physicians and other medical providers associated with the UNM Health System. UNM Medical Group, Inc. is a New Mexico non-profit corporation and is an equal opportunity employer. UNMMG offers a competitive salary and an attractive benefit package which includes medical, dental, vision, and life insurance as well as tuition assistance, paid leave and 403b retirement for benefits eligible employees. The Office of Clinical Contract Services (OCCS) is responsible for the management, review, negotiation, and processing of high-value contractual arrangements with a variety of healthcare organizations, and government agencies on behalf of the UNM Health System, which includes UNM Health Sciences Center, UNM Medical Group, Inc., and UNM Sandoval Regional Medical Center. We are seeking a highly engaged, customer and detail-oriented individual to join the OCCS Team as a Sr. Clinical Contract Specialist or Contract Specialist. This position is essential for the UNM Health System. The successful candidate will, under limited supervision, formulate, negotiate, draft, research and develop fair market value analysis in compliance with Stark Law requirements, maintain contracting systems and processes complex, high-value contractual arrangements on behalf of the UNM Health System. Remote work may be required. Minimum Job Requirements: Contract Specialist – HS diploma/GED with at least 6 years of directly related experience. Completed degree from an accredited institution that are above the minimum education requirement may be substituted for experience on a year for year basis. Sr. Clinical Contract Specialist – HS diploma/GED with at least 8 years of directly related experience. Completed degree from an accredited institution that are above the minimum education requirement may be substituted for experience on a year for year basis. To Apply: Visit UNM Medical Group's Career Opportunities website at <https://chp.tbe.taleo.net/chp01/ats/careers/requisition.jsp?org=UNMMEDICALGROUP&cws=1&rid=1811> With you, we ASPIRE to make it better!

Pueblo of Tesuque – Tribal Court Judge (Part-time)

The Judge is responsible for the operation and administration of the Tribal Court and all programs operating through it. The Judge will preside over criminal, civil, and child welfare matters. Applicants must be licensed to practice law and have at least three years' litigation experience in state, federal, or tribal court systems and five years' experience in federal Indian law. This vacancy is open until filled. For more information and an application, please contact hr@pueblooftesuque.org.

Executive Director Civil Legal Services Organization

Senior Citizens Law Office, Inc. (SCLO) is a nonprofit civil legal services provider based in Albuquerque, New Mexico, that receives public and private funding. SCLO's 17 employees provide free civil legal assistance to low income senior citizens in Central New Mexico, has an annual budget of \$900k, and annually reaches approximately 3000 seniors. SCLO prides itself in aggressively addressing the legal needs of its clients through litigation, administrative hearings and appeals, legislative advocacy, and individual casework. We also provide extensive outreach and education throughout our service area. Our systemic advocacy impacts seniors and others statewide. Our priorities include: income/public benefits, health and long-term care, housing (including mortgage foreclosure defense), protective services, advance directives, financial exploitation, consumer protection, and driver's license/real ID. For the complete job posting please visit <https://sclonm.org/sclo-employment-opportunities/2020/08/18/>.

Associate Attorneys

Mynatt Martínez Springer P.C., an AV-rated law firm in Las Cruces, New Mexico is seeking associate attorneys with 0-5 years of experience to join our team. Duties would include providing legal analysis and advice, preparing court pleadings and filings, performing legal research, conducting pretrial discovery, preparing for and attending administrative and judicial hearings, civil jury trials and appeals. The firm's practice areas include insurance defense, civil rights defense, commercial litigation, real property, contracts, and governmental law. Successful candidates will have strong organizational and writing skills, exceptional communication skills, and the ability to interact and develop collaborative relationships. Salary commensurate with experience, and benefits. Please send your cover letter, resume, law school transcript, writing sample, and references to rd@mmslawpc.com.

