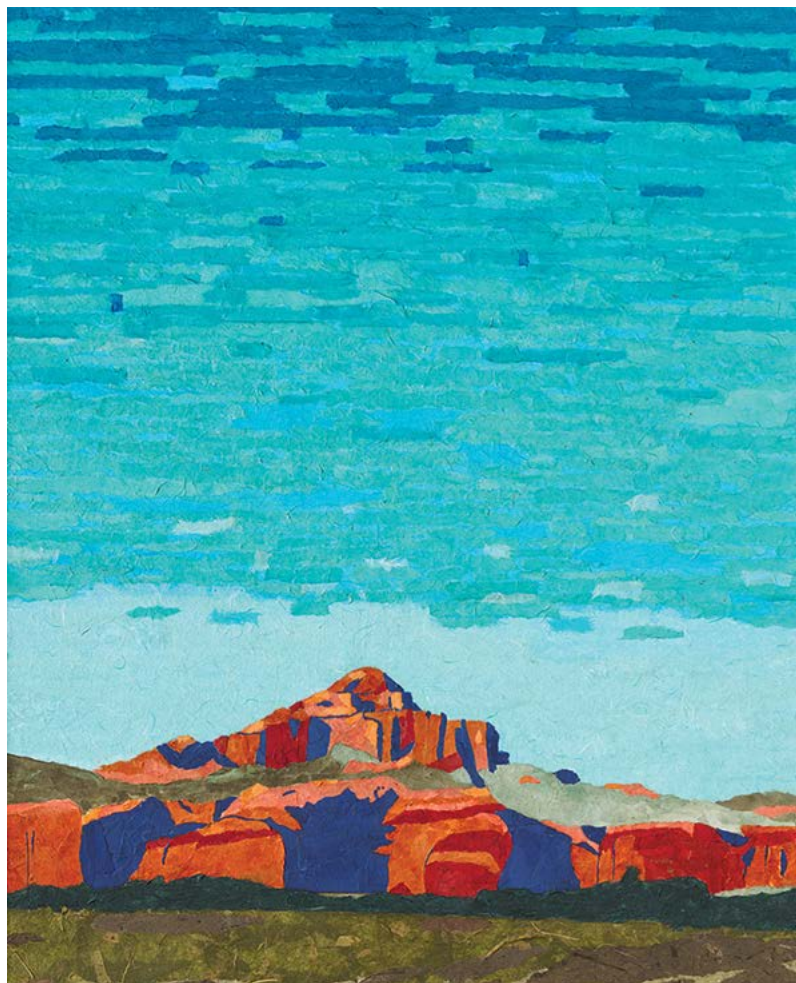


BAR BULLETIN

June 9, 2021 • Volume 60, No. 11



Not Egypt, by Virginia Primozić

www.virginiaprimozic.com

Inside This Issue

Notices.....	5
New Mexico Supreme Court Announcement of Applicants.....	5
State Bar of New Mexico Well-Being Committee: "What a Healthy Lawyer Looks Like"	9
State Bar of New Mexico 2021 Annual Awards: Call for Nominations.....	10
Hearsay/In Memoriam	12
Voluntary Bar Highlight: Albuquerque Bar Association	13
Clerk's Certificates	17
Rules/Orders	
2020-06-4454: In the Matter of Albert Costales, Esq.....	18
From the New Mexico Court of Appeals	
2020-NMCA-023: Richards v. McEachern.....	19



Upcoming Webinars

June 11

Replay: Naked and Afraid: A Legal Survival Skills Program (Stuart Teicher) (2020)

2.0 G **1.0 EP**
8:30–11:45 a.m.
\$147 Standard Fee

June 15

Adobe Acrobat DC: The Basics for Lawyers and Legal Professionals

1.0 EP
11 a.m.–Noon
\$89 Standard Fee

Cannabis Conversations: Recreational Cannabis Use and Employment Law

1.0 G
Noon–1 p.m.
\$49 Standard Fee

June 18

Replay: Family Law Spring Institute–Day 1 (2021)

4.0 G
8:30 a.m.–12:45 p.m.
\$196 Standard Fee

Cybersleuth Investigative Series: Using Free Public Records and Publicly Available Information for Investigative Research

1.0 EP
11 a.m.–Noon
\$89 Standard Fee

Upcoming Teleseminars

June 10

Special Issues in Small Trusts

1.0 G
11 a.m.–Noon
\$79 Standard Fee

June 11

Ethics of Co-Counsel and Referral Relationships

1.0 EP
11 a.m.–Noon
\$79 Standard Fee

June 15

Buying and Selling Commercial Real Estate, Part 1

1.0 G
11 a.m.–Noon
\$79 Standard Fee

June 16

Buying and Selling Commercial Real Estate, Part 2

1.0 G
11 a.m.–Noon
\$79 Standard Fee

June 18

Lawyer Ethics and the Internet

1.0 EP
11 a.m.–Noon
\$79 Standard Fee

June 21

Piercing the Entity Veil: Individual Liability for Business Acts

1.0 G
11 a.m.–Noon
\$79 Standard Fee

June 22

Drafting Buy/Sell Agreements for Closely Held Companies, Part 1

1.0 G
11 a.m.–Noon
\$79 Standard Fee



New Mexico State Bar Foundation
Center for Legal Education



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Table of Contents

Notices	5
Calendar of Legal Education	7
State Bar of New Mexico Well-Being Committee: "What a Healthy Lawyer Looks Like"	9
State Bar of New Mexico 2021 Annual Awards: Call for Nominations.....	10
Hearsay/In Memoriam	12
Voluntary Bar Highlight: Albuquerque Bar Association	13
Court of Appeals Opinions List.....	16
Clerk's Certificates	17
Rules/Orders: 2020-06-4454: In the Matter of Albert Costales, Esq.	18

From the New Mexico Court of Appeals

2020-NMCA-023: Richards v. McEachern	19
Advertising	31

Meetings

June

9

Children's Law Section Board

Noon, Children's Court, Albuquerque

9

Tax Section Board

9 a.m., teleconference

10

Business Law Section Board

4 p.m., teleconference

11

Prosecutors Law Section Board

Noon, teleconference

12

Real Property, Trust and EstateReal Property Division Section Board

Noon, State Bar Center

15

Solo and Small Firm Section Board

10:30 a.m., State Bar Center

17

Public Law Section Board

Noon, Legislative Finance Committee, Santa Fe

Workshops and Legal Clinics

June

23

Consumer Debt/Bankruptcy Workshop

6-8 p.m., Video Conference
For more details and to register, call
505-797-6094

24

Common Legal Issues for Senior Citizens Workshop

11 a.m.-noon, Video Conference
For more details and to register, call
505-797-6005

July

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



**State Bar of
New Mexico**
Est. 1886

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Carolyn A. Wolf, President-elect
Benjamin I. Sherman, Secretary Treasurer
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www.sbnm.org



About Cover Image and Artist: Virginia Primozic enjoys painting New Mexico scenes, but also chooses a variety of subjects that are meaningful to her, impress her with their intensity and color, or communicate simple truth, goodness, and beauty. She considers her work successful if it touches more than the viewer's eye and draws them into a shared moment, memory or emotion beyond the limited expression of the subject. The central element unifying her work is the non-traditional medium of paper. Except for some occasional under painting, paper supplies all the color. Sometimes a paper is just the right shade, otherwise multiple layers and combinations are required to achieve the right hue and intensity. Organic papers are infused with natural colors and textures which add their own beauty - some thin enough to function as a glaze, others heavy and difficult to control. The finished works are protected with a UV acrylic coating.

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>.

New Mexico Supreme Court Announcement of Applicants

Seven applications were received in the Judicial Selection Office at 5 p.m. May 21. The vacancy occurred due to the retirement of the Honorable Senior Supreme Court Justice Barbara Vigil, effective June 30. Inquiries regarding the details or assignment of this judicial vacancy should be directed to the Administrator of the court. The N.M. Supreme Court Judicial Nominating Commission will convene beginning at 9 a.m. on June 17 and will occur by video. The commission meeting is open to the public, and anyone who wishes to be heard about any of the applicants will have an opportunity to be heard. If you would like the Zoom invitation emailed to you, please contact Beverly Akin by email at akin@law.unm.edu. Alternatively, you may find the Zoom information for this hearing below. The names of the applicants in alphabetical order: Frank V. Crociata, Judge Jennifer DeLaney, Judge T. Glenn Ellington, Scott Thomas Fuqua, Judge Victor Lopez, Mekko M. Miller and Judge Briana Zamora.

Topic: New Mexico Supreme Court Judicial Nominating Commission Meeting
Date: Thursday, June 17
Time: 9 a.m.

Professionalism Tip

With respect to parties, lawyers, jurors, and witnesses:

Within practical time limits, I will allow lawyers to present proper arguments and to make a complete and accurate record.

Join Zoom Meeting

<https://unm.zoom.us/j/379615447?pwd=M3lSVGxuSEkrSjd4cExlVXYwK3MzQT09>

Meeting ID: 379 615 447

Password: 72146

Office of the Public Defender Federal CJA Panel Applications

The CJA Panel Committee is accepting applications to join the panel of attorneys eligible to take appointments in federal criminal cases. If you've thinking about getting into federal court, now's your chance. We offer training, mentorship and other resources to assist new panel members. Applications are due no later than July 31. Call Marc Robert at 505-923-9338 with any questions. To get a blank application form, please send an e-mail to marc_robert@fd.org and one will be sent.

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.sbnm.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@sbnm.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 Attorney Support Group

- June 14 at 5:30 p.m.
- June 21 at 5:30 p.m.
- June 28 at 5:30 p.m.

This is a confidential group that meets every Monday night via Zoom. The intention of this confidential 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 Moore at pmoore@sbnm.org or Briggs Cheney at BCheney@DSCLAW.com and you will receive an email back with the Zoom link.

NMJLAP Committee Meetings

- July 10 at 10 a.m.
- Oct. 2 at 10 a.m.

If you wish to attend the meeting, email Tenessa Eakins at teakins@sbnm.org for the Zoom link.

The NMJLAP Committee was originally developed to assist lawyers who experienced addiction and substance abuse problems that interfered with their personal lives or their ability to serve professionally in the legal field. Over the years the NMJLAP Committee has expanded their scope to include issues of depression, anxiety, and other mental and emotional disorders for members of the legal community. This committee continues to be of service to the New Mexico Judges and Lawyers Assistance Program and is a network of more than 30 New Mexico judges, attorneys and law students.

Employee Assistance Program Managing Stress Tool for Members

NMJLAP contracts with The Solutions Group, The State Bar's EAP service, to bring you the following: FOUR FREE counseling sessions per issue, per year. This EAP service is designed to support you and your direct family members by offering free, confidential counseling ser-

vices. Want to improve how you manage stress at home and at work? StressStop.com, an online suite of stress management and resilience-building resources, will help you improve your overall well-being, anytime and anywhere, from any device! The online suite is available at no cost to you and your family members. Tools include: My Stress Profiler: A confidential and personalized stress assessment that provides ongoing feedback and suggestions for improving your response to 10 categories of stress, including change, financial stress, stress symptoms, worry/fear and time pressure. Podcasts and videos available on demand: featuring experts in the field, including Dan Goleman, Ph.D., Emotional Intelligence; Kristin Neff, Ph.D., Self-Compassion; and David Katz, M.D., Stress, Diet and Emotional Eating. Webinars: Covering a variety of topics including work-life balance, thinking through stress, and mindfulness at work. Call 505-254-3555, 866-254-3555, or visit www.solutionsbiz.com to receive FOUR FREE counseling sessions, or to learn more about the additional resources available to you and your family from the Solutions Group. Every call is completely confidential and free.

N.M. Well-Being Committee

The N.M. Well-Being Committee was established in 2020 by the State Bar of New Mexico's Board of Bar Commissioners. The N.M. Well-Being Committee is a standing committee of key stakeholders that encompass different areas of the legal community and cover state-wide locations. All members have a well-being focus and concern with respect to the N.M. legal community. It is this committee's goal to examine and create initiatives centered on wellness.

2021 Campaign - What a Healthy Lawyer Looks Like

N.M. Well-Being Committee Meetings:

- July 27, at 1 p.m.
- Sept. 28, at 1 p.m.
- Nov. 30, at 1 p.m.

Upcoming Legal Well-Being in Action Podcast Release Dates:

- June 23: Hobbies – What are you doing for fun?
- July 28: Compassion Fatigue
- August 25: Fear

Solo and Small Firm Section Roundtable

Join the Solo and Small Firm Section for their upcoming Roundtable presentation. The topic will be "WORK@WHERE? Pros and cons of renting, buying, or working from home". Join other practitioners in a relaxed and informal discussion, sharing ideas and discussing what it is to be a solo or small attorney. The virtual presentation will be on June 11 at 9 a.m. MST. To reserve your spot, contact Member Services at memberservices@sbnm.org.

Appellate Practice Section Brown Bag with Judge

The Appellate Practice Section is hosting a brown bag with the Hon. Briana Zamora and the Hon. Jacqueline Medina. The judges will participate in an open forum discussion with attendees about the current status of the Court of Appeals. All appellate practitioners are welcome to attend. The virtual presentation will be on June 11 at noon MST. To reserve your spot, contact Member Services at memberservices@sbnm.org.

Young Lawyers Division Brown Bag on Student Loans

The division is excited to host Cindy Zuniga-Sanchez, Esq. Cindy will cover how to manage and pay off student loans. She will discuss how she paid off \$215,000 of debt upon graduating law school including strategies used and tools that she recommends. She will also discuss repayment options and common mistakes borrowers make with their student loans. Participants will have time to ask Cindy questions during an interactive Q&A session following the presentation. The brown bag will be on June 18 at noon MST. To reserve your spot, contact Member Services at memberservices@sbnm.org.

— *Featured* —

Member Benefit



Fastcase is a free member service that includes cases, statutes, regulations, court rules and constitutions.

This service is available through www.sbnm.org. Fastcase also offers free live training webinars. Visit www.fastcase.com/webinars to view current offerings. Reference attorneys will provide assistance from 8 a.m. to 8 p.m. ET, Monday–Friday.

Customer service can be reached at 866-773-2782 or support@fastcase.com. For more information, contact Christopher Lopez, clopez@sbnm.org or 505-797-6018.

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>.

Legal Education

June

- | | | |
|---|--|---|
| <p>9 2021 Ethics in Civil Litigation Update, Part 2
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>11 Ethics of Co-Counsel and Referral Relationships
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>17 Claiming Visual High Ground
1.0 G
Live Webinar
Lewis Roca
602-262-5314</p> |
| <p>9 Annual Conference on Immigration Law
16.7 G, 4.2 EP
Live Webinar
American Immigration Lawyers Association
www.aila.org</p> | <p>11 REPLAY: Naked and Afraid: A Legal Survival Skills Program (2020)
2.0 G, 1.0 EP
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>17 Out of Sight, Out of Mind: Unconscious Biases that Impact Remote Colleagues
1.5 EP
Live Webinar
Brownstein Hyatt Farber Schreck LLP
303-223-1304</p> |
| <p>9 New Mexico Tax Law Update on New 2021 Destination-Based Sourcing and Gross Receipts Tax Regulations
4.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>14 Mortgage Training Conference
25.2 G, 1.5 EP
Live Webinar
National Consumer Law Center
www.nclc.org</p> | <p>17 Trademark Bootcamp and Lanham Act Celebration
8.0 G, 0.5 EP
Live Webinar
United States Patent and Trademark Office
804-775-0577</p> |
| <p>10 Preventing Mistakes and Documenting Client Communication
1.0 EP
Live Webinar
Lewis Roca
602-262-5314</p> | <p>15 Adobe Acrobat DC: The Basics for Lawyers and Legal Professionals
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>18 REPLAY: Family Law Spring Institute - Day 1 (2021)
4.0 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>10 May the Force Be with You! How Transportation Logistics Companies Can Win the Battle of Cybersecurity
1.0 G
Live Webinar
Transportation Lawyers Association
913-222-8652</p> | <p>15 Cannabis Conversations: Recreational Cannabis Use and Employment Law
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>18 Cybersleuth Investigative Series: Using Free Public Records and Publicly Available Information for Investigative Research
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>10 Special Issues in Small Trusts
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>15 Buying and Selling Commercial Real Estate, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>18 Lawyer Ethics and the Internet
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| | <p>16 Buying and Selling Commercial Real Estate, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | |

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

21	Piercing the Entity Veil: Individual Liability for Business Acts 1.0 G Teleseminar Center for Legal Education of NMSBF www.sbnm.org	24	Essential Workers, Essential Rights 1.0 G Live Webinar Center for Legal Education of NMSBF www.sbnm.org	28	Opportunity Zones: The New Wave of Real Estate Finance 1.0 G Teleseminar Center for Legal Education of NMSBF www.sbnm.org
22	Drafting Buy/Sell Agreements for Closely Held Companies, Part 1 1.0 G Teleseminar Center for Legal Education of NMSBF www.sbnm.org	25	The Ethics of Representing Two Parties in a Transaction 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org	29	Drafting Small Commercial Real Estate Leases 1.0 G Teleseminar Center for Legal Education of NMSBF www.sbnm.org
23	Drafting Buy/Sell Agreements for Closely Held Companies, Part 2 1.0 G Teleseminar Center for Legal Education of NMSBF www.sbnm.org	25	Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204 1.0 EP Live Replay Webinar Center for Legal Education of NMSBF www.sbnm.org	30	Ethics in Negotiations - Boasts, Shading, and Impropriety 1.0 G Teleseminar Center for Legal Education of NMSBF www.sbnm.org

July

3	Rural Broadband vs. 5 G and Internet Connectivity Issues 1.0 G Live Webinar Conference of Western Attorneys General www.cwagweb.org	11	Social Justice Initiatives and Consumer Protection Enforcement 1.0 G Live Webinar Conference of Western Attorneys General www.cwagweb.org	22	The Mindful Approach to Addressing Mental Health Issues in the Legal Field 1.0 EP Live Webinar Center for Legal Education of NMSBF www.sbnm.org
8	Sports Betting Subcommittee Meeting 1.0 G Live Webinar Conference of Western Attorneys General www.cwagweb.org	16	REPLAY: 2021 Family Law Spring Institute - Day 2 (2021) 4.0 G Live Replay Webinar Center for Legal Education of NMSBF www.sbnm.org	23	REPLAY: Setting Boundaries with Our Clients and Ourselves (2020) 1.0 EP Live Replay Webinar Center for Legal Education of NMSBF www.sbnm.org
9	REPLAY: Gold King Mine Litigation Update (2020) 1.0 G Live Replay Webinar Center for Legal Education of NMSBF www.sbnm.org	19	Annual Rocky Mountain Mineral Law Institute 26.8 G Live Webinar Rocky Mountain Mineral Law Foundation www.rmmlf.org	30	REPLAY: So How 'Bout We All Zoom, Zoom, Zooma, Zoom?: Ethical and Best Practices for a Virtual Practice (2021) 1.0 EP Live Replay Webinar Center for Legal Education of NMSBF www.sbnm.org

“What a *Healthy Lawyer* Looks Like”



It is time for a **CULTURE CHANGE** in the legal profession! Judges, lawyers and law students are some of the most hard-working professionals. This way of living is sustainable for a short while. However, soon you will ask yourself, “Is there more than this? Why am I doing this? Where’s the joy? How do I make a living at this long term **AND** be happy....or, at least, content?” We do not claim to have the answer for you, but we can give you pointers and guidance along the way such that you can **CHOOSE** your path. The path that helps you find clarity, meaning, tools to create gratitude and patience and an overall sense of **WHOLE** human being peace and flow. Fluffy? I think not! Intriguing? For sure! Imperative? Definitely!

“There’s no one right way to “lawyer”. Being a lawyer is one part of who you are, but not **ALL** of you. At the end of the day, you are a **HUMAN BEING**.”

2021 Campaign – “What a *Healthy Lawyer* Looks Like”

Each month, we will be releasing an article and podcast episode about one well-being topic!