Attorney

O'Brien & Padilla, P.C., is seeking an energetic attorney to join our growing AV-rated insurance defense law firm. Duties include all aspects of litigation, such as preparing pleadings and motions, taking and defending depositions, participating in mediations and arbitrations, and handling hearings and trials. We handle all types of insurance matters at all stages of the case, but the firm's primary practice areas include defense of bad faith, uninsured motorist, personal injury, and workers' compensation cases. Attorneys with experience in the areas of bad faith and insurance coverage are highly encouraged to apply. We offer a competitive salary and benefits for the right candidate. Please submit your cover letter, resume, references, and writing sample to rpadilla@obrienlawoffice.com.

Request For Proposal

The Pueblo of Sandia is seeking proposals for legal services related to alternative investment matters. All interested legal firms or sole practitioners may request the complete RFP packet from Deshanna Garcia, Purchasing Manager at 505-867-3317 opt. 2 or dgarcia@sandiapueblo.nsn.us.

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

Associate Attorney

Lastrapes, Spangler & Pacheco, P.A., a Rio Rancho based law firm, seeks an associate attorney. The firm's primary areas of practice include real property; corporate/business law; probate, trust & estate planning; and civil litigation. The firm would consider a part-time or full-time hire, depending upon candidate qualifications. Please submit a resume and writing sample via email to lw@lsplegal.com. All replies kept confidential. Salary commensurate with applicable experience.

Second Judicial District Court Court Executive Officer 3

The Second Judicial District Court is accepting applications for a Court Executive Officer 3. The Court Executive Officer 3 is responsible for the general operation and administrative direction and supervision of court employees. Qualifications: Master's degree from an accredited college or university in Business or Public Administration, Judicial Administration, Criminology, Management or a directly related field. Eight years of experience in court management or a criminal justice system overseeing a large public agency or department including multiple disciplines such as budget, finance, procurement, human resource, contracts, administration, or a directly related field and five years' experience supervising and managing a diverse staff. Salary: \$44,138 to \$64,311 hourly, plus benefits. For a complete job description go to www.nmcourts.gov. Apply online or email application or resume supplemental form with proof of education to albdwebmstr@nmcourts.gov. Application without copies of information requested on the application will be rejected. Closes September 18, 2020, at 5:00 p.m. EOE

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 rule-making 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.

Trial Attorneys

The Ninth Judicial District Attorney's Office is seeking entry level and experienced trial attorneys for our Clovis office. Come join an office that is offering immediate jury trial experience, during the COVID-19 crisis, in a jury trial test jurisdiction. In addition, we offer in depth mentoring and an excellent work environment. Salary commensurate with experience starting at \$54,308/yr. Send resume and references to Steve North, snorth@da.state.nm.us.

Associate Attorney

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

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

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. This position will be the procurement attorney for the Purchasing Division. Duties include contract review, contract negotiation, proposal evaluation, assisting end users in drafting requests for procurement and requests for bids, responding to procurement protests and litigating any resulting suits. Must be able to provide legal advice and guidance to City departments, boards, and City Council on complex purchasing transactions. Attention to detail, timeliness, strong writing skills, and client counseling skills are essential. Must be an active member of the State Bar of New Mexico in good standing or be able to attain bar membership within three months of hire. 5+ years of practice preferred. Salary will be based upon experience. Please apply on line at www.cabq.gov/jobs and include a resume and writing sample.

Attorney

Want to work in a collegial environment with the opportunity to grow and manage your own cases? Park & Associates, LLC is seeking an attorney with 3 or more years of litigation experience. 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. Competitive salary and excellent benefits. Please submit resume, writing sample and salary requirements to: jertsgaard@parklawnm.com

Full-Time and Part-Time Attorney

Jay Goodman and Associates Law Firm, PC is seeking one full-time and one part-time attorney. If you are looking for more fulfilling legal opportunities, read on. Are you passionate about facilitating life changing positive change for your clients while having the flexibility to enjoy your lifestyle? If you are looking for meaningful professional opportunities that provide a healthy balance between your personal and work life, JGA is a great choice. If you are seeking an attorney position at a firm that is committed to your standard of living, and professional development, JGA can provide excellent upward mobile opportunities commensurate with your hopes and ideals. As we are committed to your health, safety, and security during the current health crisis, our offices are fully integrated with cloud based resources and remote access is available during the current Corona Virus Pandemic. Office space and conference facilities are also available at our Albuquerque and Santa Fe Offices. Our ideal candidate must be able to thrive in dynamic team based environment, be highly organized/reliable, possess good judgment/people/communication skills, and have consistent time management abilities. Compensation DOE. We are an equal opportunity employer and do not tolerate discrimination against anyone. All replies will be maintained as confidential. Please send cover letter, resume, and a references to: jay@jaygoodman.com. All replies will be kept confidential.

Senior Children's Court Attorney Positions

The Children, Youth and Families Department is seeking to fill two vacant Children's Court Attorney positions: one to be housed in Farmington, New Mexico, the other to be housed in offices in Gallup and Grants, New Mexico. Salary range is \$58,480 to \$93,384 annually, depending on experience and qualifications. The attorney housed in Farmington will represent the Department in abuse/neglect and termination proceedings and related matters in San Juan county. The attorney housed in Gallup and Grants will represent the Department in abuse/neglect and termination proceedings and related matters in McKinley and Cibola counties. The ideal candidate will have experience in the practice of law totaling at least four years and New Mexico licensure is required. Benefits include medical, dental, vision, paid vacation, and a retirement package. For information, please contact; David Brainerd, Managing Attorney, at (505) 795-2760. To apply for this position, go to www.state.nm.us/spo/. The State of New Mexico is an EOE.

Equity Innovator in Creative Non-profit Culture / Legal Director

In-house counsel/legal trainer sought for a small non-profit technical assistance agency working to end sexual violence. .75FTE with full benefits, \$70-\$80K DOE. For details see: <https://nmcsap.org/about-nmcsap/job-postings/>

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>.

Experienced Personal Injury Paralegal

Parnall Law Firm (awarded "Top Places to Work" and "Best Places to Work" in Albuquerque) is hiring an experienced Personal Injury Paralegal. Responsible for the handling of files through trial or settlement disbursement. Litigation experience required. Must be organized; detail-oriented; meticulous, but not to the point of distraction; independent/self-directed; able to work on multiple projects; proactive; someone who takes initiative and ownership; courage to be imperfect, and have humility; willing/unafraid to collaborate; willing to tackle the most unpleasant tasks first; willing to help where needed; willing to ask for help. Required to work together with the attorneys as a team to provide clients with intelligent, compassionate and determined advocacy, with the goal of maximizing compensation for the harms caused by wrongful actions of others; to give clients and help the attention and organization needed to help bring resolution as effectively and quickly as possible; to make sure that, at the end of the case, the client is satisfied and knows Parnall Law has stood up for, fought for, and given voice and value to his or her harm. If you want to be a part of a growing company with an inspired vision, a unique workplace environment and opportunities for professional growth and competitive compensation, you MUST apply online at www.HurtCallBert.com/paralegalcareers. Emailed applications will not be considered.

Legal Assistant

Jackson Loman Stanford & Downey, P.C. is a civil litigation firm with an opening for a detail-oriented, organized professional with at least five years' experience working in a law firm, including drafting pleadings and correspondence, managing documents and case files, and mastery of current state and federal court rules. Must have excellent computer skills, including with MS Office and Adobe Acrobat. Experience with TimeSlips or other law firm billing software is preferred. Salary commensurate with experience. Inquiries kept confidential. Please email resume to sarah@jacksonlomanlaw.com.

Legal Assistant

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

Paralegal

Jackson Loman Stanford & Downey, P.C. seeks an experienced litigation paralegal to assist attorneys with client relations, discovery and document management, legal analysis, and trial. Minimum of five years' experience working in a law firm environment. Must have excellent computer skills, including with MS Office, Adobe Acrobat, and FileShare. Experience with TimeSlips or other law firm billing software is preferred. Salary commensurate with experience. Inquiries kept confidential. Please email resume to sarah@jacksonlomanlaw.com.

Paralegal

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

Services

Briefs, Research, Appeals

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

Legal Writing And Research Services

Please call; (575) 495-9076. Writing samples available upon request. Kenneth C. Detro LLC

Office Space

110 12th Street NW

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

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.