— Well-Being topics and upcoming air dates —

- ☞ June 23: *Hobbies – What are you doing for fun?*
- ☞ July 28: *Compassion Fatigue*
- ☞ August 25: *Fear*



State Bar of New Mexico
Well-Being Committee



Call for Nominations

State Bar of New Mexico

2021 ANNUAL AWARDS

Nominations are being accepted for the 2021 State Bar of New Mexico Annual Awards to recognize those who have distinguished themselves or who have made exemplary contributions to the State Bar or legal profession in the past year. The awards will be presented during the **2021 Annual Meeting on October 8**, which will be a hybrid event. All awards are limited to one recipient per year, whether living or deceased, with the exception of the Justice Pamela B. Minzner Professionalism Award, which can have two recipients, an attorney and a judge. Nominees may be nominated for more than one award category. Previous recipients for the past three years are listed below.

To view the full list of previous recipients,
visit **sbnm.org/annualmeeting**.

Judge Sarah M. Singleton* Distinguished Service Award

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

Previous recipients: Deborah S. Dungan, John P. Burton, Ruth O. Pregenzer

"This award was renamed in 2019 in memory of Judge Singleton (1949-2019) for her tireless commitment to access to justice and the provision of civil legal services to low-income New Mexicans. She also had a distinguished legal career over four decades as an attorney and judge.

Distinguished Bar Service Award–Nonlawyer

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

Previous recipients: Renee Valdez, Tiffany Corn, Jim Jackson

Justice Pamela B. Minzner* Professionalism Award

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

Previous recipients: William D. Slease, Hon. Stan Whitaker, Charles J. Vigil

"Known for her fervent and unyielding commitment to professionalism, Justice Minzner (1943–2007) served on the New Mexico Supreme Court from 1994–2007.

Outstanding Legal Organization or Program Award

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

Previous recipients: New Mexico Immigrant Law Center, Second Judicial District Court Judicial Supervision and Diversion Program, Family Support Services Program

Robert H. LaFollette* Pro Bono Award

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

Previous recipients: Julia H. Barnes, Robert J. Andreotti, Susan E. Page

**Robert LaFollette (1900–1977), Director of Legal Aid to the Poor, was a champion of the underprivileged who, through countless volunteer hours and personal generosity and sacrifice, was the consummate humanitarian and philanthropist.*

Justice Seth D. Montgomery* Distinguished Judicial Service Award

Recognizes judges who have distinguished themselves through long and exemplary service on the bench and who have significantly advanced the administration of justice or improved the relations between the bench and the bar; generally given to judges who have or soon will be retiring.

Previous recipients: Judge Alvin Jones (posthumously), Judge Nan G. Nash, Justice Charles W. Daniels

**Justice Montgomery (1937–1998), a brilliant and widely respected attorney and jurist, served on the New Mexico Supreme Court from 1989–1994.*

Nominations should be submitted through the following link:

<https://form.jotform.com/sbnm/2021amawards>.

The link to the Jotform can also be found on the Annual Awards page on the State Bar website at **sbnm.org/annualmeeting**.

Additional information or letters may be uploaded with the form and submitted with the nomination.

Deadline for Nominations: July 19

For more information or questions, please contact Kris Becker at 505-797-6038 or kbecker@sbnm.org.



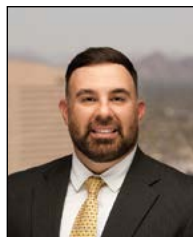
The New Mexico Judicial Performance Evaluation Commission has appointed **retired New Mexico Supreme Court Justice Edward L. Chávez** as vice chair. Justice Chávez served on the New Mexico Supreme Court for 15 years until his retirement in 2018. He was chief justice from 2007-2010. While serving on the court, he wrote more than 200 opinions and served as the court's

representative on or liaison to numerous boards and commissions. He served as second vice president to the national Conference of Chief Justices and helped organize and launch a Judge's Science School at Los Alamos National Laboratory. Since his retirement, Justice Chávez has chaired the Criminal Justice and Public Safety Task Force and the N.M. Supreme Court Ad Hoc Committee to Review Pretrial Release and Detention Procedures. He co-chaired the N.M. First Redistricting Task Force and currently chairs the New Mexico Sentencing Commission. Justice Chávez earned a Bachelor of Business Administration degree from Eastern New Mexico University and graduated from the UNM School of Law. Prior to joining the Supreme Court, he was a practicing attorney who served as president of the Legal Aid Society of Albuquerque (now known as New Mexico Legal Aid). NMJPEC was established by the Supreme Court of New Mexico in 1997 as a volunteer, non-partisan commission to improve the performance of New Mexico's judges and provide useful, credible information to voters on judges standing for retention in general elections. Under state law, judges standing for retention must receive 57 percent voter approval to remain on the bench. The New Mexico Judicial Performance Evaluation Commission is comprised of 15 individuals – seven lawyers and eight non-lawyers – who are appointed by the Supreme Court to staggered terms. Members are selected from nominations made by the governor, chief justice of the supreme court, speaker of the house, senate president pro tempore, house minority leader, senate minority leader and president of the State Bar. For more information about the New Mexico Judicial Performance Evaluation Commission, visit www.nmjpec.org.



Atler Law Firm, P.C. is pleased to announce that **Tim Adler (left)** and **Jazmine Johnston (right)** have been recognized by Southwest Super Lawyers for their experience and skill in appellate practice. Adler

is a 2006 graduate of the University of New Mexico School of Law and chairs the New Mexico Supreme Court's Appellate Rules Committee. Johnstone is a 2016 graduate of the University of New Mexico School of Law and serves on the Board of Directors of the State Bar's Appellate Practice Section. Adler and Johnstone focus their practices on civil and administrative appeals and on other litigation matters involving complex legal questions.



Jones, Skelton & Hochuli, PLC is pleased to announce the opening of a new office in Albuquerque. JSH welcomes attorneys **Raul P. Sedillo (left)** and **Fernando C. Palomares (right)** to its New Mexico office.

Sedillo and Palomares have spent their entire legal careers in the Albuquerque area and both have strong roots in New Mexico. Sedillo is a fourth-generation attorney who will lead the firm's New Mexico office. Sedillo brings almost 20 years of litigation defense experience to his practice, focused primarily in the areas of trucking and transportation, products liability and personal injury defense. He defends clients against a variety of litigation claims, including employment, general liability, civil rights and bad faith insurance litigation. Born and raised in Belen, he completed his undergraduate studies at New Mexico State University and earned his law degree from the University of New Mexico School of Law. Palomares defends clients in the transportation, manufacturing and professional services industries in litigation including professional liability, product liability, and wrongful death claims. Raised in Anthony, N.M., Palomares earned his bachelor's degree in accounting and his law degree from the University of New Mexico School of Law. Prior to law school, Fernando worked as an accountant for a CPA agency and a corporation engaged in development, investments, and asset management. In both positions, he gained valuable experience that he now uses to help his corporate clients.



Albuquerque attorney **David C. Serna** was recently selected for inclusion in the 2021 *Southwest Super Lawyers* list in the areas of criminal law, white collar defense, and DWI defense. Serna has been selected by *Super Lawyers* for 15 consecutive years, and is rated in the Top 25 Lawyers by *Super Lawyers*. Serna was also recently selected by The National Association of Distinguished

Counsel The Nation's Top One Percent for the 7th consecutive year.

Publisher *Chambers & Partners* recognized Brownstein Hyatt Farber Schreck in its annual *Chambers USA Guide* as a top New Mexico litigation: general commercial practice. Chambers recognizes **Eric. R. Burris**, chair of the firm's litigation department, with a ranking in the litigation: general commercial category. Burris has more than 30 years of experience in complex civil litigation, primarily as defense counsel in matters that include commercial litigation issues, economic torts, intellectual property, employment and labor issues, complex/mass torts, products liability and other personal injury disputes. Chambers & Partners has a staff of more than 100 full-time researchers who develop rankings of lawyers and practices based on written submissions provided by law firms, telephone interviews with clients and lawyers, and other resources. Inclusion in the guide is based solely on the research team's findings.



Keleher & McLeod, P.A., one of the leading law firms in New Mexico, is pleased to welcome **Mark W. Allen** as an of counsel attorney to the firm. Allen represents individuals and businesses in a variety of commercial and other disputes in state, federal, bankruptcy, and appellate courts. His practice areas include commercial bankruptcy, creditor's rights, lender liability, insurance

defense, real property disputes, and trust and estates litigation. He received his B.A. from the University of Chicago in 2003, and his J.D. from University of Chicago Law School in 2009, where he was the managing editor of the Legal Forum journal.



Yesenia I. Alvarez, a staff member at Sutin, Thayer & Browne, has been promoted to paralegal in the firm's commercial group. Her focus is in estate planning and probate work with additional experience in corporate formations. Alvarez has been working with law firms since 2016, primarily as a legal assistant, and joined Sutin in 2019. She is currently working toward her Associate's Degree

in Paralegal Studies at Central New Mexico Community College

VOLUNTARY BAR HIGHLIGHT



Albuquerque Bar Association

The Albuquerque Bar is back with a big thanks to our Law Day Speakers, Governor Lujan-Grisham, Chief Justice Vigil and Speaker of the House Egolf! After the interruption of last year's events, we have hit the ground running with a great program for 2021. Founded in 1954, the Albuquerque Bar Association is one of the oldest and largest voluntary bar associations in the State of New Mexico. It is our mission to offer specialized resources and

networking opportunities to advance our members' careers, practices and businesses.

We welcome members from all across the State (active/inactive State Bar Members as well as legal staff) and are currently seeking interest in Board membership. Come check us out! Our upcoming programs are:

- | | |
|--------------|---|
| August 10 | Tax Law Update , <i>Dean Sergio Pareja</i> |
| September 14 | Don't Hack Your Way through Cybersecurity , <i>Mark Fidel</i> |
| October 21 | Cancel Culture Legal Update , <i>TBD</i> |
| November 9 | Family Law Update , <i>Judge Jane Levy, Gretchen Walther, Meredith Johnstone</i> |
| December 14 | Ethics of Jury Selection , <i>Ann Taylor, JoAnn Erikson</i> |

President: Samantha Adams • **Dues:** \$120 • **Email:** abqbar@abqbar.org

Mailing Address: PO Box 40, Albuquerque, NM 87103

Website: www.abqbar.org

James R. Stevenson, MD, JD, and Colonel, US Army (Retired), age 83, passed away peacefully on April 14, at home surrounded by a very loving family. He is preceded in death by his parents, Esther and Lester Stevenson, as well as by his brother, Robert Stevenson. He is survived by his beloved wife Sara Stevenson of 63 years, four children: Brad, Tiffany, Jill and Trevor; sister-in-law Jan Johnson; son-in-law, John; six loving grandchildren, James, Sydney, Abigail, Braden, Brooke, and Hunter; one grandson-in-law, Ian. Born on May 30, 1937 in Ft Dodge, Iowa, Jim attended Bandelier Grade School, Jefferson Junior High, Highland High School, UNM, Colorado Med and UNM Law School. He completed fellowships with the American College of Radiology, FACR (EMERITUS); the American College of Legal Medicine, FCLM (EMERITUS); the American College of Nuclear Medicine, FACNM; and the American College of Nuclear Physicians, FACNP. Jim was an army veteran with tours in Hawaii, San Antonio, West Point, and Vietnam. He was chief of radiology at WestPoint from 1967 to 1969, and at the 12th Evacuation Hospital in Cu Chi, Vietnam from 1969-1970. He was awarded an Army Commendation Medal for his time in Vietnam, as well as a Bronze Star and a Republic of Vietnam Honor Medal First Class. He achieved the rank of colonel, and continued his medical military career in the US Army Reserve Medical Corps until his retirement in 2001. Jim established his medical and legal careers first in private practice, then as a medical legal consultant, as well as the medical director of TransRay Diagnostic. Over the course of his life, Jim served in many offices and committees, including: charter member of American College of Nuclear Physicians; president of staff at ATSF Memorial Hospital, Board of Trustees to the same; treasurer, president, and medical-legal liaison to the Executive Committee respectively to the New Mexico Society of Radiologists; Jim was vice president of the Rocky Mountain Society of Nuclear Medicine; alternate counselor and counselor to the American College of Radiology; Nominating Committee, Bylaws and the Resolutions Committee of the American College of Legal Medicine; Chairman of the Medical Legal Committee and the Committee of Bylaws and Resolutions for the Radiological Society of North America; Chairman of the Medical Staff By-Laws Committee, as well as the Network Selection Committee, a delegate to the Sub Board, a senior leader of the Development Program, and a member of the Clinical Performance Committee at Presbyterian Hospital; and secretary, vice president, president, treasurer, director of Quality Management, and corporate compliance officer for the Radiology Associates of Albuquerque. He was widely published with a number of contributions in several publications including the District Attorney's Guidebook and Medicine and Law. He taught courses, and gave presentations at conferences including the Medical-Legal Ethics Conferences, the Radiological Society of North America, and the 11th World Congress on Medical Law in Sun City, South Africa. A long standing member of the Rotary Club of Albuquerque, the Albuquerque Committee on Foreign Relations, President of the Board of Deacons and a member of the Board of Trustees at Immanuel Presbyterian Church, the Shrine Ballut Abyad, Masons, the Benevolent and Protective Order of the Elks, and the Albuquerque Country Club. This is only a fraction of all that he accomplished, but when asked, he would say that he was most proud of being a loving husband to Sara, a father, grandfather, and friend. He could often be found fishing by his woodland cabin, playing or watching golf, and enjoying ice cream with his family. Jim loved his Sigma Chi Brothers. He loved to travel, and visited every state except North Dakota. He visited all seven continents. He held the ever important position of Santa Claus at every holiday party. Over the years, he cultivated

an incredible library. It stands a testament to his love of the written word. His favorite author was Charles Dickens. He collected over three thousand books and read every last one, including the Classics in law and medicine. Most of all, he loved to have his family around him and built two cabins over the course of his life where his loved ones could come together. His children and grandchildren harbor many fond memories of hikes through the forest and evenings around the campfire. His smile was something to behold and he brightened every room he set foot in. He was a truly wonderful man and he will be deeply missed.

Lewis Campbell passed away peacefully on Dec. 16, 2020 surrounded by friends and family. Lewis was born in Kansas City, M.O. on Oct. 26, 1929. He had two older sisters: Frances Moore (deceased) and Shirley Woods. His family moved to Clarendon Hills, I.L. where Lewis grew up. After high school he received a scholarship to UNM so moved to Albuquerque in 1947. After completing his undergraduate degree in physics he joined the US Army during the Korean War. After basic training he was admitted to Officers Candidate School and later joined the OSS, a predecessor to the CIA. When the war was over Lewis returned to Albuquerque to enter UNM Law school. During this period in the mid-1950s Lewis raised private capital and began prospecting for uranium primarily in Wyoming and Utah where he took a Jeep and a horse to scour the backcountry. In 1955 he married Doris Tracy of Hinsdale, I.L. with whom he had three sons, Stuart Campbell, William Campbell and Frank Campbell. After graduating law school in 1959 Lewis worked in private practice in Farmington and Gallup until he joined the US Attorney's Office in Albuquerque in 1963. In 1966 he left the US Attorney's office and started what would become a successful private practice with his friend Hugo Cotter. The firm grew to be one of the larger more prestigious Albuquerque law firms. In 1975 Lewis married Rosita Martinez to whom he remained married for 45 years until his passing. Lewis raised Rosita's children, Tim Carr, Steve Carr, Shawn Carr and Micka Embree as his own. Lewis remained a practicing attorney until 2019 making him one of the longest practicing attorneys in the state at 61 years. Lewis was very active in politics and for a time was chairman of the Republican Finance Committee for the state of New Mexico. He was an avid reader focusing on economics, public policy, China and Russia. He was also a pilot and flew a small Aircoupe around New Mexico landing frequently on abandoned dirt airstrips. Lewis was a mentor to many people, especially young attorneys who practiced under him. He will be remembered by many as a generous man who never stopped seeking knowledge.

Robert "Bob" Marcotte, 79, passed away on Feb. 23 from a courageous battle with cancer. He was born to loving parents, Hank and Rita in New Bedford, Mass. on Oct. 9, 1941. The oldest of nine children, he was always the brother they looked up to. He is survived by his sisters, Mary Buss (Bill), Monica Casey (Denny), Connie Sansoucy (Art), Cindy Pinto (Ralph), Liz Healy, and our beloved Annie in heaven; brothers, Paul, and Jim (Julie). His career in the military allowed him to travel the world, receiving many awards and accolades which included receiving the bronze star. He retired after 20 years of service to our country as a US Army Major. His last assignment was Commander of Fort Wingate in Gallup, New Mexico. Upon his retirement from the Army, he attended the UNM School of Law. As an attorney he was able to help many family and friends and he also met his lifelong friend, Manny. He then met and married the love of his life Gloria in 1989. He especially cared for his extended family, Carmel and Lina Padilla; sisters-in-law, Inez Aguilar (Tom

Underwood), Annette Holtz, Theresa Rogers (Chuck), Jane Martinez (Antonio); brothers-in-law, Mariano, Carl (Tisha) and Roy (Virginia). He also leaves behind his loving children, Lisa Lackmann (Chris), Daniel (Wanping), Leon Garcia, and Greg Padilla; his granddaughters, Amber Brown, Jordanne Khatuntseua, Justine Prestifilippo, Joy Ping Marcotte; great-grandson, Ryan Brown; special godson, Samuel Tapia; and many cousins, nieces, and nephews. Bob enjoyed fishing, hunting, working on cars and photography. His talents were many. He could fix anything. He especially loved meeting weekly with his golf friends and playing a round of golf filled with storytelling and joking. He thoroughly enjoyed being with his buddies. He will be greatly missed for being the giving, caring, loving man that he was. Bob was one of a kind.

John Laflin, beloved husband, father, grandfather, and great-grandfather passed away on Monday, Nov. 16, 2020, surrounded by his devoted family at the age of 94. He knew how to love, have fun, and live an amazing life. Goodbye daddy and grandpa perfect. You served as a great example for us all and will be greatly missed. John is survived by his wife of 65 years and love of his life, Marjorie Laflin; twin sister, Jane "Twino"; children, Dennis, Jane, Mary, Michael (Jamie), Marcy, and Nancy; grandchildren, Katie, Serena (Felix), Tricia (Jon), Mara (Bryce), Michael (Anna) and Brandilyn; and great-grandchildren, Madeliene and Brayden. He was also an uncle to DOZENS of beloved nieces and nephews, including Dr. Jay Jacobi, who always looked after him. Thank you, Jay. John was preceded in death by his father, mother, and five siblings. John began working at the age of 10 after his father passed away, a work ethic that followed him throughout his life. He bravely served in the United States Navy during World War II and attended college using the G.I. Bill. He graduated from the University of Oklahoma with multiple degrees and taught at universities throughout the country. He started his own law firm in Albuquerque in 1972, which is now Laflin, Pick & Heer, P.A. Thank you, Dan and John. He was a very respected CPA and tax and estate planning attorney who believed in serving his community. For 21 consecutive years, John was recognized in the publication *The Best Lawyers in America* for his ethics and hard work. He co-authored *Estate Planning in New Mexico*. John finally retired at the age of 80. As a man of faith, John believed in helping people. He was awarded by the Albuquerque Community Foundation for the multiple charities he supported throughout his career. He also received the Meritorious Service Award by the New Mexico Society of Certified Public Accountants and the Distinguished Bar Service Award by the State Bar of New Mexico. He was also a member of the Kiwanis Club. The ripple effect his life had on so many, is a testament to a life well lived.

John W. Pope, 74, of Rio Communities, passed away on May 18 after a long illness. A former district court judge, he had a passion for the law. A lifelong democrat, he was active in politics, both in Valencia County and state wide. He was a dedicated teacher, and taught at UNMVC for more than 20 years. He delighted in mentoring political science students, and was always willing to share his knowledge and opinions with anyone who was willing to listen. A gregarious man, he was active in a huge variety of organizations and causes. He was an avid golfer and loved the arts. He was proceeded in death by his father, William Pope, his mother Florence (Kline) Pope, brother Thomas Pope, and family friend Helen Radcliffe. He is survived by his daughters, Erin, Ana and Lauren, his sisters Dixie (John) Davidson, Patricia Aragon, and Debbie (Dave) DiSantis, many beloved nieces

and nephews and great-nieces and great-nephews. He is also survived by the mother of his children, Linda Pope, and close friends Rick Shand and Cynthia Ferrari, and his faithful cat, Remus. The family would like to thank all the caregivers, neighbors and friends who helped care for him.

Raquel Odila Velásquez, 83 passed away on Oct. 16, 2020. Raquel was born in Laredo, Texas on March 8, 1937, to Dolores Contreras Velásquez and Juan Ángel Velásquez. Raquel was an honor student who graduated in 1954 from Jefferson High School, San Antonio, Texas. She moved to Albuquerque in 1962 where she raised four children and worked full-time as a secretary with the U. S. Forest Service and later Kirtland Air Force Base. At 41, Raquel returned to college and graduated with honors earning a bachelor's in Sociology. In 1987 she earned a Doctor of Jurisprudence from the UNM School of Law. She was on the School of Law Dean's list and was a member of the Delta Theta Phi Law fraternity and the Mexican American Law Student Association. Raquel received the prestigious Dean's Award and the Hispanic Law Student's Award upon graduation. In her law career, Raquel worked across the state as a district attorney and prosecuting attorney and retired as an attorney with the Child Support Division of the New Mexico Department of Human Services. Born on the day that became known as Women's Day, Raquel was a woman born before her time. She was a strong role model, honored women's rights and believed a woman could do anything. Her heritage was mixed with roots from the Tlascaltecan tribe in Mexico, and Honduras, and Morocco. She was the first female attorney to represent a Native American female client in a tribal court in New Mexico. Throughout her life, Raquel performed ballet folklórico at the schools she attended. As an undergraduate student in 1972, she co-founded the Ballet Folklórico de Albuquerque at the University of New Mexico. Raquel was an honored member of the Hispanic Women's Council. Her tribute appears in the book *Mujeres Valerosas*. She was a longtime member of El Buen Samaritano United Methodist Church. Every summer, Raquel drove her children back to San Antonio to reconnect with family, and to maintain the family's bilingual and culture heritage. In New Mexico she enjoyed hiking and studied for the bar exam sitting high upon the rocks of the Sandia Mountains. She created weekend trips taking her children to explore the history and land of the state and visiting friends, especially in Northern New Mexico. Her love of travel took her to Mexico, Canada, Italy, the Philippines and many states including Washington, California and Alaska to name a few. Raquel is survived by her daughter Diane Torres-Velásquez and grandsons James and Josh Raborn; her son Michael Anthony Torres; daughter Kathy Coffey (Bob); daughter Linda Renner (Marc) and grandsons Nick, Stephen, and Michael Renner; and by their father Robert L. Torres. She is survived by her brothers Joe M. and Daniel Velásquez (Leticia) and by many loving cousins, nieces, nephews, great nieces and great nephews.

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 May 14, 2021

UNPUBLISHED OPINIONS

A-1-CA-38713	E Wilson v. Berger Briggs Real Estate and Insurance	Affirm	05/10/2021
A-1-CA-37389	State v. E Arvizo	Affirm	05/11/2021

UNPUBLISHED OPINIONS

A-1-CA-36960	State v. J Janet	Affirm	05/10/2021
A-1-CA-38402	R Johnson v. NM Corrections Department	Dismiss	05/10/2021
A-1-CA-37841	State v. J Martinez	Affirm/Remand	05/11/2021

Slip Opinions for Published Opinions may be read on the Court's website:
<http://coa.nmcourts.gov/documents/index.htm>

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

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Rules/Orders

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

From the New Mexico Supreme Court

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

In the Matter of ALBERT COSTALES, ESQ.

DISCIPLINARY NO. 2020-06-4454

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 the Disciplinary Board Panel's decision of January 11, 2021 after a hearing was held on the merits in this matter on October 15, 2020.

While appearing for jury selection during a criminal trial on December 9, 2019, you repeatedly engaged in disruptive behavior with the district court judge presiding over the case. Specifically, you made disrespectful comments to the judge, including making the following comments: "I mean the reason that we're insisting on going today is because he insists on keeping my client in jail. And the Court seems to feel that's fine"; "I mean, this—this is not just to accommodate [the prosecutor] and everything he wants"; "It seems the Court is extremely biased in this matter towards [the prosecutor's] Motion. I've raised this with you before."

Despite being warned repeatedly by the judge in this matter to refrain from engaging in this type of behavior, you continued arguing with and interrupting the district court judge. Your behavior became so disruptive the judge in this matter held you in contempt and sanctioned you for your behavior.

Your conduct in this matter was found to have violated Rule 16-305(D), by engaging in conduct intended to disrupt a tribunal and Rule 16-804(D), by engaging in conduct prejudicial to the administration of justice.

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 April 16, 2021

The Disciplinary Board of the New Mexico Supreme Court

By
Howard R. Thomas, Esq.
Vice-Chair

Advance Opinions

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

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

Opinion Number: 2020-NMCA-023

No. A-1-CA-35613 (filed June 2, 2020)

IN THE MATTER OF THE GUARDIANSHIP
AND CONSERVATORSHIP OF C.G.,

ROBERT RICHARDS,
Appellant,

v.

MICHAEL MCEACHERN,
Appellee.

APPEAL FROM THE DISTRICT COURT OF SAN MIGUEL COUNTY

GERALD E. BACA, District Judge

Released for Publication June 2, 2020.

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Santa Fe, NM
Pro Se Appellant

Hurley Toevs Styles Hamblin &
Panter PA
GREGORY W. MACKENZIE
LALITA DEVARAKONDA
Albuquerque, NM
for Appellee

Disability Rights New Mexico

ALICE LIU COOK
JASON C. GORDON
Albuquerque, NM
for Amicus Curiae Disability Rights
New Mexico

Background

{2} The substantive question presented arose in circumstances that court-appointed professionals in the case described as “difficult” and “complicated,” with concerns expressed about C.G.’s relationships with family members and their involvement in decisions within the authority of C.G.’s court-appointed guardian and conservator; differences between what family members believed C.G. needed and what C.G. said she wanted, which the guardian believed should be supported; and issues in the relationship between C.G.’s guardian and conservator. Inconsistencies in the terms of the order and documents implementing the guardianship and conservatorship interposed confusion, and other circumstances precipitated delays and litigation concerning various issues. While the record sheds light on the context in which this appeal arises, we are mindful of the sequestered nature of the proceedings below and that the sole substantive question before us is whether the district court erred in striking Richards’ entry of appearance as counsel for C.G. on the grounds stated in its order.

A. Appointment of Guardian and Conservator

{3} In June 2014 C.G.’s daughter (Daughter)² filed a petition in the district court asking to be appointed as guardian and conservator for her mother. Acting in accordance with statutory procedures stated in Article 5, the court entered orders appointing a qualified health-care professional (QHCP),³ a visitor,⁴ and a guardian ad litem (GAL),⁵ and scheduling an evidentiary hearing to determine whether C.G. was inca-

Opinion

Linda M. Vanzi, Judge.

{1} Attorney Robert Richards appeals from the district court’s order striking his entry of appearance “as counsel of record for [C.G.],” an adult under a

guardianship and conservatorship ordered by the court pursuant to Article 5 of the New Mexico Uniform Probate Code (UPC), “Protection of Persons Under Disability and Their Property,” NMSA 1978, §§ 45-5-101 to -436 (1975, as amended through 2019¹) (Article 5). We reverse.

¹Some statutes pertinent to the substantive issue presented in this appeal have been amended, with effective dates following entry of the order from which Richards appeals. We cite and apply the statutes in effect during the relevant time period, which predates those amendments.

²C.G. has more than one daughter. The daughter referred to herein as “Daughter” filed documents and participated in the proceedings below.

³See NMSA 1978, § 45-5-101(U) (2011, amended 2019) (defining “qualified healthcare professional” as “a physician, psychologist, physician assistant, nurse practitioner or other health care practitioner whose training and expertise aid in the assessment of functional impairment”).

⁴See § 45-5-101(V) (defining “visitor” as “a person who is an appointee of the court who has no personal interest in the proceeding and who has been trained or has the expertise to appropriately evaluate the needs of the person who is allegedly incapacitated”).

⁵See § 45-5-101(E) (stating that “‘guardian ad litem’ has the same meaning as set forth in [NMSA 1978,] Section 45-1-201(A)(22) (2011)”; NMSA 1978, § 45-1-201(A)(22) (stating that, “[a]s used in the [UPC], except as provided in Subsection B of this section and unless the context otherwise requires . . . ‘guardian ad litem’ means a person appointed by the district court to represent and protect the interests of a minor or an incapacitated person in connection with litigation or any other court proceeding”); § 45-1-201(B) (stating that “[t]he definitions in Subsection A of this section are made subject to additional definitions contained in subsequent articles that are applicable to specific articles, parts or sections”); NMSA 1978, § 45-5-303.1 (1993, amended 2019) (stating the duties of a GAL); NMSA 1978, § 45-5-404.1 (1993, amended 2019) (same in conservatorship proceedings).

pacitated.⁶ See NMSA 1978, § 45-5-303 (2009, amended 2019) (stating guardianship procedures); NMSA 1978, § 45-5-407 (1998, amended 2019) (stating conservatorship procedures); § 45-5-102(D) (“When both guardianship and protective proceedings⁷ as to the same person are commenced or pending in the same court, the proceedings may be consolidated.”). The court also granted Daughter’s emergency ex parte motion, in which she asked to be appointed as temporary guardian and temporary conservator. See § 45-5-310 (governing appointment of temporary guardian); § 45-5-408 (governing appointment of temporary conservator).

{4} On September 30, 2014, after holding a hearing, the court entered an “Order Appointing Temporary Guardian and Conservator” (2014 Order), in which the court concluded, among other things, that C.G. “is incapacitated and appointment of a guardian and conservator is necessary”; the guardian and conservator “should each be appointed to serve with independent and several authority”; and C.G. had the right to appeal the appointments within thirty days “and to seek alteration or termination of the guardianship and/or conservatorship at any time.” The 2014 Order’s decretal paragraphs “ordered, adjudged and decreed”⁸ the following (among other things): (1) C.G. is “declared an incapacitated person”; (2) an independent guardian (identified by name) is appointed as “plenary guardian of [C.G.]” (Guardian); (3) C.G.’s son-in-law (also identified by name) is appointed as “conservator of the estate” of [C.G.]” (Conservator); (4) “Letters of Guardianship and Conservatorship shall issue upon acceptance of this appointment”; and (5) the duties of the GAL appointed at the commencement of the proceedings “are terminated upon entry of this order.” See § 45-5-304 (describing inquiries and findings to be made in appointing guardians); § 45-5-407(G)-(P) (same in appointing conservators); § 45-5-303.1(B) (stating that, “[u]nless otherwise ordered by the court,” GAL duties “terminate and the

[GAL] is discharged from” those duties “upon entry of the order appointing the guardian and acceptance of the appointment by the guardian”); § 45-5-404.1(B) (same in conservatorship proceedings).

{5} The 2014 Order and “Letters and Acceptance” of guardianship and conservatorship stated no limitations on the powers of Guardian and Conservator but authorized Guardian to exercise all powers granted to guardians, and authorized Conservator to exercise all powers granted to conservators, in Article 5. See § 45-5-308(C) (stating, inter alia, that guardianship letters shall contain “the scope of the guardianship including the specific legal limitations imposed by the court on the powers of the guardian”); § 45-5-421.1(C) (same concerning conservatorship letters); NMSA 1978, § 45-5-312 (2009, amended 2019) (stating powers of guardians); §§ 45-5-424, -425 (stating powers of conservators).

{6} As to the guardianship, the 2014 Order determined that “guardianship is appropriate as the least restrictive form of intervention consistent with the preservation of the civil rights and liberties of [C.G.]”; appointed Guardian as “plenary guardian of [C.G.]”; and described Guardian’s authority broadly as the “authority to act on behalf of [C.G.], which includes but is not limited to” several enumerated powers and rights of access to information. The letters also described Guardian’s broad “authority to act on behalf of [C.G.],” and stated that Guardian “shall have full legal authority over [C.G.]”; “may exercise all powers granted to guardians in [Article 5]”; and “is appointed solely as guardian and not as conservator.”

{7} As to the conservatorship, the 2014 Order described the scope of Conservator’s authority as over C.G.’s estate, determining that “[t]here are no available alternative resources that enable the effective management of property and financial affairs for [C.G.] and the conservatorship is appropriate as the least restrictive form of intervention consistent with the preservation of her property.” The letters stated that Conservator “shall have full legal

authority over [the] estate of [C.G.]”; “may exercise all powers granted to conservators in [Article 5]”; and “shall serve solely as conservator of [C.G.’s] estate and shall not be her guardian.”

{8} The 2014 Order and guardianship letters contain inconsistencies. As noted, the 2014 Order’s decretal paragraphs ordered that “[t]he guardianship and conservatorship are in place until further order of the court.” But the title described the appointments as “Temporary Guardian and Conservator,” and one (non-decretal) sentence within stated that, “[i]n the event that [C.G.] is able to return to living independently without the need for placement in a residential facility, [Guardian] shall be relieved of her duties as guardian.” The letters also stated, “In the event that [C.G.] returns to living independently outside a residential placement, [Guardian’s] appointment as her guardian shall terminate.”

B. Subsequent Events and Proceedings

{9} C.G. lived in an assisted-living facility from the commencement of the guardianship/conservatorship until April 10, 2015, when she moved back to her home. On or about December 11, 2015, Guardian filed a letter addressed to the district court stating that she was “asking for [the] guardianship to be revoked at this time”; explaining that she “had assumed that [the] guardianship only lasted until [C.G.] moved out of [the assisted-living facility]”; and that she was “requesting a hearing to reconsider [C.G.]’s need for guardianship.” See NMSA 1978, § 45-5-307(C) (2009, amended 2019) (allowing a “petition for an order that the incapacitated person is no longer incapacitated and for removal or resignation of the guardian . . . by informal letter to the court or judge”). The letter also stated that C.G.’s “family is asking that one of them take the place of her guardianship” but that Guardian believed “a more objective guardian would be the best option.”

{10} The record includes statements indicating that Guardian understood from the appointment documents that the guardianship terminated automatically when C.G. moved from the assisted-living

⁶Section 45-5-101(F) defines “incapacitated person” as “any person who demonstrates over time either partial or complete functional impairment by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, except minority, to the extent that the person is unable to manage the person’s personal affairs or the person is unable to manage the person’s estate or financial affairs or both.” Section 45-5-101(T) defines “protected person” as “a minor or other person for whom a guardian or conservator has been appointed or other protective order has been made[.]” We generally use “incapacitated person” here because the court’s determination that C.G. needed a guardian and conservator rests on a finding of incapacity.

⁷Section 45-5-101(S) defines “protective proceeding” as “a conservatorship proceeding under Section 45-5-401.”

⁸See, e.g., *Khalsa v. Levinson*, 1998-NMCA-110, ¶ 13, 125 N.M. 680, 964 P.2d 844 (explaining that “decretal language . . . carries the decision into effect by ordering that something happen”).

⁹Section 45-5-101 (Article 5’s definitions section) does not include a definition of “estate,” but context makes clear that the term “estate,” as used in Article 5’s conservatorship provisions, refers to “property,” as discussed *infra*. See also § 45-1-201(A)(15) (defining “estate” as “includ[ing] the property of the . . . person whose affairs are subject to the [UPC] as the property was originally constituted and as it exists . . . during administration”).

facility back home, but that Guardian continued with guardianship duties in August 2015 after she learned that her understanding was incorrect and she needed to file a motion if she believed the guardianship should be revoked.

{11} In a later report to the court (filed February 9, 2016), Guardian confirmed that she served as C.G.'s guardian "from September 20, 2014 to [the] present time except for the period of time from April 10, 2015 to August 24, 2015[.]" This report also stated that C.G. had met and conferred with Richards at a legal fair that took place during the period when Guardian believed the guardianship was no longer in effect. In addition, this report described, among other things, Guardian's problems dealing with Conservator and C.G.'s daughters.

{12} In response to Guardian's letter request, the district court scheduled a motion hearing and status conference for January 21, 2016. *See* § 45-5-307(D), (F) (providing, *inter alia*, that "[u]nless waived by the court upon the filing of a petition to terminate a guardianship for reasons other than the death of the incapacitated person, the court shall follow the same procedures to safeguard the rights of the incapacitated person as those that apply to a petition for appointment of a guardian as set forth in Section 45-5-303" and "shall hold a status hearing . . . to determine the appropriate order to be entered").

{13} Attorneys representing Daughter filed an entry of appearance on January 14, 2016 and, on January 19, 2016, filed an emergency petition to remove Guardian; appoint a family member identified by name in the petition as temporary, successor guardian; continue the conservatorship; and re-evaluate C.G.'s capacity. The petition recites complaints about Guardian's performance of her duties, including her alleged failure to respond to Conservator's request that she prepare a budget and her "unilateral" decisions to move C.G. home and cease performing her guardianship duties without obtaining another cognitive evaluation and without seeking court guidance.¹⁰ Richards also filed an entry of appearance "as counsel of record for [C.G.]" on January 14, 2016. A letter executed on January 19, 2016, by Guardian "[i]n her capacity as Guardian for [C.G.]" states that the letter "formalize[s] the agreement" whereby

Guardian hired Richards "to assist [C.G.] with her guardianship, or even if she is under a guardianship, under [Guardian's] authority to hire [Richards,] pursuant to [Section] 45-5-312."

{14} Richards appeared on behalf of C.G. at the January 21, 2016 hearing, with C.G., Guardian, Daughter, and Daughter's counsel in attendance and Conservator participating by telephone. Richards stated that he was there to present C.G.'s "preferences"; was concerned that C.G. might need representation if there were another hearing, and asked to be appointed as GAL. Guardian explained that she was confused by the guardianship letters and understood that she was no longer C.G.'s guardian after C.G. moved home. The court asked Guardian if she had "been acting . . . and recently serving" as C.G.'s guardian, and Guardian confirmed that she was. The court acknowledged that the word "temporary" appeared in the title of its 2014 Order and that "there is some contradiction in the letters that were issued," but noted the decretal language in the 2014 Order and stated, "I find the status quo is that there is a guardianship in place."

{15} The district court found at the hearing that C.G. continued to need a guardian and conservator pending an evidentiary hearing to be scheduled. Among other rulings (later memorialized in a written order), the court (1) granted Daughter's emergency petition to continue the conservatorship and to re-evaluate C.G.'s capacity; (2) denied Guardian's motion for revocation of the guardianship and Daughter's emergency petition to remove Guardian and appoint a temporary successor guardian; (3) ordered that Guardian would continue to serve pending an evidentiary hearing to re-evaluate C.G.'s capacity and the necessary level of guardianship and conservatorship; and (4) ordered the appointment of a visitor, GAL, and QHCP to provide recommendations at that hearing. At the end of the hearing, the court stated, in response to a question from Daughter, "If you believe [the guardian is acting] totally outside her role, that's why you have your attorney, and we'll be back here."

{16} In re-appointing the GAL who had served in the 2014 proceedings, the court stated at the hearing that the GAL had previously "[p]rovided a full and complete report to the court" and that she "is inde-

pendent of all parties and will provide the court with an honest opinion as to what is appropriate in the best interests of the protected party." When Richards asked the court to clarify "[his] role now in this proceeding," the court responded, "That's sort of interesting. I'm not really sure. . . . But I appointed a guardian¹¹ who typically will be reporting to me not so much as her attorney but as an arm of the court as to what . . . he or she believes is in the best interests of . . . the protected person and at the same time I'm not sure she can or would advocate for [C.G.]'s position." When Richards asked whether he should send his fee bill to Conservator, the court responded, "I'm not so sure. I think that's an issue I have to resolve. I think the best way to approach that may be for you to file a motion and ask the court to rule on that." Guardian also asked that Richards be paid. {17} The record before us does not include this motion, and it does not appear on the docket as having been filed. The record does, however, include a January 27, 2016 "Response in Opposition to Motion to Allow Payment of Attorney Fees and for Reconsideration of Appointment of [GAL]" filed by Daughter's attorneys, which asserts (among other things) that Richards could not "fulfill the role of a [GAL] expressed by the [c]ourt at the January 21st hearing . . . to investigate the circumstances and provide the [c]ourt with information as a third-party objective professional" and that the fees for which Richards sought payment "were incurred without any legal authority at a time when [C.G.] was legally incapacitated and under the protection of a [c]ourt-appointed conservator." Citing Sections 45-5-17¹² and 45-5-424, the response argued that Conservator "has the exclusive authority to enter contracts on behalf of the incapacitated person, including contracts to retain lawyers and other advisors to protect the protected person's interests" and that, "[i]n direct defiance of the [UPC], neither [Guardian] nor . . . Richards contacted [Conservator] to discuss the reasons for . . . Richards' retention, . . . Richards' hourly rate, his expected fees, or the services he intended to provide for [C.G.]." In a January 29, 2016 reply, Richards cited "[G]uardian's right to hire or approve the hiring of an attorney under [Section] 45-5-312(B)" and argued that C.G. "needs someone to present her preferences to the

¹⁰Emails attached to the petition suggest that Conservator and Daughter were aware of and involved in at least some of these decisions and that Guardian informed Conservator and Daughter that she had learned she was wrong about the termination of her guardianship duties and that a motion would need to be filed if another family member wished to be appointed as temporary guardian. An email from Conservator expresses concern about the amount of money being spent, including on guardianship fees.