Downtown Office Space For Lease:

1001 Luna Circle. Charming 1500 square ft. home converted to 4 offices, kitchenette and open reception/secretarial area with fireplace and wood floors. Walking distance from courthouses and government buildings. Free parking street-front and in a private lot in back. Security System. \$1500/mo. plus utilities. Call Ken @ 505-238-0324

Unique Offices Available:

Executive offices centrally located in the desirable North Valley. All suites have high end finishes including handcrafted skip trowel textured walls, security system, sprinkler system, a gourmet kitchen, common area for clients to wait, Saltillo tile floors throughout, maid service and a gorgeous outdoor space. Please call Kelli at (505)480-4527 to see the offices.

Miscellaneous

Want To Purchase

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

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**

WBMH LAW: The Winners' Circle



Peer review-based Best Lawyers® just named

Sarah Bennett 2021 Santa Fe Family Lawyer of the Year,
David Walther and **Michael Golden** Best Lawyers &
Amber Macias-Mayo and **Morgon Honeycutt**, Best Lawyers Ones to Watch.

That's every senior lawyer at our firm.

**WB
MH** **WALTHER BENNETT
MAYO HONEYCUTT P.C.**

123 E. Marcy Street, Suite 205, Santa Fe, NM
505.795.7117 | www.wbmhlaw.com



WE FIND THE MISSING PIECE

WHITE COLLAR
CRIME INVESTIGATIONS

SUPPORT FOR
CRIMINAL & CIVIL
LITIGATION

EXPERT WITNESS
TESTIMONY



Janet M. McHard
CPA, CFE, MAFF, CFF
Founding Partner



Beth A. Mohr
CFE, CAMS, CCCI, PI
Managing Partner



Anne M. Layne
CPA/CFF, CFE, CAMS
Partner

505-554-2968

• www.theMcHardfirm.com •

619-764-6144

NM-PI License #2503

AZ-PI License #1639940

CA-PI License #29074

Forensic Accounting	Investigations	Expert Witness Testimony	Professional Education & Other Services
<p>Reconstruction of accounting records for probate and other litigated matters</p> <p>Pre-litigation case analysis, discovery assistance and analysis of financial records</p> <p>Partnership dissolution and other business disputes</p> <p>Complex and high net-worth divorce cases & collaborative divorce</p> <p><i>Kovel</i> accounting and assistance with tax controversy cases</p> <p>Source of funds/income analysis for attorney to determine your risk of fee claw-back</p> <p>Assisting attorneys with IOLTA trust accounting issues</p>	<p>Investigating allegations of fraud, embezzlement or financial discrepancies</p> <p>Investigation of securities fraud cases</p> <p>Investigating allegations of discrimination, harassment or hostile work environment</p> <p>Investigations into allegations of retaliation and whistleblower <i>Qui Tam</i> cases</p> <p>Employment and policy investigations</p> <p>Accounting or professional malpractice investigations</p> <p>Preparing of proof of loss for insurance claims due to employee theft or fraud</p> <p>Asset tracing in complex, high-value cases</p> <p>Tracing of funds in white collar cases</p>	<p>Appointed or agreed-upon Neutral expert</p> <p>Testifying expert</p> <p>Consulting expert a non-testifying expert as a strategic member of your legal team</p> <p>Accounting and professional malpractice cases</p> <p>Calculation of actual and/or intended loss for sentencing</p> <p>Calculation of restitution and damages</p> <p>Expert consulting and testimony in police procedures, practices and misconduct cases</p> <p>Consulting and expert testimony in police oversight cases</p>	<p>Public speaking</p> <p>CPE professional training for CPAs, CFEs and other professionals</p> <p>CLE training for lawyers and legal professionals</p> <p>Certified training for law enforcement</p> <p>eLearning for professionals</p> <p>eLearning - AML/Title 31 training for gaming employees</p> <p>Management consulting, performance improvement evaluations, and econometric studies</p> <p>Fraud risk assessment studies</p> <p>Fraud prevention studies</p> <p>Training for boards and commissions</p>