¹¹The context—a response to Richards' question about his role going forward—indicates that the court was referring to the just-appointed GAL. A subsequent filing by Daughter states this interpretation.

¹²There is no such section, and the context does not clarify.

[c]ourt and be heard” and that Section 45-5-424(C) “only gives . . . Conservator the authority to pay bills out of or collect funds for the protected person’s estate.”

{18} The court’s February 9, 2016 written order, concerning the matters discussed at the January 21, 2016 hearing, did not address the issues raised in Richards’ post-hearing motion and Daughter’s response. In addition to reciting the rulings noted above, including that Guardian and Conservator “shall remain” in their roles “until further order of the Court,” the order directed Guardian and Conservator “to communicate directly with each other . . . and work together to provide for the best interests of [C.G.]” and directed Conservator to “approve reasonable requests of the Guardian for expenditures on behalf of [C.G.]” and “to approve or deny such requests within [twenty-four] hours.”

{19} On March 2, 2016, following the death of the GAL in late February 2016, the court issued an order appointing a successor GAL (not Richards, although he had reiterated his prior request to be appointed in that role), ordering that the GAL “serves as an arm of the court and assists the court in discharging its duty to adjudicate the best interests of [C.G.]” and “shall perform each of the duties as set forth in Sections 45-5-303.1 and 45-5-404.1[.]” The same day, the court issued an order setting a hearing to re-evaluate C.G.’s capacity and further ordering that a hearing “to determine the fees, if any, to be awarded to . . . Richards . . . for his services in representing [C.G.]” should be deferred and would be set “following the final resolution of the now existing mental capacity of [C.G.] and her need, if any, for a Guardian and/or Conservator.”

{20} On March 14, 2016, attorneys representing Conservator entered an appearance. A week later—two months after the January hearing at which Richards first appeared and argued for C.G. and six weeks after entry of the court’s order concerning that hearing—Conservator’s attorneys filed an emergency motion to strike Richards’ entry of appearance, which Daughter joined, in which Conservator characterized the decision to hire Richards as “the latest in a series of questionable judgments by [G]uardian”; described “[G]uardian’s actions” as the basis for Daughter’s January 19, 2016 emergency petition to remove Guardian; and asserted that “neither [C.G.] nor [G]uardian has the capacity to contract with . . . Richards” and that Richards “is in direct conflict of interest to [C.G.] by seeking the payment of attorney fees from her estate.” Citing Sections 45-5-402.1(B)(3)(d), -312, and 312(B)(4)(c), Conservator argued that “only . . . [C]onservator can enter into contracts on [C.G.’s] behalf”;

“[w]ithout a specific finding that a guardian may contract on behalf of a ward, the guardian cannot enter into contracts on behalf of the incapacitated person”; Conservator did not consent to Richards’ retention and Richards did not seek pre-approval from the court; the 2014 Order “does not grant [G]uardian any financial powers over [C.G.’s] estate”; and “[t]here is no provision in the [UPC] giving a guardian the power to contract a lawyer on behalf of the ward when a conservator is in place.” While stating that he did “not wish to impede [C.G.’s] ability to have legal representation,” Conservator contended that “counsel should be accountable to the [c]ourt[.]” and “[t]herefore, [C.G.’s] legal representation should occur through a [GAL], and not through private counsel whom [C.G.] lacks the capacity to direct” {21} In opposing the motion to strike, Richards contended that the district court was aware he was representing C.G. pursuant to his contract with Guardian; Section 45-5-303(C) “allows [G]uardian to hire an attorney for [C.G.]”; and that Conservator must pay him “[u]nless the hiring was unreasonable, something never alleged[.]” Richards also argued that Section 45-5-402.1 describes powers of the district court, not conservators, and that the 2014 Order did not give Conservator sole authority to contract; Section 45-5-424 provides “the conservator’s authority to hire an attorney for himself” but not for C.G., while Section 45-5-312(B) authorized Guardian to hire an attorney for C.G., and the district court’s February 9, 2016 order “also gave [G]uardian authority to contract and it is [C]onservator’s duty to ‘approve reasonable requests of . . . Guardian for expenditures on behalf of [C.G.]’ ” Richards argued further that Conservator had “allowed the attorney fees to accumulate over several months without following the requirements of the February 9, 2016 Order or filing any objection of any nature with the [c]ourt until now” and that the costs to C.G.’s estate “have grown exponentially” because of Daughter’s conduct and filings.

{22} On April 29, 2016, the GAL stated in an interim report that the fees for which Richards sought payment “have resulted from litigation almost exclusively focused upon [Richards’] status as counsel and payment of his attorney fees, which litigation has culminated in the [m]otion to [s]trike now before the court[.]” and expressed concerns about the impact on C.G. and her estate. Guardian filed a response on May 2, 2016, stating that the court proceedings were very stressful for C.G. and that she believed Richards’ advocacy had helped C.G. to deal with that stress, noting that C.G. would not otherwise have had an attorney to represent her wishes at the

January 21, 2016 hearing, and that Guardian believed C.G. needed an attorney.

{23} On May 5, 2016, after holding a hearing on May 3, 2016, the district court issued a letter decision granting the motion to strike Richards’ entry of appearance and entered an order on May 9, 2016, finding and ruling, in relevant part, as follows:

2. The Entry of Appearance of . . .

Richards was filed five days prior to the signing by [Guardian] . . . of the Letter of Engagement which served as the contract between [C.G. and Guardian] and . . . Richards for the provision of legal representation for [C.G.] in this matter.

. . . .

4. At the time . . . Richards was retained as counsel for [C.G.], she was not legally capable of entering into such a relationship or business arrangement with . . . Richards as [C.G.] had been found by this [c]ourt to be an incapacitated person who was incapable of making such a decision and for whom the [c]ourt appointed a guardian and conservator[.]

5. At the time of the retention of . . . Richards as counsel for [C.G.], the legal status of [C.G.] had not changed and could not be changed without further order of the [c]ourt.

6. At the time that . . . Guardian . . . signed the Letter of Engagement ostensibly hiring . . . Richards as attorney for [C.G.] in this matter, she did not have the authority to hire an attorney for [C.G.]. [See *Gardner v. Gholson (In re Gardner)*, 1992-NMCA-122, ¶ 23, 114 N.M. 793, 845 P.2d 1247]; [see also] NMSA 1978, §§ 45-1-201(A)(21) [(2011)] (definition of guardian), 45-5-312 (powers of guardian).

7. At the time of the retention of . . . Richards as counsel for [C.G.], the only individual who had the authority to retain an attorney for [C.G.] was and is the [c]ourt-appointed [C]onservator. [See *In re Gardner*, 1992-NMCA-122, ¶ 23; NMSA 1978, §§ 45-5-101(A) [(2011, amended 2019)] (definition of conservator), 45-5-424 (powers of conservator).

8. [Section] 45-5-402.1 does not limit or otherwise deprive a conservator of any of the powers granted to a conservator[.] pursuant to [Section] 45-5-424; it merely grants the [c]ourt the power to act for the incapacitated

person on its own or through the conservator.

9. . . . Conservator did not ratify nor otherwise approve the contract between . . . Guardian[] and . . . Richards.

10. Rather, . . . Conservator, through his spouse, informed . . . Richards that he should not act as attorney for [C.G.] until the contract was approved by . . . Conservator, which has never been done.

11. Further [Daughter], in her Response in Opposition to Motion to Allow Payment of Attorney Fees and for Reconsideration of Appointment of Guardian Ad Litem filed herein on January 27, 2016, argued that neither [C.G.] nor [Guardian] had legal authority to retain . . . Richards and that . . . Richards accepted retention . . . without requesting the concurrence of, or even contacting [C.G.]’s [c]ourt-appointed Conservator[.]

. . . .
13. Given his experience and expertise in this area, . . . Richards should know or should have known that his retention as attorney for [C.G.], either by [C.G.] herself or in concert with . . . [G]uardian, under these circumstances was not permitted by law. . . .

IT IS THEREFORE ORDERED ADJUDICATED AND DECREED THAT

A. The Entry of Appearance of . . . Richards, . . . as attorney for [C.G.] herein shall be stricken as being done contrary to law and without proper authority of the [c]ourt and/or the Conservator.
B. . . . Richards will henceforth cease acting as attorney or counselor at law or agent for [C.G.] in this matter.

C. . . . Richards shall have no further contact with [C.G.]

D. The issues with respect to payment of the attorney fees of . . . Richards remains to be decided

by the [c]ourt at a future hearing on . . . Richard[s’] [m]otion for [p]ayment of [a]ttorney [f]ees.

{24} Richards timely filed this appeal against Conservator, in his own name, challenging the district court’s order striking his entry of appearance.

DISCUSSION

A. Richards Is Directly Aggrieved By and May Appeal the District Court’s Order Striking His Entry of Appearance as C.G.’s Attorney

{25} Conservator argues that this Court lacks jurisdiction to consider this appeal because Richards was not a party to the proceedings below, “by intervention or otherwise[.]” and therefore “lacks standing to assert claims that a guardian can hire an attorney without the authority of the conservator or the [c]ourt.” Conservator also contends that Richards did not present and the district court did not rule on arguments concerning whether an incapacitated person has the legal right to hire counsel and that this case does not warrant application of the “great public importance” doctrine as a basis to recognize standing. Richards’ arguments in response are not clearly presented and are at cross purposes; at times, indicating that Richards appeals on his own behalf, as an attorney barred from representing C.G. in this case and based on what he characterizes as the district court’s refusal to address his request for payment of fees, at other times suggesting that he appeals on C.G.’s behalf on the ground that C.G. “was denied the legal counsel of her, and her guardian’s, choice.” Nevertheless, we understand Richards to argue that he has standing as an “interested person,” has met third-party standing requirements, and standing should be recognized under “the great public importance doctrine.”

{26} Conservator and Richards misstate the issue, which is not whether Richards has standing to bring a cause of action (as in the majority, if not all, cases cited by Conservator) but whether he has a right to appeal from the district court’s order striking his entry of appearance and barring him from contact with C.G., the person he was hired to represent. *See* 15A Charles Alan Wright, Arthur R. Miller, & Edward H. Cooper, Federal Practice and

Procedure § 3902 (2d ed. 2019) (“The most obvious difference between standing to appeal and standing to bring suit is that the focus shifts to injury caused by the judgment rather than injury caused by the underlying facts.”). “To invoke the jurisdiction of the Court of Appeals, the right to take an appeal must be granted by the Constitution or by statute.” *State v. Armijo*, 2016-NMSC-021, ¶ 24, 375 P.3d 415. Whether a party has a right to appeal is a question of law reviewed de novo. *See id.* ¶ 19 (observing that “[t]he right to appeal is . . . a matter of substantive law created by constitutional or statutory provision” and is an issue subject to de novo review). NMSA 1978, Section 45-1-308 (1975) states that “[a]ppellate review, including the right to appellate review, . . . is governed by the rules applicable to civil appeals to the court of appeals from the district court.” And NMSA 1978, Section 39-3-2 (1966), which governs civil appeals from the district court, allows a right of appeal to “any party aggrieved” by a district court’s decision, order, or judgment. We conclude that Richards has the right to appeal on his own behalf in the circumstances presented here.

{27} Richards participated in the proceedings below solely as an attorney hired to represent C.G. in an Article 5 proceeding initiated by Guardian’s request that the district court determine whether guardianship continued to be necessary. Richards did not initiate or seek to participate in that proceeding as an “interested person.”¹³ Nor did he need to do so, or to move to intervene in that proceeding as a party. It goes without saying that attorneys appear on behalf of persons involved in guardianship and conservatorship proceedings, as attorneys representing Conservator and Daughter did in this case. *Cf. Chisholm v. Rueckhaus*, 1997-NMCA-112, ¶¶ 4-7, 124 N.M. 255, 948 P.2d 707 (distinguishing between representation of another as a party and as an attorney in a case addressing the unauthorized practice of law). No one objected on the record to Richards’ participation as C.G.’s attorney when he entered his appearance, or at any time during the January 21, 2016 hearing. When Richards asked the court at that hearing about his role, the district

¹³Section 45-5-101(I) defines “interested person” as “any person who has an interest in the welfare of the person to be protected pursuant to . . . Article 5[.]” The definition includes a potentially broad class of persons but does not address what those persons may do in an Article 5 proceeding. Other provisions state specific things “interested persons” may do in an Article 5 proceeding, such as file a petition seeking appointment of a guardian, *see* § 45-5-303(A), or a conservator, *see* § 45-5-404; *see also, e.g.*, NMSA 1978, § 45-5-309 (2009, amended 2018) (interested persons may receive notice in guardianship proceedings); § 45-5-406 (same in conservatorship proceedings); § 45-5-307(C) (interested persons may petition for removal of guardian or termination of guardianship); § 45-5-415(C) (same as to conservator). But no provision affords “interested persons” a right to appeal. *Cf. McNeill v. Rice Eng’g & Operating, Inc.*, 2010-NMSC-015, ¶ 1, 148 N.M. 16, 229 P.3d 489 (adopting this Court’s opinion holding that statute providing for commencement of statute of limitations in trespass action does not afford standing to bring a cause of action for trespass). As noted, the only UPC provision that addresses appellate review, Section 45-1-308, states that Section 39-3-2 governs the right to appeal in UPC proceedings.

judge said he was “not sure.” And, although Daughter opposed Richards’ post-hearing motion requesting payment of attorney fees and reconsideration of the court’s GAL appointment, no one asked the court to ban Richards from participating in the case until two months after the January 21, 2016 hearing, and the court did not prohibit Richards from participating until almost two months after Conservator filed his motion, when the court issued its May 5, 2016 letter decision, and entered its May 9, 2016 order granting Conservator’s motion. That order directly aggrieved Richards himself, as an attorney ejected from the case and barred from further contact with C.G., and this suffices to afford Richards the right to appeal from that order on his own behalf, notwithstanding that he did not participate as a party in the proceeding giving rise to the order.

{28} Although it is not often that attorneys appeal on behalf of themselves in cases in which they represent a litigant, they do so when an order entered in the case disqualifies or otherwise adversely impacts them individually, as attorneys. And courts recognize that such orders directly and sufficiently aggrieve the attorneys so as to establish standing to appeal—even in federal court, where standing is a constitutional requirement. *See, e.g., Weeks v. Indep. Sch. Dist. No. I-89*, 230 F.3d 1201, 1207 (10th Cir. 2000) (explaining that “[c]ounsel have standing to appeal orders that directly aggrieve them” and that attorney has standing to appeal a district court order that disqualified him from the case and therefore “directly affect[ed]” the attorney); *Uelton v. Commercial Lovelace Motor Freight, Inc.*, 9 F.3d 849, 854 (10th Cir. 1993) (explaining that “[t]o have standing, one must be aggrieved by the order from which appeal is taken” and that “[c]ounsel have standing to appeal from orders issued directly against them, but not from orders applicable only to their clients” (citations omitted)); *Riggs v. Scrivner, Inc.*, 927 F.2d 1146, 1149 (10th Cir. 1991) (“Plaintiff’s attorney, rather than plaintiff, was the party aggrieved by the district court’s imposition of sanctions and, therefore, was the proper party to appeal from this decision.”). As then-Judge Gorsuch has explained:

Generally speaking, only named parties to a lawsuit in the district court may appeal an adverse final judgment. After all, it is usually only parties who are sufficiently aggrieved by a district court’s decision that they possess Article III and prudential standing to be able to pursue an appeal of it.

...
Of course, the rules of contemporary civil litigation are replete with exceptions[.]... Those who

are the subject of civil contempt orders, sanctioned attorneys, class members who object to a judgment settling their rights—among others—may sometimes be parties to an appeal even though they were not named parties in the district court litigation. Like named parties, these individuals possess Article III standing in the sense that they have been injured by a district court ruling and a favorable decision on appeal would ameliorate that injury. They also possess prudential standing; they do because they don’t seek to pursue another person’s legal rights, litigate a mere generalized grievance, or raise a challenge falling outside the zone of interests protected by the law involved. And of particular note, the individuals in each of these situations (1) personally appeared in district court; (2) suffered a real and concrete injury as a result of a district court ruling that is entitled to preclusive effect; and (3) possess interests that would not, on appeal, be adequately represented by the named parties to the district court lawsuit.

Raley v. Hyundai Motor Co., 642 F.3d 1271, 1274-75 (10th Cir. 2011) (citations omitted). So it is here.

{29} Our Supreme Court held in *De Vargas Savings & Loan Ass’n of Santa Fe v. Campbell*, 1975-NMSC-026, 87 N.M. 469, 535 P.2d 1320, that four savings and loan associations “clearly have standing to seek review of” an order entered under the New Mexico Savings and Loan Act “as associations ‘aggrieved and directly affected’ by the order.” *Id.* ¶¶ 1, 16. In the course of its analysis, the Court explained that “New Mexico has always required allegations of direct injury to the complainant to confer standing[.]” but “once the party seeking review alleges he himself is among the injured, the extent of injury can be very slight.” *Id.* ¶¶ 11-12 (emphasis added). The district court’s order striking Richards’ entry of appearance and barring him from further contact with C.G. directly and sufficiently aggrieved Richards such that Section 39-3-2 affords him the right to appeal that order, even though he did not participate as a party below. Having concluded that Richards has the right to appeal on those grounds, we do not address the other arguments made on this issue. We caution that our conclusion in this case should not be construed as a broad holding that any attorney who has entered an appearance in an Article 5 proceeding (or any probate proceeding) necessarily has standing to appeal on his or her own behalf from any order entered in such proceeding.

B. Guardian Had Authority to Hire Richards

1. Preliminary Matters

a. There Is a Single Order on Appeal and Our Review of That Order Is Limited

{30} Richards’ briefing evidences a failure to appreciate that we have a single order before us—the order striking his entry of appearance—and that our role as an appellate court (an intermediate one at that) is limited. We therefore note the following principles at the outset.

{31} First, we ordinarily do not address matters not ruled on in the order appealed from; for example, Richards’ request for payment of his fees, the purported conduct and motivations of family members and court-appointed professionals, and the propriety of different orders not appealed, all of which are discussed in Richards’ appellate briefing. *See, e.g., Batchelor v. Charley*, 1965-NMSC-001, ¶ 6, 74 N.M. 717, 398 P.2d 49 (declining to review issue where the appellant failed to meet the burden “to show that the question presented for review was ruled upon by the [district] court”); *Luevano v. Group One*, 1989-NMCA-061, ¶ 7, 108 N.M. 774, 779 P.2d 552 (stating, in declining to address issues, that “[a]n appellant has the burden of showing that a question presented for review on appeal was ruled upon by the [district] court”); *Herrera v. Fluor Utah, Inc.*, 1976-NMCA-045, ¶ 10, 89 N.M. 245, 550 P.2d 144 (“[T]he substantiality of the evidence to support the [district] court’s findings . . . is not the appellant’s basis for appeal and the court would exceed its appellant function in addressing this issue.”).

{32} Second, we do not consider arguments not made in the district court, nor arguments that differ from those presented there concerning the order on appeal. *See, e.g., Nance v. L.J. Dolloff Assocs.*, 2006-NMCA-012, ¶ 12, 138 N.M. 851, 126 P.3d 1215 (“[W]e review the case litigated below, not the case that is fleshed out for the first time on appeal.” (internal quotation marks and citation omitted)); *State v. Franco*, 2004-NMCA-099, ¶ 21, 136 N.M. 204, 96 P.3d 329 (rejecting argument because it “was not the basis on which the case was tried, and we will not allow the [s]tate to change its position on appeal”), *rev’d on other grounds*, 2005-NMSC-013, ¶ 1, 137 N.M. 447, 112 P.3d 1104; *Woolwine v. Furr’s, Inc.*, 1987-NMCA-133, ¶ 20, 106 N.M. 492, 745 P.2d 717 (“To preserve an issue for review on appeal, it must appear that [the] appellant fairly invoked a ruling of the trial court on the same grounds argued in the appellate court.”).

{33} Third, we do not consider arguments that rely on representations for which no record evidence is cited or that are unsupported by the evidence cited. *See*

Murken v. Solv-Ex Corp., 2005-NMCA-137, ¶ 14, 138 N.M. 653, 124 P.3d 1192 (“[W]e decline to review . . . arguments to the extent that we would have to comb the record to do so.”); *see also Muse v. Muse*, 2009-NMCA-003, ¶ 42, 145 N.M. 451, 200 P.3d 104 (“We are not obligated to search the record on a party’s behalf to locate support for propositions a party advances or representations of counsel as to what occurred in the proceedings.”); *In re Aaron L.*, 2000-NMCA-024, ¶ 27, 128 N.M. 641, 996 P.2d 431 (“This Court will not consider and counsel should not refer to matters not of record in their briefs.”); *Flowers v. White’s City, Inc.*, 1992-NMCA-062, ¶ 7, 114 N.M. 73, 834 P.2d 950 (“[T]he presence of documents in the record proper does not automatically mean that the information they contain is evidence of record or that it is legally admissible.”). {34} We see no basis to depart from the foregoing principles here.

b. We Dispose of Two Arguments at the Outset

{35} Applying these principles, and in an effort to maintain clarity in our analysis, we dispose of two arguments Richards appears to emphasize, while failing to develop them,¹⁴ before we address the substantive issue presented.

{36} First, to the extent Richards argues that C.G. was “legally competent to hire her own attorney” and lawfully hired Richards herself, we decline to consider this argument. Richards does not direct us to anything in the record showing that he asked the district court to rule in his favor on the ground that C.G. was “legally competent” to hire him. And the record is replete with Richards’ representations to the court that C.G. did *not* hire him and that Guardian did, as reflected in the letter agreement. As noted, “we review the case litigated below, not the case that is fleshed out for the first time on appeal.” *Nance*, 2006-NMCA-012, ¶ 12 (alteration, internal quotation marks, and citation omitted).

{37} Second, Richards’ assertions to the effect that C.G. “was not under a guardianship as a result of her living independently” provide no basis for reversal. We understand these statements to refer to use of the word “temporary” in the title of the 2014 Order and the sentence in the 2014 Order and guardianship letters stating that Guardian’s duties would end if C.G. returned to “living

independently.” At the January 21, 2016 hearing, the district court acknowledged the inconsistency with the 2014 Order’s decretal paragraph ordering that “[t]he guardianship and conservatorship are in place until further order of the court” but nonetheless found “there is a guardianship in place.” The court’s statements and finding reasonably resolved any ambiguity and clarified that the guardianship did not terminate and was in place when Guardian hired Richards to represent C.G. in the proceeding to determine whether the guardianship should continue. *See Fed. Nat’l Mortg. Ass’n v. Chiulli*, 2018-NMCA-054, ¶ 14, 425 P.3d 739 (explaining that “the judge who issues the order or judgment is in the best position to clarify any ambiguity in the order because that judge is familiar with the entire record and all the circumstances under which it was issued” and this Court “will not disturb a trial court’s clarification of an ambiguity in its own order unless the court’s interpretation of that order is manifestly unreasonable” (internal quotation marks and citation omitted)); *see also Jeantete v. Jeantete*, 1990-NMCA-138, ¶ 11, 111 N.M. 417, 806 P.2d 66 (stating that “the reviewing court may consider the [district] court’s verbal comments in order to clarify or discern the basis for the order or action of the court below”). There is nothing manifestly unreasonable in the district court’s interpretation of its 2014 Order, and Richards does not argue otherwise.

{38} We note as well that our Supreme Court has admonished that persons subject to court orders are “not at liberty to select one clause from the judgment, place his interpretation thereon, rely entirely upon this interpretation, and disregard all the remainder of the decretal portion of the judgment, the findings of fact and conclusions of law.” *Greer v. Johnson*, 1971-NMSC-127, ¶¶ 6, 8, 83 N.M. 334, 491 P.2d 1145 (holding, in a case in which the defendant claimed to rely on language in a judgment that was “totally inconsistent with and refuted by” other language in “the findings, conclusions and decretal portion of the judgment[,]” that defendant “was obliged to construe” language he believed to be ambiguous “in the light of the pleadings, the remaining portions of the judgment, the findings of fact and conclusions of law”).

2. We Reverse on the Substantive Question Presented

{39} The substantive question before us is whether the district court erred in ordering that Richards’ entry of appearance as C.G.’s attorney “shall be stricken as being done contrary to law and without proper authority of the [c]ourt and/or . . . Conservator” based on its conclusions that (1) Guardian had no legal authority to hire an attorney to represent C.G. and (2) only Conservator had that authority. As noted, the text of the 2014 Order and letters stated no limitations on the powers of Guardian, as “plenary guardian of [C.G.],” or those of Conservator, as “conservator of the estate of [C.G.].” Our task thus primarily involves interpretation and application of the relevant statutes using established principles of statutory construction, an issue of law reviewed *de novo*. *In re Borland*, 2012-NMCA-108, ¶ 8, 288 P.3d 912 (stating that “statutory construction of various provisions of the Probate Code” presents “an issue of law that we review *de novo*”). {40} “When construing statutes, our guiding principle is to determine and give effect to legislative intent[,]” considering the language of the provisions at issue “in the context of the statute as a whole, including the purposes and consequences of the Act” *Baker v. Hedstrom*, 2013-NMSC-043, ¶¶ 11, 15, 309 P.3d 1047 (internal quotation marks and citation omitted); *see also In re Portal*, 2002-NMSC-011, ¶ 5, 132 N.M. 171, 45 P.3d 891 (“Statutes are to be read in a way that facilitates their operation and the achievement of their goals.” (internal quotation marks and citation omitted)). NMSA 1978, Section 45-1-103 (1975) states that “[t]he principles of law and equity supplement the [UPC]’s provisions, unless specifically displaced by particular provisions of the code.”

a. The District Court’s Jurisdiction and Authority

{41} The Probate Code and Article 5 grant district courts exclusive original jurisdiction in guardianship and conservatorship proceedings. *See* NMSA 1978, § 45-1-302(A)(3) (2011); § 45-5-102(C). As to conservatorship proceedings, Section 45-5-402 more particularly provides that, “until termination of the proceeding,” the court in which a petition seeking appointment of a conservator is filed has “exclusive jurisdiction” to determine the need for conservatorship and how the estate of

¹⁴Based on the principles governing appellate review outlined above, and because appellate courts cannot make findings of fact, we also do not address the extensive list of assertions Richards “request[s] that this Court find.” *See Scott v. Jordan*, 1983-NMCA-022, ¶ 22, 99 N.M. 567, 661 P.2d 59 (stating that “an appellate court cannot make [factual] findings of its own”); *see also State ex rel. Children, Youth & Families Dep’t v. Keon H.*, 2018-NMSC-033, ¶ 55, 421 P.3d 814 (reversing this Court’s decision where “[t]he Court of Appeals usurped the role of the district court by reweighing the evidence and failing to give deference to the district court’s determinations”); *State ex rel. Dep’t of Human Servs. v. Williams*, 1989-NMCA-008, ¶ 7, 108 N.M. 332, 772 P.2d 366 (“We defer to the [district] court . . . because the [district] court is in a better position than we are to make findings of fact and also because that is one of the responsibilities given to [district] courts rather than appellate courts.”).

the person for whom a conservator is appointed “shall be managed, expended or distributed to or for the use of” the person for whom a conservator is appointed and “jurisdiction to determine the validity of claims against the person or estate of the protected person and his title to any property or claim.” Section 45-5-402.1 further provides that the district court has certain powers “that may be exercised directly or through a conservator in respect to the estate and financial affairs of a protected person[.]” which “include, but are not limited to the power to . . . enter into contracts[.]” Section 45-5-402.1(B)(3)(d). {42} In addition to indicating legislative intent to give district courts exclusive jurisdiction and supervisory authority over guardianship and conservatorship proceedings, Article 5’s text evidences legislative intent to preserve and protect the rights of incapacitated persons, permitting district courts to impose guardianship and conservatorship, as relevant here, only to the extent made necessary by the incapacitated person’s limitations. *See* § 45-5-301.1 (stating that guardianship may be imposed “only as is necessary to promote and to protect the well being of the person . . . [and] only to the extent necessitated by the person’s actual functional mental and physical limitations” and that “[a]n incapacitated person for whom a guardian has been appointed retains all legal and civil rights except those which have been expressly limited by court order or have been specifically granted to the guardian by the court”); § 45-5-402.1(A) (“The court shall exercise the authority conferred in [Article 5] to encourage the development of maximum self-reliance and independence of a protected person and make protective orders only to the extent necessitated by the protected person’s mental and adaptive limitations and other conditions warranting the procedure.”); *see also* § 45-5-101(J) (defining “least restrictive form of intervention” to mean that “the guardianship or conservatorship imposed . . . represents only those limitations necessary to provide the needed care and rehabilitative services and that the incapacitated person . . . shall enjoy the greatest amount of personal freedom and civil liberties”).

b. Conservator Powers Under Article 5 {43} The letters establishing the scope of Conservator’s authority stated that Conservator “may exercise all powers granted to conservators in [Article 5].” Section 45-5-401(B) states that the authority of a conservator relates to “the estate and financial affairs of” incapacitated persons, and Section 45-5-417 requires conservators to act as fiduciaries in the exercise of their powers. It is clear that “estate,” as used in Article 5’s conservatorship provisions, refers to “property.” *See* § 45-1-201(A)(15) (defining “estate” as “includ[ing] the property of the . . . person whose affairs are subject to the [UPC] as the property was originally constituted and as it exists . . . during administration”); *In re Borland*, 2012-NMCA-108, ¶ 10 (stating that a conservatorship (protective) proceeding “is generally limited to the management, expenditure, and distribution of a protected person’s property in order to maximize self-reliance and interdependence of the protective person”).

{44} Section 45-5-424(A), (B) provides that “[a] conservator has all of the powers conferred herein and any additional powers conferred by law on trustees in New Mexico” and may “without court authorization or confirmation, . . . invest and reinvest funds of the estate as would a trustee.” Section 45-5-424(C)(23), (25) enumerates specific tasks related to the management of estate assets as to which “[a] conservator, *acting reasonably in efforts to accomplish the purpose for which he was appointed*, may act without court authorization or confirmation,” including to “employ persons, including attorneys, . . . to advise or assist him *in the performance of his administrative duties*[.]” and “execute and deliver all instruments which will accomplish or facilitate *the exercise of the powers vested in the conservator*.” (Emphases added.)¹⁵

c. Guardian Powers Under Article 5

{45} While the statutory text governing conservators in Article 5 proceedings is clear that the authority of conservators relates to the incapacitated person’s *property and financial affairs*, the text governing guardians makes clear that the authority of guardians relates to “the care, custody

or control of the *person*” determined to be incapacitated, with this authority to be exercised “in a manner that is least restrictive of the protected person’s personal freedom and consistent with the need for supervision.” Section 45-1-201(A)(21) (emphasis added) (defining “guardian”); Section 45-5-312(B)(5) (stating that “the guardian shall exercise the guardian’s supervisory powers over the incapacitated person in a manner that is least restrictive of the incapacitated person’s personal freedom and consistent with the need for supervision”). The 2014 Order and the guardianship and conservatorship letters likewise make clear that Guardian has power over C.G.’s person and Conservator over C.G.’s property.

{46} Article 5’s guardianship provisions do not contain an analogue to Section 45-5-417, which requires conservators to act as fiduciaries, but the definition of “fiduciary” in the UPC includes guardian and GAL, as well as conservator (among others), *see* § 45-1-201(A)(17), suggest legislative intent that these professionals act as fiduciaries as well. Section 45-5-312(B), as it read at the time relevant to this appeal, states that “[a] guardian of an incapacitated person has the *same powers, rights and duties respecting the incapacitated person that a parent has respecting an unemancipated minor child*, except that a guardian is not legally obligated to provide from the guardian’s own funds for the incapacitated person and is not liable to third persons for acts of the incapacitated person solely by reason of the guardianship.” (Emphasis added.)

{47} Section 45-5-312(B) goes on to list particular powers after stating as follows: “In particular *and without qualifying the foregoing*, a guardian or the guardian’s replacement has the following powers and duties, except as modified by order of the court[.]” (Emphasis added.) The list includes certain guardian powers and duties “if no conservator for the estate of the incapacitated person has been appointed, if the court has determined that a conservatorship is not appropriate and if a guardian appointed by the court has been granted authority to make financial decisions on behalf of the protected person in the order of appointment and in the letters of guardianship.” Section 45-5-312(B)(4).

¹⁵Conservator’s brief mentions Section 45-5-425, which authorizes conservators to “expend or distribute income or principal of the estate without court authorization or confirmation for the protected person and his dependents in accordance with” certain principles, which include requirements that conservators “consider recommendations relating to the appropriate standard of support, care, education or benefit for the protected person made by a parent, guardian or custodian,” and “expend or distribute sums reasonably necessary for the support, education, care or benefit of the protected person with due regard to” considerations that include “the size of the estate” and “the probable duration of the conservatorship[.]” Section 45-5-425(A)(1), (2)(a). Conservator and the district court did not rely on this provision below, and Conservator presents no argument based on it here. Accordingly, we do not consider it further. *See, e.g., Headley v. Morgan Mgmt. Corp.*, 2005-NMCA-045, ¶ 15, 137 N.M. 339, 110 P.3d 1076 (refusing to review unclear and undeveloped arguments or to “guess at what [the] arguments might be”); *Crutchfield v. N.M. Dep’t of Taxation & Revenue*, 2005-NMCA-022, ¶ 14, 137 N.M. 26, 106 P.3d 1273 (“[O]n appeal, the party must specifically point out where, in the record, the party invoked the court’s ruling on the issue. Absent that citation to the record or any obvious preservation, we will not consider the issue.”).

d. The Text of Article 5 at the Relevant Time and the Documents Establishing the Guardianship and Conservatorship Did Not Unambiguously Give Conservator Exclusive Authority to Hire an Attorney for the Purpose for Which Richards Was Hired or Prohibit Guardian From Doing so Without Pre-approval From Conservator or the District Court in These Circumstances

{48} As noted, Section 45-5-424(C)(23) authorizes conservators to “employ persons, including attorneys” without “court authorization or confirmation.” To the extent Conservator relies on this provision in support of his argument that Conservator has exclusive authority to hire attorneys on behalf of C.G., that reliance is misplaced, as the authority afforded is textually limited to employment by “[a] conservator, acting reasonably in efforts to accomplish the purpose for which he was appointed” for the purpose of advising or assisting the conservator “in the performance of his administrative duties[.]” § 45-5-424(C)(23), and those “administrative duties” are limited to management of the incapacitated person’s property and financial affairs. See § 45-5-101(A) (defining “conservator” as “a person who is appointed by a court to manage the property or financial affairs or both of a protected person”).

{49} As also noted, Section 45-5-402.1(B)(3)(d) includes a list of certain powers the court may exercise “directly or through a conservator in respect to the estate and financial affairs of a protected person[.]” including the power to “enter into contracts.” This statute describes aspects of the district court’s jurisdiction and authority in conservatorship proceedings, which are established generally as to both guardianship and conservatorship proceedings in Section 45-5-102(C) and Section 45-1-302(A)(3). While the 2014 conservatorship letters stated that Conservator “may exercise all powers granted to conservators in [Article 5,]” they did not state that Conservator’s authority included all powers the court may exercise “directly or through a conservator.” In contrast to the district court’s apparent interpretation, we do not read Section 45-5-402.1 as automatically conferring on conservators all the powers that statute gives to courts, such that those powers should be assumed to be necessarily included in “all powers granted to conservators in [Article 5.]”

{50} We note also that, although Article 5 provides a mechanism by which “[a] conservator may petition the appointing court for instructions concerning his fiduciary responsibility[.]” Section 45-5-416(B), and the court may provide instructions or make orders “[u]pon notice and hearing,”

Section 45-5-416(C), Conservator did not invoke the district court’s jurisdiction as to the question of Richards’ retention until after Richards entered his appearance and advocated for C.G. at the January 21, 2016 hearing; nor did the court exercise its jurisdiction to rule on the respective authority and obligations of Guardian and Conservator until months after that hearing, although Richards asked the court to clarify his role and the procedure to seek payment of his fees at the January 21, 2016 hearing and in a motion filed shortly thereafter, which Daughter opposed.

{51} At the time relevant to this appeal, Section 45-5-312(B) conferred on guardians “the same powers, rights and duties respecting the incapacitated person that a parent has respecting an unemancipated minor child[.]” Conservator argues that “[a] guardian has no power to contract for the purpose of retaining counsel if a conservator was already appointed.” In the district court (but not here), Conservator relied on Section 45-5-312(B)(4), which states guardian powers and duties “if no conservator for the estate of the incapacitated person has been appointed, if the court has determined that a conservatorship is not appropriate and if a guardian appointed by the court has been granted authority to make financial decisions on behalf of the protected person in the order of appointment and in the letters of guardianship.” In asserting in this Court that “New Mexico statutes, as well as established law, clearly hold that only conservators can hire counsel on behalf of the protected person unless the guardian is granted such powers in the appointing order[.]” Conservator cites Section 45-5-312(C), which states:

A guardian of an incapacitated person for whom a conservator also has been appointed shall control the care and custody of the incapacitated person and is entitled to receive reasonable sums for services and for room and board furnished to the incapacitated person. The guardian may request the conservator to expend the incapacitated person’s estate by payment to third persons or institutions for the incapacitated person’s care and maintenance.

{52} Neither provision supports Conservator’s contentions. Section 45-5-312(B)(4) enumerates additional powers of guardians where there is no conservator, a circumstance not presented here, and without qualifying the broad authority granted in Section 45-5-312(B). Although Section 45-5-312(C) addresses circumstances involving both a guardian and a conservator, it does not clearly abrogate

the broad authority granted in Section 45-5-312(B). Read in context, these statutes do not unambiguously state a per se rule that grants Conservator exclusive authority to hire an attorney to represent C.G. in an Article 5 proceeding concerning whether the guardianship should continue, and/or prohibits Guardian from hiring an attorney for that purpose without pre-approval by Conservator or the district court. And we decline to read into Article 5 words the Legislature did not include. See *Sec. Escrow Corp. v. Taxation & Revenue Dep’t*, 1988-NMCA-068, ¶ 7, 107 N.M. 540, 760 P.2d 1306 (“[W]e cannot add a requirement that is not provided for in the statute or read into it language that is not there[.]”).

{53} We have previously interpreted Section 45-5-312(B) as “grant[ing] guardians exceedingly broad powers” that include “the authority to interfere in the most intimately personal concerns of an individual’s life.” *Nelson v. Nelson*, 1994-NMCA-074, ¶ 16, 118 N.M. 17, 878 P.2d 335 (citing Section 45-5-312(B) and highlighting subsections enumerating particular guardian powers). In so doing, we reasoned that the particular powers enumerated in Section 45-5-312(B) “are listed ‘without qualifying’ the power of the guardian to act as a parent, and therefore they should be read as illustrative of the nature of the guardian’s power.” *Nelson*, 1994-NMCA-074, ¶ 16. *Nelson* reversed the district court’s dismissal of a divorce petition, describing the issue on appeal as “whether a legally incompetent spouse may initiate divorce proceedings in New Mexico through a legal guardian.” *Id.* ¶ 1. In holding that the guardian had authority to bring a contested divorce action on behalf of the incapacitated person, *Nelson* acknowledged that Section 45-5-312 did “not expressly grant[] authority to the guardian to initiate a divorce action on behalf of a ward,” *Nelson*, 1994-NMCA-074, ¶ 16, but concluded that “it would be anomalous for us to hold that a guardian in New Mexico did not have the authority to file for divorce in light of the statutory provisions governing both guardianships and divorces[.]” *Id.* ¶ 19, and that, “[g]iven the existing New Mexico statutes, it makes little sense to adopt a per se rule arbitrarily limiting the ability of a guardian to act for her or his ward in a divorce action.” *Id.* ¶ 22.

{54} The circumstances in *Nelson* differ from the circumstances of this case, most notably in that the person appointed as guardian in *Nelson* had been appointed conservator as well. *Id.* ¶ 1. *Nelson* did not state any limitations on its holding applicable in circumstances in which, as here, the guardian and conservator are different people and the conservator opposes

the guardian's decision to hire an attorney to represent the incapacitated person in a proceeding concerning whether the guardianship should continue. But *Nelson* also did not address expenditures of estate funds. While *Nelson* is not dispositive of the question before us, we nevertheless find instructive its interpretation of Section 45-5-312(B) as granting authority to guardians in connection with a legal proceeding pertaining to the incapacitated person herself, as distinct from the person's property, a proceeding concerning a personal matter unrelated to the medical needs, care, or custody of the incapacitated person. The out-of-state cases cited by Conservator, in which conservators brought suit under various circumstances, do not establish that a guardian may never initiate suit on behalf of an incapacitated person,¹⁶ and *Nelson* is to the contrary. And it makes no more sense "to adopt a per se rule arbitrarily limiting the ability of a guardian to act for her or his ward[.]" 1994-NMCA-074, ¶ 22, by hiring an attorney for the purpose for which Guardian hired Richards than to adopt a per se rule barring a guardian from initiating a divorce action on behalf of an incapacitated person.

{55} *In re Gardner*, upon which Conservator and the district court's order striking Richards' entry of appearance rely, does not require a different interpretation of Article 5. *Gardner* did not involve an Article 5 proceeding, but was a probate case in which devisees under a will sued the personal representative of a probate estate concerning the disposition of estate assets. 1992-NMCA-122, ¶¶ 1-16. Ten years before her death, the decedent in *Gardner* was "adjudged incompetent" and Ghoulsion (decedent's daughter, who would serve as personal representative of decedent's estate) "was named guardian of [the decedent's] estate" in a court order that granted Ghoulsion "the power to manage and control [real property the petitioners were told they would inherit] and the authority to deposit money . . . and also to withdraw funds from the same account to pay the necessary hospitalization expenses of [the decedent] and pay the reasonable expenses of the . . . property." *Id.* ¶ 4 (omission, alteration, and internal quotation marks omitted). The court "later granted Ghoulsion the additional authority to sell any real estate interest owned by [the decedent] with all sums in excess of the monthly requirements to be placed in a guardianship and trust account." *Id.* ¶ 4 (internal quotation marks omitted). At

issue was Ghoulsion's conduct in exercising her authority as "guardian" of her mother's estate" to sell real property and to "invest her mother's money, collect her social security payments, collect the royalties under the oil and gas leases, collect on grazing leases, acquire certificates of deposit with her mother's money, sell personal property owned by her mother, employ attorneys on her mother's behalf, employ persons to prepare income tax returns for her mother and submit the returns, and enter into oil, gas and grazing leases for the [real] property on her mother's behalf." *Id.* ¶ 5.

{56} The district court concluded that Ghoulsion acted as a "conservator" within the meaning of Section 45-1-201(A)(5) when she sold the property the will had devised to petitioners and, therefore, petitioners were entitled to receive a general pecuniary devise equal to the net sale price of the property under a UPC statute providing that "if specifically devised property is sold by a conservator, the specific devisee has a right to a general pecuniary devise equal to the net sales price[.]" *In re Gardner*, 1992-NMCA-122, ¶ 19 (omission, alteration, internal quotation marks, and citation omitted). Ghoulsion argued that the UPC statute upon which petitioners relied did not apply to "guardians" but only to "conservators" and that Ghoulsion could not be considered a conservator "[b]ecause the order granting her authority to manage her mother's estate used the term 'guardian,'" and "if the district court had intended to make her a conservator, it would have done so." *Id.* ¶ 19. This Court concluded that, "despite the use of the word 'guardian' in the court order appointing Ghoulsion as caretaker of her mother's estate, Ghoulsion indeed acted as a conservator when she sold" the property devised to petitioners. *Id.* ¶ 22. The Court explained:

A guardian has only care, custody, or control of the person. [NMSA 1978, § 45-1-201(A)(15) [(1989, amended 2011)]; see also Richard W. Effland, *Caring for the Elderly Under the Uniform Probate Code*, 17 Ariz. L. Rev. 373, 377 (1975). A guardian is not authorized to sell property, enter into leases, or employ accountants and attorneys. See § 45-5-312 (discussing powers of guardian). A conservator, on the other hand, is defined as "a person who is appointed by a court to manage the property or financial affairs or both of an incapacitated person or minor

ward." [Section] 45-1-201(A)(5). A conservator is authorized to generally manage all aspects of the incapacitated person's estate, including operating any business, investing funds, buying and selling property, and employing accountants and attorneys. [Section] 45-5-424.

Ghoulsion does not challenge the district court's findings that she was named "guardian" of her mother's estate after her mother was adjudicated incompetent, that she was granted the authority to manage her mother's property and finances, and that in fact she did so by taking such actions as selling property, filing tax returns, collecting royalties and rental income, and entering into mineral and grazing leases on her mother's behalf. Thus, we conclude that, although the term "guardian" was used, Ghoulsion actually acted as conservator of her mother's estate while her mother was incapacitated. To conclude otherwise would be to ignore the substance of what in fact occurred.

In re Gardner, 1992-NMCA-122, ¶¶ 23-24 (emphasis added).

{57} Conservator relies on *Gardner* in arguing that "[u]nder New Mexico law, hiring an attorney is a power reserved to the conservator and not to the guardian." But *Gardner* did not address the question whether a guardian may hire an attorney to represent an incapacitated person in a matter pertaining to her personal interests—whether the guardianship should continue—as distinct from a matter concerning the administration and disposition of her property, and so does not control the analysis here. See *Sangre de Cristo Dev. Corp. v. City of Santa Fe*, 1972-NMSC-076, ¶ 23, 84 N.M. 343, 503 P.2d 323 ("The general rule is that cases are not authority for propositions not considered."); see also § 45-5-424(C)(23) (enumerating tasks related to the management of estate assets as to which "[a] conservator, acting reasonably in efforts to accomplish the purpose for which he was appointed, may act without court authorization or confirmation," including to "employ persons, including attorneys, . . . to advise or assist him in the performance of his administrative duties" (emphasis added)).

{58} *Nelson* also is noteworthy for its emphasis on the authority of district courts to ensure that the exercise of guardianship

¹⁶Many states have adopted the UPC, but they have done so with significant variations. For these reasons, and because of factual differences, we have not found out-of-state cases to be helpful and do not rely on them, although we do cite a few. See *State v. Bybee*, 1989-NMCA-071, ¶ 14, 109 N.M. 44, 781 P.2d 316 (stating that cases from other jurisdictions are "distinguishable by reason of the differences in the specific language of the statutes involved").

and conservatorship authority is appropriate under the circumstances. 1994-NMCA-074, ¶¶ 20-21. The text of several statutes indicates legislative intent to confer on the district court the duty and authority to ensure the protection of the rights¹⁷ and best interests¹⁸ of incapacitated and other protected persons in Article 5 proceedings, and “in accordance with the values of the incapacitated person, if known[.]”¹⁹ The need for and importance of court supervision in guardianship and conservatorship proceedings cannot be overstated, including oversight concerning the conduct of attorneys appearing in such cases, whether or not they are appointed by the court. See generally *In re Stein*, 2008-NMSC-013, ¶¶ 1-19, 143 N.M. 462, 177 P.3d 513 (per curiam) (Supreme Court decision in disciplinary case discussing attorney’s conduct in proceeding seeking appointment of a guardian and conservator for an incapacitated person); *Clinesmith v. Temmerman*, 2013-NMCA-024, ¶¶ 23-24, 298 P.3d 458 (explaining that “the goal of a conservatorship is to protect the person and property of persons whose functional and decision-making capacity has become impaired” and that conservatorship proceedings require judicial oversight (internal quotation marks and citation omitted)); see also *In re Guardianship of Sleeth*, 244 P.3d 1169, 1175 (Ariz. Ct. App. 2010) (“[J]udges play a vital role in fulfilling the legislature’s intent to safeguard those in need of the protection of conservators and guardians.”); cf. *Chisholm*, 1997-NMCA-112, ¶¶ 12-13 (discussing district court’s “duty to assure that the interests of a child are legally represented” and “broad authority to fashion its rulings in [the] best interests of the children[.]” which “includes the authority to disqualify a party’s chosen counsel” based “solely on the best interests of the minor children[.]” without a finding that the attorney had a conflict of interest or violated any other rule of professional conduct” (citing *Sanders v. Rosenberg*, 1997-NMSC-002, ¶¶ 2, 4, 9-10, 122 N.M. 692, 930 P.2d 1144)).

{59} This case does not involve an attorney who acted without the district court’s knowledge or in defiance of court orders. Richards’ entry of appearance alerted the

district court and everyone involved in the proceeding of his presence and proposed role; no one objected during the hearing conducted a week later that Richards’ representation of C.G. was improper; and when Richards asked the court to clarify his role, the court responded with uncertainty. We recognize that Guardian’s decision to retain Richards implicates the expenditure of estate funds. Nevertheless, the statutory text does not unambiguously evidence legislative intent to require, in cases involving both a guardian and conservator, that a guardian must obtain pre-approval by the conservator or the court of every measure a guardian deems necessary or appropriate in the exercise of her authority that may involve expenditures of estate funds. And we cannot read into Article 5 a requirement the Legislature did not include. See, e.g., *Sec. Escrow Corp.*, 1988-NMCA-068, ¶ 7. Such a per se interpretation would mean that a guardian could not, for example, incur the costs of emergency medical treatment for an incapacitated person without pre-approval by the conservator or the court. See *Reule Sun Corp. v. Valles*, 2010-NMSC-004, ¶ 14, 147 N.M. 512, 226 P.3d 611 (“We will give effect to the legislative intent by adopting a construction which will not render the statute’s application absurd or unreasonable and will not lead to injustice or contradiction.” (alteration, internal quotation marks, and citation omitted)).

{60} This case involves the following additional circumstance. While the record shows that the person who served as GAL in 2014 was among those notified that the district court set the January 21, 2016 hearing, no GAL was present at that hearing. And, by operation of law, no GAL was in place until the court re-appointed the former GAL at the end of the hearing because (1) the relevant statutes provide that “[u]nless otherwise ordered by the court,” the duties of GAL “terminate and the [GAL] is discharged from” those duties “upon entry of the order” appointing a guardian or conservator and acceptance of those appointments, and (2) the 2014 Order stated that the duties of the GAL appointed in 2014 “terminated upon entry

of this order.” See § 45-5-303.1(B) (stating that, “[u]nless otherwise ordered by the court,” GAL duties “terminate and the [GAL] is discharged from” those duties “upon entry of the order appointing the guardian and acceptance of the appointment by the guardian”); § 45-5-404.1(B) (same as to conservatorship proceedings). {61} Accordingly—and regardless of whether the role of GAL is viewed as “arm of the court” (as the district court and Conservator described it) or as “advocate” or both (as Richards argued)—C.G. had no attorney when Guardian asked the court to consider whether C.G.’s guardianship continued to be necessary, when Daughter moved for removal and replacement of Guardian, and when the district court noticed the January 21, 2016 hearing, and would not have had an attorney to represent her at that hearing had Guardian not hired Richards to do so. See *In re Guardianship of Zaltman*, 843 N.E.2d 663, 668-69 (Mass. App. Ct. 2006) (discussing the “ultimate decision-making responsibility” of courts when “dealing with matters concerning a person properly under the court’s protective jurisdiction,” armed with inherent power “to act in the best interests of a person under its jurisdiction so as to afford whatever relief may be necessary to protect such person’s interests”; stating that “[p]rocedural intricacies and technical niceties must yield to the need to know the actual values and preferences of the ward” (alteration, internal quotation marks, and citations omitted)). The purpose of the representation for which Guardian hired Richards related to C.G.’s person, not to her property. Although Richards’ representation implicated the expenditure of estate assets, this does not establish that the issue requiring attorney representation was a matter within Conservator’s exclusive authority.

{62} That it may have been prudent for Guardian to seek court approval of the contemplated representation, if for no other reason than that an attorney who performs work for a person under guardianship or conservatorship without having been appointed by the court, or otherwise obtaining assurance of payment, runs the

¹⁷See § 45-5-307((D), (E), (H) (directing courts to follow statutory procedures “to safeguard the rights of the incapacitated person”).

¹⁸See § 45-5-303(F) (discussing “alleged incapacitated person’s best interest” in the context of the need for the court to determine whether “it is not in the alleged incapacitated person’s best interest to be present” at the hearing “on the issues raised by the petition and any response to the petition”); § 45-5-313(B) (addressing “the best interests of the protected person” in the context of determining whether to retain jurisdiction or transfer proceedings); § 45-5-402.1(C) (stating court’s authority to “exercise or direct the exercise of” certain powers “only if satisfied, after notice and hearing, that it is in the best interest of the protected person, and that the person either is incapable of consenting or has consented to the proposed exercise of power”).

¹⁹See § 45-5-312(B)(3) (discussing exercise of guardian’s power to make health-care decisions, stating that decisions concerning receipt or refusal of medical treatment “shall be made in accordance with the values of the incapacitated person, if known, or the best interests of the incapacitated person if the values are not known”; see also *Nelson*, 1994-NMCA-074, ¶ 17 (“When exercising the guardian’s powers pursuant to the statute, the guardian is frequently required to recognize the primacy of the ward’s values.”).

risk of non-payment, *cf. In re Theodore T.*, 920 N.Y.S.2d 688, at *1 (N.Y. App. Div. 2011) (mem.) (applying New York law and explaining that “[a] guardian has the inherent authority to retain counsel” but that “a guardian who pays counsel fees without permission of the court does so at the risk of having the payments disallowed” (alteration, internal quotation marks, and citation omitted)), does not mandate a statutory construction contrary to ours. And we view the issue of payment of attorney fees as distinct from the question of whether Guardian was authorized to hire an attorney to present and advocate for C.G.’s preferences, at least at the initial hearing.²⁰ That question is not before us, as the district court did not rule on that issue in the order appealed from. Nor did it rule that Richards’ participation in the case was unnecessary after the appointment of a GAL, although Richards asked the court to clarify his role after the court re-appointed the GAL who had served in 2014. We therefore express no opinion on these matters. *See, e.g., Batchelor*, 1965-NMSC-001, ¶ 6 (declining to review issue where the appellant failed to meet the burden “to show that the question presented for review was ruled upon by the [district] court”); *Luevano*, 1989-NMCA-061, ¶ 7 (stating, in declining to address issues, that “[a]n appellant has the burden of showing that a question presented for review on appeal was ruled upon by the [district] court”).

{63} In sum, the order striking Richards’ entry of appearance is based on the district court’s conclusions that a court-appointed plenary (full) guardian has no authority to hire an attorney to represent a person adjudicated to be incapacitated in a subsequent Article 5 proceeding to determine whether guardianship continues to be necessary and that only a court-appointed conservator has such authority. Our rejection of the

stated bases for the order before us fully resolves this appeal, making it unnecessary to address other arguments raised in the appellate briefing.

{64} We caution that our conclusion in this case is not and should not be interpreted as a broad rule. We do not suggest that a guardian may hire an attorney at any time, for any reason, or that an attorney hired by a guardian to represent an incapacitated person in an Article 5 proceeding must remain throughout the case and be paid from estate funds no matter the circumstances, or that persons participating in an Article 5 proceeding may not object and seek relief from the court, or that the court is disabled from removing an attorney for appropriate reasons. As discussed, Article 5 grants courts exclusive jurisdiction and authority to protect persons who are the subject of guardianship and conservatorship proceedings, including the ultimate authority—and duty—to ensure that actions taken by those involved in Article 5 proceedings serve the interests of incapacitated and other protected persons, circumstances that vary with each case. The circumstances in this case include a guardian whose views of what served the best interests of the incapacitated person diverged from those of family members; who had difficulties dealing with the conservator, a family member himself; and who believed it was necessary that the incapacitated person be represented by an attorney at a scheduled hearing precipitated by filings concerning whether the guardianship should continue. Richards’ entry of appearance on behalf of C.G. alerted the district court and interested persons of his presence and intended role at a time when there was no GAL. When the court appointed a GAL at the January 21, 2016 hearing, Richards asked for clarification of his role and also asked (then and thereafter) to be appointed GAL. The

district court did not clarify these matters immediately, but instead expressed uncertainty. And when Richards asked for reconsideration of the court’s GAL appointment and for payment of his fees in a motion filed at the court’s direction, the district court deferred consideration of that motion and subsequently left the Conservator’s motion to strike undecided for almost two months.

{65} Caution is also warranted given that provisions of Article 5 have been amended following the events giving rise to this appeal, including by deletion of the following text from Section 45-5-312(B), upon which the analysis in *Nelson* and this opinion relies: “A guardian of an incapacitated person has the same powers, rights and duties respecting the incapacitated person that a parent has respecting an unemancipated minor child.” Section 45-5-312(B) (2009, amended 2019). We express no opinion as to the impact of this (or any) amendment that became effective following entry of the order from which Richards appeals. *See Porter v. Robert Porter & Sons, Inc.*, 1961-NMSC-010, ¶ 18, 68 N.M. 97, 359 P.2d 134, (“[O]n appeal [the appellate courts] will not . . . decide questions that are abstract, hypothetical or moot[.]”); *Kysar v. BP Am. Prod. Co.*, 2012-NMCA-036, ¶ 21, 273 P.3d 867 (“Any attempt to undertake an analysis at this point would result in an advisory opinion, which we decline to give”).

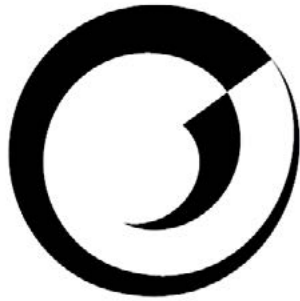
CONCLUSION

{66} For the foregoing reasons, we reverse.

{67} **IT IS SO ORDERED.**
LINDA M. VANZI, Judge

WE CONCUR:
KRISTINA BOGARDUS, Judge
MEGAN P. DUFFY, Judge

²⁰Conservator repeatedly asserts that what he characterizes as the “pre-adjudication procedures” of Section 45-5-303 have no application in proceedings subsequent to the appointment of a guardian or conservator. The statutory text is to the contrary. Section 45-5-307(D) provides: “Unless waived by the court upon the filing of a petition to terminate a guardianship for reasons other than the death of the incapacitated person, the court shall follow the same procedures to safeguard the rights of the incapacitated person as those that apply to a petition for appointment of a guardian as set forth in Section 45-5-303.” And Section 45-5-307(F) states: “Following receipt of a request for review, the court shall hold a status hearing, which may be informal, to determine the appropriate order to be entered. If the court finds the incapacitated person is capable of more autonomy than at the time of the original order, the court may enter an order removing the guardian, terminating the guardianship or reducing the powers previously granted to the guardian. The court has the option to follow all or part of the procedures that apply for the appointment of a guardian as set forth in Section 45-5-303.” The record contains no indication that the district court waived or otherwise elected not to follow any procedures afforded by Section 45-5-303 in the 2016 proceeding.



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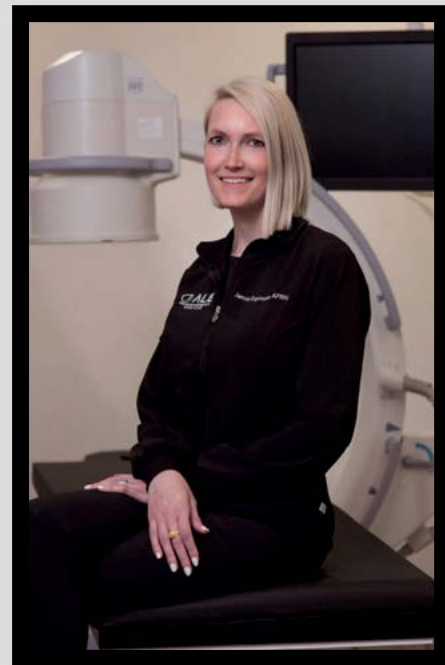
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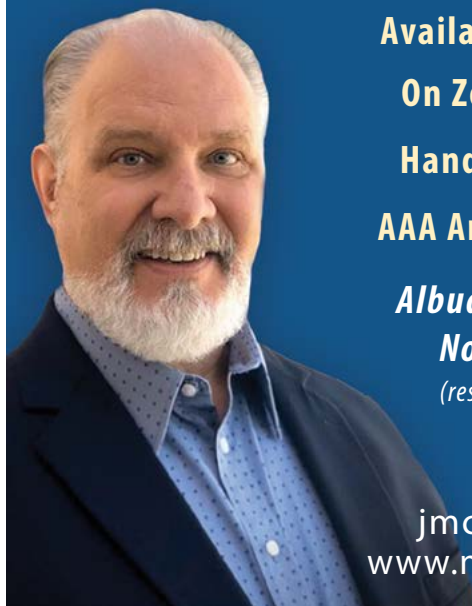
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2021 Attorney In Memoriam Recognition

The State Bar of New Mexico Senior Lawyers Division is honored to host the annual Attorney In Memoriam Ceremony. This event honors New Mexico attorneys who have passed away during the last year (November 2020 to present) to recognize their work in the legal community. If you know of someone who has passed and/or the family and friends of the deceased (November 2020 to present), please contact memberservices@sbnm.org.

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is pleased to announce

MITCHELL E. McCREA**

has joined the firm as a Partner

604 North Richardson

P. O. Box 1415

Roswell, New Mexico 88202-1415

Phone (575) 624-2463 • Fax (575) 624-2878

Website at www.h2olawyers.com

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MADISON, MROZ, STEINMAN, KENNY & OLEXY, P.A.

We are pleased to announce

Kimberly A. Huson

has joined the Firm as an Associate

Ms. Huson earned her Bachelor of Science degree in Political Science in 2014 from Arizona State University and her Doctor of Jurisprudence in 2018 from Sandra Day O'Connor College of Law at Arizona State University.

We welcome her to our practice.

201 Third Street N.W., Suite 1600
Albuquerque, NM 87102
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—MEDIATION— JOHN B. POUND

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

Classified

Positions

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.

Plaintiff's Personal Injury & Civil Rights Associate

Collins & Collins, P.C. is seeking a litigation associate attorney with a minimum of 3 years civil litigation experience. The firm represents only plaintiffs in cases involving personal injury, wrongful death, medical malpractice and civil rights. Candidates must be detail-oriented with strong research, writing and analysis skills. Please send a resume and 2 writing samples to info@collinsattorneys.com

Assistant City Attorney

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Municipal Affairs Division—Aviation Department. The Legal Department's team of attorneys provides a broad range of general counsel legal services to the City. This specific position will focus on representation of the City's interests with respect to Aviation Department legal issues and regulatory compliance. The position will be responsible for interaction with Aviation Department administration, the Albuquerque Police Department, various other City departments, boards, commissions, and agencies, and various state and federal agencies, including the Federal Aviation Administration and the Transportation Security Administration. The legal services provided will include, but will not be limited to, legal research, drafting legal opinions, reviewing and drafting policies, ordinances, and executive/administrative instructions, reviewing and drafting permits, easements, real estate contracts and procurement contracts and negotiating same, serving as records custodian for the Aviation Department, 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, litigating matters as needed, and providing general advice and counsel on day-to-day operations. Attention to detail and strong writing and interpersonal skills are essential. Preferences include: Five (5)+ years' experience as licensed attorney; experience with government agencies, government compliance, real estate, contracts, and policy writing. Aviation background is not essential, but any experience with aviation/airports will be considered. Candidates must be an active member of the State Bar of New Mexico in good standing. Salary will be based upon experience. Please apply on line at www.cabq.gov/jobs and include a resume and writing sample with your application.

Prosecutors

Immediate openings for Prosecutors in Las Vegas, New Mexico. Work with a diverse team of professionals, a manageable caseload with a competitive salary in a great workplace environment. If you are interested in learning more about the positions or wish to apply, contact us at (505) 425-6746, or forward your letter of interest and resumé to Thomas A. Clayton, District Attorney, c/o Mary Lou Umbarger, Office Manager, P.O. Box 2025, Las Vegas, New Mexico 87701 or e-mail: mumbarger@da.state.nm.us

Assistant Trial Attorney/ Deputy District Attorney

The Eleventh Judicial District Attorney's Office, Division I (San Juan County), is accepting resumes for immediate positions from Assistant Trial Attorney to Deputy District Attorney. Salary is based on experience and the NM District Attorney Personnel and Compensation Plan (\$54,308.80 - \$73,251,036). Send resumes to Lori Holesinger, HR Administrator, 335 S. Miller Ave., Farmington, NM 87401, or via e-mail lholesinger@da.state.nm.us

Director of Litigation

DNA-People's Legal Services is a non-profit law firm providing high quality legal services to persons living in poverty on the Navajo, Hopi, and Jicarilla Apache Nations, and in parts of Northern Arizona, Northwest New Mexico, and Southern Utah. DNA is seeking to hire an experienced Director of Litigation. Applicants must have ten years of legal practice experience in a Legal Services Corporation or similarly funded non-profit civil legal aid program; and five (5) years legal supervision experience. Applicant must be licensed to practice law in Arizona, New Mexico, or Utah, or be able to obtain a state license to practice law in one of these jurisdictions within two (2) years of hiring. Applicant must also possess a Navajo, Hopi, or Jicarilla tribal court license, or the ability to obtain a tribal court law license in one of these jurisdictions within two (2) years. Applicant must also be admitted to practice law in at least one Federal District or Federal Appellate Court; or be able to gain admittance to a Federal District or Appellate Court located in the DNA service area within two years. Please contact DNA Human Resources for additional information including a job description and a complete listing of minimum job qualifications. We provide excellent benefits, including full health insurance, dental and vision, generous paid holidays, vacation, and sick leave. Please send employment application found at <https://dnalegalservices.org/>, resume, cover letter, and other application materials to HResources@dnalegalservices.org or fax to 928.871.5036.

Associate Attorney

Hatcher Law Group, P.A. seeks an associate attorney 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.

Assistant City Attorney

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

Deputy City Attorney for Property & Finance

The City of Albuquerque Legal Department is seeking a Deputy City Attorney for its Property and Finance Division. The work includes management, oversight and development of the Property and Finance Division's Managing Attorneys, Assistant City Attorneys and staff. This person will track legal projects, timelines, deliverables, and project requirements within the division. Outside of managerial duties, work includes but is not limited to: contract drafting, analysis, and negotiations; drafting ordinances; drafting regulatory law; assisting with Inspection of Public Records Act requests; procurement; providing general legal advice in matters regarding public finance, commercial transactions, real estate transactions, public works, and risk management; review of intergovernmental agreements; and civil litigation. Attention to detail and strong writing skills are essential. Seven (7)+ years of legal experience, including three (3)+ years of management experience is preferred. An applicant must be an active member of the State Bar of New Mexico, in good standing. Please apply on line at www.cabq.gov/jobs and include a resume and writing sample with your application.

Assistant City Attorney City of Santa Fe

The City of Santa Fe's City Attorney's Office seeks a full-time lawyer to join its close-knit legal team. The selected candidate will represent the City in a variety of legal matters, including administrative appeals and enforcement actions and will serve as counsel to City departments, boards, and commissions. Specific assignments may depend upon the selected applicant's experience and skills. The City Attorney's Office seeks collaborative, creative, and motivated applicants with good people skills, strong academic credentials, excellent written and verbal communications skills, and an interest in public service. Experience in government general counsel work, litigation, appellate practice, and related law, particularly in the public context, is preferred. Participation in evening meetings may be required up to a few times a month. The pay and benefits package are excellent and are partially dependent on experience. The position is based in downtown Santa Fe at City Hall and reports to the City Attorney. The position is exempt and open until filled. Qualified applicants are invited to apply online at https://www.santafenm.gov/how_to_apply. Please contact Office Manager, Irene Romero, at 505- 955-6512 with any questions about the position.

Associate Attorney

Small, collegial Santa Fe firm seeks motivated attorney to become part of busy litigation, real estate and business practice. We are looking for an attorney with a minimum of 3 years of litigation experience, strong research, writing and people skills. Applicant must have experience drafting and arguing motions before courts, taking depositions, drafting written discovery and preferably trial/arbitration experience. Salary commensurate with experience. Please send resume, references and short writing sample to: Hays & Friedman, P.A., 530-B Harkle Road, Santa Fe, New Mexico 87505, or submit resume to ameliam@haysfriedmanlaw.com. All inquiries will be kept confidential.

Assistant District Attorney

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

Domestic Relations Hearing Officer #33541

The Second Judicial District Court is accepting applications for a full-time, term At-Will Domestic Relations Hearing Officer in Family Court (position #33541). Under the supervision of the Presiding Family Court Judge, applicant will be assigned a child support caseload. May also be assigned caseloads to include domestic relations and domestic violence matters. Consistent with Rule 1-053.2 duties may include: (1) review petitions for indigency; (2) conduct hearings on all petitions and motions, both before and after entry of the decree; (3) in child support enforcement division case, carry out the statutory duties of a child support hearing officer; (4) carry out the statutory duties of a domestic violence special commissioner and utilize the procedures as set for in Rule 1-053.1 NMRA; (5) assist the court in carrying out the purposes of the Domestic Relations Mediation Act; and (6) prepare recommendations for review and final approval by the court. matters consistent with Rule 1-053.2. duties Qualifications: J.D. from an accredited law school, New Mexico licensed attorney in good standing, minimum of (5) years of experience in the practice of law with at least 20% of practice having been in family law or domestic relations matters, ability to establish effective working relationships with judges, the legal community, and staff; and to communicate complex rules clearly and concisely, respond with tact and courtesy both orally and in writing, extensive knowledge of New Mexico and federal case law, constitution and statutes; court rules, policies and procedures; manual and computer legal research and analysis, a work record of dependability and reliability, attention to detail, accuracy, confidentiality, and effective organizational skills and the ability to pass a background check. SALARY: \$51.44 hourly, plus benefits. Send application or resume supplemental form with proof of education and writing sample to the Second Judicial District Court, Human Resource Office, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM 87102. Applications without copies of information requested on the employment application will be rejected. Application and resume supplemental form may be obtained on the NM Judicial Branch web page at www.nmcourts.gov. CLOSES: June 18, 2021 at 5:00 p.m. EOE. Applicants selected for an interview must notify the Human Resource Division of the need for an accommodation.

Assistant Federal Public Defender - Albuquerque 2021-07

The Federal Public Defender for the District of New Mexico is accepting applications for a full-time Assistant Federal Public Defender in the Albuquerque office. The federal defender organization operates under the Criminal Justice Act, 18 U.S.C. §3006A, to provide criminal defense and related help in federal courts. More than one position may be filled from this posting. Job Description/Qualifications: This position is for a licensed attorney with a minimum of three years of criminal trial experience. Other equally relevant experience will be considered. Successful applicants must have a commitment to the representation of indigent, disenfranchised and underserved individuals and communities. Responsibilities include, but are not limited to: managing an extensive caseload, developing litigation strategies, preparing pleadings, appearing in court at all stages of litigation, and meeting with clients, experts, witnesses, family members and others. Applicants must possess strong oral and written advocacy skills, have the ability to build and maintain meaningful attorney-client relationships, be team oriented but function independently in a large, busy office setting, and communicate effectively with clients, witnesses, colleagues, staff, the court and other agency personnel. Spanish language proficiency is preferred. Travel for investigation and training is required. Requirements: Applicants must be a graduate of an accredited law school and admitted to practice in good standing before the highest court of a state. The selected candidate must be licensed to practice in the U.S. District Court, District of New Mexico, by the time of entrance on duty. The selected candidate will be required to obtain admission to the New Mexico State Bar and the Supreme Court within the first year of employment. Applicants must be eligible to work for the United States. Salary and Benefits: This position is full time with a comprehensive benefits package that includes: health and life insurance, vision and dental benefits, flexible spending accounts, paid time off, sick leave, leave for all Federal holidays, participation in the Federal Employees' Retirement System, and participation in the Thrift Savings Plan with up to 5% government matching contributions. Salary is dependent upon qualifications and experience, and is equivalent to salaries of Assistant U.S. Attorneys with similar qualifications and experience. Salary is payable only by electronic funds transfer (direct deposit). Conditions of Employment: Appointment to the position is contingent upon the successful completion of a background check and/or investigation including an FBI name and fingerprint check. Employees of the Federal Public Defender are members of the judicial branch of government and are considered

"at will." Application Information: In one PDF document, please submit a statement of interest and resume describing your trial and appellate work, with three references to: Margaret A. Katze, Federal Public Defender, FDNM-HR@fd.org, Reference 2021-07 in the subject. Applications must be received by June 18, 2021. Writing samples will be required only from those selected for interview. Position(s) will remain open until filled and is subject to the availability of funding. The Federal Public Defender is an equal opportunity employer. We seek to hire individuals who will promote the diversity of the office and federal practice. No phone calls please. Submissions not following this format will not be considered. Only those selected for interview will be contacted.

Assistant City Attorney Advising APD

The City of Albuquerque Legal Department is hiring an Assistant City Attorney with the primary responsibility of advising the Albuquerque Police Department (APD). Duties may include: acting as general counsel; representing APD in the matter of *United States v. City of Albuquerque*, 14-cv-1025; reviewing and providing advice regarding policies, trainings and contracts; reviewing uses of force; representing APD or officers in legal proceedings, including but not limited to Pohl motions, responses to subpoenas, and requests for blood draws; drafting legal opinions; reviewing and drafting legislation, ordinances, and executive/administrative instructions; providing counsel on Inspection of Public Records Act requests and other open government issues; and providing general advice and counsel on day-to-day operations. Attention to detail and strong writing skills are essential. Additional duties and representation of other City Departments may be assigned. Preferences include: Broad experience in both civil and criminal law; five (5)+ years' experience; experience in drafting policies; experience in developing curricula; experience in drafting and reviewing contracts; and 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 apply on line at www.cabq.gov/jobs and include a resume and writing sample with your application.

Domestic Relations Hearing Officer Family Court #10100099

The Second Judicial District Court is accepting applications for a full-time, perm At-Will Domestic Relations Hearing Officer in Family Court (position #10100099). Under the supervision of the Presiding Family Court Judge, applicant will be assigned a child support caseload. May also be assigned caseloads to include domestic relations and domestic violence matters. Consistent with Rule 1-053.2 duties may include: (1) review petitions for indigency; (2) conduct hearings on all petitions and motions, both before and after entry of the decree; (3) in child support enforcement division case, carry out the statutory duties of a child support hearing officer; (4) carry out the statutory duties of a domestic violence special commissioner and utilize the procedures as set for in Rule 1-053.1 NMRA; (5) assist the court in carrying out the purposes of the Domestic Relations Mediation Act; and (6) prepare recommendations for review and final approval by the court. matters consistent with Rule 1-053.2. duties Qualifications: J.D. from an accredited law school, New Mexico licensed attorney in good standing, minimum of (5) years of experience in the practice of law with at least 20% of practice having been in family law or domestic relations matters, ability to establish effective working relationships with judges, the legal community, and staff; and to communicate complex rules clearly and concisely, respond with tact and courtesy both orally and in writing, extensive knowledge of New Mexico and federal case law, constitution and statutes; court rules, policies and procedures; manual and computer legal research and analysis, a work record of dependability and reliability, attention to detail, accuracy, confidentiality, and effective organizational skills and the ability to pass a background check. SALARY: \$51.44 hourly, plus benefits. Send application or resume supplemental form with proof of education and writing sample to the Second Judicial District Court, Human Resource Office, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM 87102. Applications without copies of information requested on the employment application will be rejected. Application and resume supplemental form may be obtained on the NM Judicial Branch web page at www.nmcourts.gov. CLOSES: June 18, 2021 at 5:00 p.m. EOE. Applicants selected for an interview must notify the Human Resource Division of the need for an accommodation.

Associate University Counsel

Job Title: Associate University Counsel. The University of New Mexico, Office of University Counsel, is seeking an attorney to provide legal counsel to the institution on a broad range of health law, higher education and other legal matters. Under the supervision of the Deputy University Counsel for Health Sciences, the attorney's practice areas will include: hospital-physician contractual relationships (including physician professional services agreements); the legal implications of, and compliance with, HIPAA and state health privacy laws, including health information exchanges and population health data management; Stark law and Anti-Kickback Statute issues; legal implications of value-based reimbursement and shared/full risk contracting; hospital and clinic operational issues, including patient healthcare decision-making and surrogate healthcare decision-making; human subjects research and animal research and re-search compliance including clinical trial agreements, material transfer agreements, and data use and sharing agreements; and, corporate law and advising UNMHSC supporting corporate entities. The attorney will also provide training to University departments and personnel as needed. Salary range: \$8,648.47 to \$10,237.07 a month. Best consideration date: June 18, 2021. For complete information including closing dates, minimum requirements, and instructions on how to apply please visit our website at <http://UNMJobs.unm.edu>.

Part-Time Attorneys

The Mondragon Law Office has 2 openings for part-time attorneys in Las Vegas, NM. Candidate must have strong research and writing skills, must be a team player with strong organizational skills; be a self-starter who takes ownership over tasks. The candidate must be admitted and in good standing to the practice in NM. Salary range (\$25,000 - \$55,000) will be based on experience and on position applied for. Please send resume to Fabiola at mondragonlaw@hotmail.com

Prosecutor Position

The New Mexico Medical Board is accepting applications to fill the Prosecuting Attorney position for the agency. This position will be based in Santa Fe, New Mexico. This position is responsible for prosecuting physicians and other licensees primarily for violation of the Medical Practices Act specific to unprofessional or dishonorable conduct and/or the Impaired Healthcare Provider Act. For the complete job description and requirements refer to the Board's website at: <https://www.nmmb.state.nm.us>, located in the home page under "Notices". This position will remain posted until it is filled.

Full-Time and Part-Time Attorney

Jay Goodman and Associates Law Firm, PC is seeking one full-time and one part-time attorney, licensed/good standing in NM with at least 3 years of experience in Family Law, Probate, and Civil Litigation. 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 judgement/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.

Associate Attorney

Chapman and Priest, P.C. seeks Associate Attorney to assist with increasing litigation case load. Candidates should have 2-10 years civil defense litigation experience, good research and writing skills, as well as excellent oral speaking ability. Candidate must be self-starter and have excellent organizational and time management skills. Trial experience a plus. Please send resume, references, writing sample and salary requirements to cassidyolguin@cplawnm.com.

Special Prosecutor

The Second Judicial District Attorney's Office in Bernalillo County is seeking a Special Prosecutor for the Metropolitan Division. The Attorney would be a contract attorney and act independently of the Metropolitan Division and have final say over disposition of cases. The Attorney would be required to be familiar with Metropolitan Court Rules and Procedure and be versed in DWI and DV law. The Attorney would be required to attend all hearings and perform both Bench and Jury Trials. Please contact Carla Martinez at carla.martinez@da2nd.state.nm.us if you are interested in the position.

NW Regional Managing Attorney Position

The Children, Youth and Families Department is seeking to fill the Northwest region Children's Court Managing Attorney position to be housed in Farmington, Gallup, Grants, Rio Rancho, Los Lunas or Estancia. Salary range is \$61,673 - \$107,311 annually, depending on experience and qualifications. Incumbent will be responsible for direction and management of Children's Court Attorneys and legal staff located in the Northwest Region of the state who handle civil child abuse and neglect cases and termination of parental rights cases. The ideal candidate must have a Juris Doctorate from an accredited school of law, be licensed as an attorney by the Supreme Court of New Mexico and have the requisite combination of management and educational experience. Benefits include medical, dental, vision, paid vacation, and a retirement package. For information, please contact: Marisa Salazar (505)659-8952. To apply for this position, go to www.state.nm.us/spo/. The State of New Mexico is an EOE.

Associate Attorney

Busy medical malpractice defense firm seeking a motivated attorney who desires to move into the position of a trial attorney. Must have strong, proficient research and writing skills. We provide career advancement training. We are open to candidates of all levels of experience. Pay dependent on experience. Position includes outstanding benefits package. To apply, please provide your resume with references, salary requirements, and a writing sample to kbarnett@lady-justice.us.

CFE Manager

The City's Consumer and Financial Protection Initiative was established in collaboration with the Cities for Financial Empowerment (CFE) Fund through an initial scope of work outlined in the CFE Fund Grant Agreement. The Manager will provide leadership, direction and vision to implement the next phase of the City's efforts to provide robust consumer and financial protection for the residents of Albuquerque. The Manager is responsible for establishing policies and procedures for outreach, education, consumer complaints, referrals, and enforcement activities where appropriate. The Manager will also provide oversight and direction for implementing the City's consumer and financial protection strategic plan. Master's Degree in related field or Juris Doctor. Juris Doctor strongly preferred. If attorney, must be licensed in New Mexico within six months of hire. Please apply on line at www.cabq.gov/jobs and include a resume and writing sample with your application.

Associate Attorney

Katz Herdman MacGillivray & Fullerton in Santa Fe seeks an associate attorney. Our boutique practice includes real estate, water law, estate planning, business, employment, construction and related litigation. Send your resume, statement of interest, transcript and writing sample to ctc@santafelawgroup.com. All levels considered, with ideal candidates having 1-3 years of practice experience.

Lawyers – 2-6 Years Experience

Montgomery & Andrews, P.A. is seeking lawyers with 2 – 6 years of experience to join its firm in Santa Fe, New Mexico. Montgomery & Andrews offers enhanced advancement prospects, interesting work opportunities in a broad variety of areas, and a relaxed and collegial environment, with an open-door policy. Candidates should have strong written and verbal communication skills. Candidates should also be detail oriented and results-driven. New Mexico licensure is required. Please send resumes to rvalverde@montand.com.

Associate Attorney

Felker, Ish, Ritchie, Geer & Winter seeks an associate for its small, long-established, Santa Fe office to assist in a general civil practice that includes an interesting and varied mix of transactional work and litigation representing both plaintiffs and defendants. All applications are invited but candidates with a minimum of 2-3 years are preferred. Please send a resume and writing sample to melissa@felkerishlaw.com.

Associate Attorney

Stiff, Keith & Garcia is looking to hire a full time associate with 2-5 years of experience, wanted for hard-working, well established, civil litigation defense firm. Great opportunity to grow. Salary DOE, great benefits includes health, dental, and life insurance, also 401K match, Inquiries are kept confidential. Please send resume to karrants@stiffllaw.com

Entry Level And Experienced Trial Attorneys

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!

Experienced Prosecutor

The 13th Judicial District Attorney's Office has created a new position. We are looking for an experienced prosecutor who is self-motivated, can handle a smaller but complex case load covering different types of felony's with little to no supervision. This position will carry cases in all three of our district offices so travel will be required. This position can be based in the county office of choice (Belen, Bernalillo or Grants). Schedule will be flexible but dependent upon scheduled court hearings. Salary commensurate with experience. Contact Krissy Fajardo kfajardo@da.state.nm.us for an application.

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.

Chief Children's Court Attorney Position

The Children, Youth and Families Department is seeking to fill the Chief Children's Court Attorney position to be housed in any CYFD office in the state. Salary range is \$81,823- \$142,372 annually, depending on experience and qualifications. Incumbent will be responsible for direction and management of Children's Court Attorneys and legal staff located throughout the state who handle civil child abuse and neglect cases and termination of parental rights cases. The ideal candidate must have a Juris Doctorate from an accredited school of law, be licensed as an attorney by the Supreme Court of New Mexico and have the requisite combination of executive management and educational experience. Benefits include medical, dental, vision, paid vacation, and a retirement package. For information, please contact: Marisa Salazar (505)659-8952. To apply for this position, go to www.state.nm.us/spo/. The State of New Mexico is an EOE.

Litigation Attorney

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.

Attorney Senior (Position #43808) Civil Court (FT At-Will)

The Second Judicial District Court is accepting applications for an At-Will Attorney Senior in Civil Court. Qualifications: Must be a graduate of a law school meeting the standards of accreditation of the American Bar Association; possess and maintain a license to practice law in the State of New Mexico and five (5) years' of experience in the practice of civil law. The Attorney Senior will be assigned to the Elder and Disability Court Initiative. The attorney can expect to perform research and writing, conduct training, be appointed as a Court Investigator to conduct investigations and hearings and to work with Judges and court staff on the continued development of the Initiative. Experience handling guardianship/conservatorship issues under the probate code, working knowledge of the Developmentally Disabled Waiver Program and Social Security Disability Income and accounting skills are preferred. SALARY: \$30.995 to \$50.367 hourly, plus benefits. Target Pay: \$40.975. Send application or resume supplemental form with proof of education and writing sample to the Second Judicial District Court, Human Resource Office, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM, 87102. Applications without copies of information requested on the employment application will be rejected. Application and resume supplemental form may be obtained on the Judicial Branch web page at www.nmcourts.gov. CLOSES: June 23, 2021, at 5:00 p.m.

Court Programs & Operations Manager or Attorney-Supervisor #00054832-23200 (dependent upon qualifications)

The Second Judicial District Court is accepting applications for a full-time, perm Court Programs & Operations Manager (At-Will) or Attorney – Supervisor (At-Will) Dependent upon Qualifications (position #54832). A Court Programs & Operations Manager, acting under administrative direction, plans, organizes, directs and controls the multiple functions and processes of diverse programs. This position will oversee the Judicial Supervision & Diversion Programs Division, which includes Defendant Intake, Criminal Background Investigations, Pretrial Supervision, and Problem Solving Courts. Applicants with a Juris Doctorate with experience in criminal law, or a director of a Pretrial Services Program, is preferred but not required. An Attorney-Supervisor, acting under administrative direction of the Judge, Court Executive Officer, or a supervising attorney, provides legal advice, performs legal research and analysis, and makes recommendations to the court or Judicial Entity. This position will oversee the Judicial Supervision & Diversion Programs Division, which includes Defendant Intake, Criminal Background Investigations, Pretrial Supervision, and Problem Solving Courts. Experience in criminal law is preferred but not required. Ability to pass a background check. SALARY: Court Programs & Operation Manager Job Pay Range: \$28.690 - \$46.662; Target Pay Range: \$35.863 - \$41.242. Attorney – Supervisor Job Pay Range: \$33.152 - \$53.872; Target Pay Range: \$41.440 - \$44.250. Send application or resume supplemental form with proof of education to the Second Judicial District Court, Human Resource Office, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM 87102. Applications without copies of information requested on the employment application will be rejected. Application and resume supplemental form can be found on the NM Judicial Branch web page at <https://www.nmcourts.gov/careers/>. CLOSES: June 14, 2021 at 5:00 p.m. EOE. Applicants selected for an interview must notify the Human Resource Division of the need for an accommodation.

Part Time Substitute Judge

The City of Santa Fe Municipal Court is accepting resumes for a part time substitute judge. Must live within the city limits and be a member in good standing with the New Mexico State Bar. Legal experience in Criminal Law is preferred. Please submit your resume to jybaca@santafenm.gov no later than 7/30/2021. If you have any questions, call 505-372-8506.

Attorney

Allen, Shepherd, & Lewis, P.A. is seeking an attorney with 2-4 years of litigation experience to join our firm. Experience in worker's compensation, construction defects, professional malpractice or personal injury preferred. Must be licensed in New Mexico or obtain New Mexico license. Candidates considered for a position must have excellent oral and written communication skills. Available position is considered regular and full time. Please send resume with cover letter, unofficial transcript, writing sample and salary requirements to Allen, Shepherd, & Lewis, P.A. Attn: Human Resources, P.O. Box 94750, Albuquerque, NM 87199-4750 or email to hr@allenlawnm.com. All replies will be kept confidential. Our firm values integrity and a strong work ethic. Our firm values an inclusive workplace to serve our diverse client needs. Our firm is an equal opportunity employer and welcome applications from all candidates who meet our stated hiring preferences.

Attorney Supervisor Position Albuquerque

The NM Environment Department Office of General Counsel seeks to fill an Attorney Supervisor position in Albuquerque. This position requires a Juris Doctorate and at least five (5) years of experience in the practice of law in one or more of the following areas: administrative law, drafting or review of contracts, rulemaking, legislative affairs, open government, or representation of a public agency. Appellate experience is preferred and specialized knowledge in environmental law or natural resources law is desired. Applicant should have supervisory experience. Applicant must be licensed to practice in New Mexico, be in good standing and have no history of professional disciplinary actions. Regular travel to Santa Fe will be required. Salary ranges from \$34.18/hr. to \$54.68/hr. Previous applicants must resubmit an application to be considered for the position. To apply: access the website for the NM State Personnel Office (SPO), www.spo.state.nm.us and click on View Job Opportunities and Apply. The State of New Mexico is an Equal Opportunity Employer.

501(c)(3) FISOLII Attorney

The Full Life Foundation of La Vida Llena, a 501(c)(3) with a FISO III status, is seeking legal counsel. Attorneys or firms with expertise in this area may respond with a letter of interest, including experience in this area of the law, rates and expenses, and a resume, sent to President, Full Life Foundation, 10501 Lagrima de Oro Road NE, No. 361, Albuquerque, NM 87111.

Legal Assistant

The Rodey Law Firm is accepting resumes for a legal assistant position in its Santa Fe office. Candidate must have excellent organizational skills; demonstrate initiative, resourcefulness, and flexibility, be detail-oriented and able to work in a fast-paced, multi-task legal environment with ability to assess priorities. Responsible for calendaring all deadlines. Must have a high school diploma, or equivalent, and a minimum of three (3) years experience as a legal assistant, proficient with Microsoft Office products and have excellent typing skills. Paralegal skills a plus. Firm offers comprehensive benefits package and competitive salary. Please send resume to jobs@rodey.com or mail to Human Resources Manager, PO Box 1888, Albuquerque, NM 87103.

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. Starting salary is \$20.69 per hour during an initial, proscribed probationary period. Upon successful completion of the proscribed probationary period, the salary will increase to \$21.71 per hour. Competitive benefits provided and available on first day of employment. Please apply at <https://www.governmentjobs.com/careers/cabq>.

Paralegal

Civil litigation firm seeking Paralegal with minimum of 3 or more years experience, including current working knowledge of State and Federal District Court rules and filing procedures, trial preparation, document and case management, calendaring, and online research, is technologically adept and familiar with use of electronic databases and legal-use software. Qualified candidates must be organized and detail-oriented, with excellent computer and word processing skills and the ability to multi-task and work independently. Salary commensurate with experience. Please send resume with references and a writing sample to paralegal3.bleuslaw@gmail.com

Litigation Paralegal

Lewis Brisbois is seeking a professional, proactive Paralegal to join our growing office. Candidates should be proficient in all aspects of the subpoena process, reviewing medical records, and research. Performs any and all other duties as necessary for the efficient functioning of the Department, Office and Firm. Practices and fosters an atmosphere of teamwork and cooperation. Ability to work independently with minimal direction. Ability to work directly with partners, associates, co-counsel and clients. Ability to delegate tasks and engage firm resources in the completion of large projects. Excellent organizational skills and detail oriented. Effective written and oral communication skills. Ability to think critically and analytically in a pressured environment. Ability to multi-task and to manage time effectively. Knowledge of Microsoft Office Suite, familiarity with computerized litigation databases. Ability to perform electronic research using Lexis. Please submit your resume along with a cover letter and two writing samples to phxrecruiter@lewisbrisbois.com and indicate "New Mexico Paralegal Position". All resumes will remain confidential.

Paralegal Basic City of Santa Fe

The City of Santa Fe, City Attorney's Office seeks a full-time paralegal to be part of our close-knit, high-performing team. The position will support the broad ranging functions of a fast-paced legal office and complete assignments related to complex legal processes. This paralegal will directly support attorneys in civil enforcement actions, administrative appeals, and case-tracking. In addition, the paralegal will act as back-up to the other two paralegals in the office, assisting with general litigation and supporting the City's Prosecutor in Municipal Court. This paralegal will also assist the City's Public Records Custodian in addressing IPRA requests. The City's pay and benefits package are excellent and are partially dependent on experience. The position requires a two (2) years of experience performing paralegal duties using computers to perform research and analysis and to compose formal written documents. The position has a physical office located in downtown Santa Fe at City Hall. Open until filled. Qualified applicants may apply online at https://www.santafenm.gov/how_to_apply and may call Irene Romero at 505-955-6512 with any questions about the position.

Paralegal

Busy personal injury firm seeks paralegal with experience in personal injury litigation. Ideal candidate must possess excellent communication, grammar and organizational skills. Must be professional, self-motivated and a team player who can multi-task. Salary depends on experience. Firm offers benefits. Fax resumes to (505) 242-3322 or email to: leanne@whitenerlawfirm.com

Paralegal at Sandia National Laboratories

Are you passionate about your work experience in a legal field? If so, the General Law Center with-in the Legal Division at Sandia National Laboratories is looking for an experienced Paralegal to join our extraordinary team! You will support a group of attorneys handling a wide variety of general law matters, including but not limited to laws governing employment and labor; environment, safety and health; FOIA and Privacy Act; corporations; government contracts and procurements, security; state and federal taxation; employee welfare and retirement benefit plans; and other areas of the law applicable to a large employer and contractor to the U.S. Government. To apply, please visit sandia.gov/careers, click "View All Sandia Openings," and search Job ID "676433."

Litigation Paralegal

Experienced full-time litigation paralegal wanted for busy downtown Santa Fe law firm. This position involves the performance of a variety of paralegal duties, including, but not limited to, assisting in the preparation of matters for hearing or trial, preparing discovery, drafting pleadings. Knowledge of State and Federal District Court rules and filing procedures, performing legal research. Familiarity with the use of electronic databases and legal-use software technology a plus. Must be organized and detail-oriented, and the ability to multitask in addition to being a team player. Competitive salary and benefits provided. Please send your resume to tgarduno@montand.com.

Paralegal

Chapman and Priest, P.C. seeks Paralegal to assist with increasing litigation case load. Candidates must have 3+ years' experience. Knowledge of Word and Excel. Must be highly organized and detail oriented with good customer service and multi-tasking skills. Position needs include support for multiple attorneys producing a high volume of work in a busy fact paced office. Please send resume to cassidyolguin@cplawnm.com.

Paralegal

Paralegal position in established commercial civil litigation firm. Requires minimum of 3-5 years' prior experience with knowledge of State and Federal District Court rules and filing procedures; factual and legal online research; trial preparation; case management and processing of documents including acquisition, review, summarizing and indexing of same; drafting discovery and related pleadings; maintaining and monitoring docketing calendars; oral and written communications with clients, counsel, and other case contacts; familiar with use of electronic databases and legal-use software technology. Must be organized and detail-oriented professional with excellent computer skills. All inquiries confidential. Salary DOE. Competitive benefits. Email resumes to e_info@abrfirm.com or Fax to 505-764-8374.

Legal Assistant

Busy medical malpractice defense firm seeking a motivated, detail-oriented, responsible individual to join our team. Must have impeccable organizational skills, excellent grammar, typing speed of at least 50 wpm, and be able to work in a fast-paced environment. Pay dependent on experience. Position includes outstanding benefits package. To apply, please provide your resume with three professional references and salary requirements to kbarnett@lady-justice.us.

Litigation Paralegal

A paralegal position is waiting for you in a small but busy law firm. Dixon Scholl Carrillo PA is seeking someone with at least 5 years of experience in civil litigation. Focus on Insurance Defense, Personal Injury, Medical Malpractice. Must possess excellent writing and research skills, proficient legal terminology, organizational skills, high volume document control abilities and attention to detail. Must have ability to work with minimal supervision and be self-motivated. We offer excellent benefits and a great work environment. Email your resume to Michaela at momalley@dsc-law.com.

Service

Legal Writer

Briefs, motions, appeals, discovery, case assessments. Civil litigation attorney with 17 years of experience successfully representing plaintiffs and defendants in state and federal court accepting legal research and writing projects big and small. Contact rz@thelawgroup.com or call 505-306-4246 to discuss. Fees negotiable.

Forensic Genealogist

Certified, experienced genealogist: find heirs, analyze DNA tests, research land grants & more. www.marypenner.com, 505-321-1353.

Mediation Services

17 years of civil litigation experience. Motivated to resolve your disputes. Contact rz@thelawgroup.com or 505-306-4246 to schedule your mediation. Reasonable fees.

Office Space

Sun Valley Executive Office Suites

Conveniently located in the North Valley with easy access to I-25, Paseo Del Norte, and Montano. Quick access to Downtown Courthouses. Our all-inclusive executive suites provide simplicity with short term and long-term lease options. Our fully furnished suites offer the best in class in amenities. We offer a move in ready exceptional suite ideal for a small law firm with a secretary station. Visit our website SunValleyABQ.com for more details or call Jaclyn Armijo at 505-343-2016.

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.

Oso Del Rio

Beautiful Rio Grande Boulevard office for 4-6 lawyers & staff. 3707 sq. ft. available now for lease. Call David Martinez 343-1776; davidm@osolawfirm.com

Santa Fe Office Space

Single office in professional suite with conference rooms. Share with three other attorneys. Quiet setting in converted residential structure. Walking distance to the Plaza. \$500/month. info@tierrallaw.com

Miscellaneous

Want To Purchase

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

Historical Property for Sale

131 14th St SW. Rare find-perfect for attorney offices, or home-plus 2 studio income producing apartments. Call Veronica Bustamante, QB/Realtor 715-1485

2021 Bar Bulletin Publishing and Submission Schedule

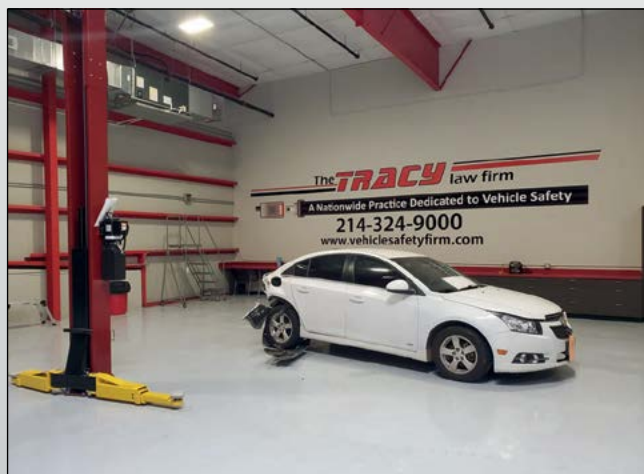
The Bar Bulletin publishes twice a month on the second and fourth Wednesday. Advertising submission deadlines are also on Wednesdays, three weeks prior to publishing by 4 pm.

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**

CRASHWORTHINESS:

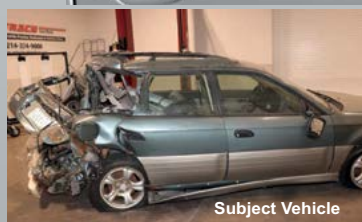
We Didn't Invent the Word;
We DEFINED it.



Every vehicle accident case you handle has the potential to be on one of the 235 racks or in one of our six inspection bays at the firm's Forensic Research Facility. We continually study vehicle safety through the use of engineering, biomechanics, physics and innovation.



If you have any questions about a potential case, please call us. There may be vehicle safety system defects that caused your clients catastrophic injury or death.



Subject Vehicle



Test Vehicle



4701 Bengal Street, Dallas, Texas 75235

214-324-9000



SLOAN FIRM^{COM}

Sloan, Hatcher, Perry, Runge,
Robertson, Smith & Jones

*What Matters to **You** Matters to **Us***



The Sloan Law Firm, PC,
is pleased to announce
that **Francheska Bardacke**
has joined the firm as an
associate and will be working
in the Sloan Albuquerque
office. She will also see
clients by appointment only,
in the Santa Fe office.

We look forward to the opportunity to co-counsel with you in cases involving catastrophic injury. The lawyers that make up the New Mexico Bar are so impressive in their commitment to their clients and the profession. We would welcome the opportunity to help you take care of your clients in 18-wheeler and commercial vehicle crash cases.

Sloan shared, "It has been our honor to co-counsel with other New Mexico lawyers in commercial vehicle crash cases resulting in wrongful death, traumatic brain injury and other catastrophic injuries. We have the resources, record of success and technical knowledge that your clients deserve in prosecuting these cases."

304 Catron Street
Santa Fe, New Mexico 87501
By Appointment Only: (505) 445-5000

509 Roma Avenue NW
Albuquerque, New Mexico 87102
1-800-730-0099

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