

BAR BULLETIN

January 13, 2021 • Volume 60, No. 1



Spalsh by Ginna Heiden (see page 3)

www.ginnaheiden.com

Inside This Issue

A Message from State Bar President Carla Martinez.....	9	Client Protection Fund Commission	
2021 State Bar Officers Sworn In.....	10	Thanks William D. Slease	14
<i>Get Out and Move!</i> by Norm Gagne.....	11	Hearsay/In Memoriam	15
2020 Public Lawyer of the Year Award.....	13	From the New Mexico Court of Appeals	
		2020-NMCA-008: Russ v. Russ	23

**Feeling overwhelmed about the coronavirus?
We can help!**

FREE SERVICE FOR MEMBERS!



Employee Assistance Program

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

FREE service offered by NMJLAP.

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

To access this service call 866-254-3555 and identify with NMJLAP.
All calls are **CONFIDENTIAL**.

Brought to you by the New Mexico Judges and Lawyers Assistance Program
www.nmbar.org/JLAP

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



Officers, Board of Bar Commissioners

Carla C. Martinez, President
 Carolyn A. Wolf, President-elect
 Benjamin I. Sherman, Secretary Treasurer
 Ernestina R. Cruz, Immediate Past President

Board of Editors

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

State Bar Staff

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

©2021, State Bar of New Mexico. No part of this publication may be reprinted or otherwise reproduced without the publisher's written permission. The *Bar Bulletin* has the authority to edit letters and materials submitted for publication. Publishing and editorial decisions are based on the quality of writing, the timeliness of the article, and the potential interest to readers. Appearance of an article, editorial, feature, column, advertisement or photograph in the *Bar Bulletin* does not constitute an endorsement by the *Bar Bulletin* or the State Bar of New Mexico. The views expressed are those of the authors, who are solely responsible for the accuracy of their citations and quotations. State Bar members receive the *Bar Bulletin* as part of their annual dues. The *Bar Bulletin* is available at the subscription rate of \$125 per year and is available online at www.nmbar.org.

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

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

January 13, 2021 • Vol. 60, No. 1

Table of Contents

Notices	4
Calendar of Legal Education	7
Court of Appeals Opinions List.....	8
A Message from State Bar President Carla Martinez.....	9
2021 State Bar Officers Sworn In.....	10
<i>Get Out and Move!</i> by Norm Gagne.....	11
2020 Public Lawyer of the Year Award.....	13
Client Protection Fund Commission Thanks William D. Slease.....	14

From the New Mexico Court of Appeals

2020-NMCA-008: Russ v. Russ	23
Advertising	27

Meetings

January

- 13**
Animal Law Section Board
 11:30 a.m., teleconference
- 13**
Business Law Section Board
 4 p.m., teleconference
- 13**
Tax Law Section Board
 9 a.m., teleconference
- 13**
Children's Law Section Board
 Noon, teleconference
- 15**
Family Law Section Board
 9 a.m., teleconference
- 15**
Indian Law Section Board
 Noon, teleconference
- 19**
Solo and Small Firm Section Board
 10:30 a.m., teleconference
- 21**
Public Law Section Board
 Noon, teleconference

Workshops and Legal Clinics

January

- 14**
Common Legal Issues for Senior Citizens Workshop
 11 a.m.-noon, Video Conference
 For more details and to register, call
 505-797-6005
- 27**
Consumer Debt/Bankruptcy Workshop
 6-8 p.m., Video Conference
 For more details and to register, call
 505-797-6094

February

- 3**
Divorce Options Workshop
 6-8 p.m., Video Conference
 For more details and to register, call
 505-797-6022
- 23**
Common Legal Issues for Senior Citizens Workshop
 11 a.m.-noon, Video Conference
 For more details and to register, call
 505-797-6005

About Cover Image and Artist: Ginna Heiden is an artist living in New Mexico, best known for colorful, abstract paintings in oil or acrylic and multi-media sculptures. Her work is inspired by the science of happiness and the field of positive psychology. Whether the result is sophisticated or whimsical, her passion is to present content that is uplifting for the viewer. She studied at UNM, WNMU, and at the Instituto in San Miguel de Allende, Mexico. She now lives with her husband Jack, in Rio Rancho where she maintains her in-home studio and gallery.

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>.

U.S. District Court for the District of New Mexico Notice to Federal Bench & Bar Association Members

The 2021 Bench & Bar Spending Plan has been approved in the amount of \$67,850.00 for 11 identified projects. To view the detailed spending plan, please see the "Attorney Information" page on the Court's website at <https://www.nmd.uscourts.gov/>.

Second Judicial District Court Notice To Attorneys:

Effective Jan. 1, 2021, all cases currently assigned to Judge Daniel Gallegos will be transferred to Judge Courtney B. Weeks, Division XV. Individual notices of reassignment will be sent out for all active cases. An email notification regarding the reassignment of inactive cases and probation violation cases will be sent to the Law Offices of the Public Defender, the District Attorney's Office and the private defense bar.

Second Judicial District Criminal Court

Candidate Announcement

The Second Judicial District Criminal Court Judicial Nominating Commission convened on Dec. 14, 2020, and Dec. 15, 2020, via Zoom, and completed its evaluation of eighteen candidates for the four vacancies on the Second Judicial District

Professionalism Tip

With respect to the public and to other persons involved in the legal system:
I will commit to the goals of the legal profession, and to my responsibilities to public service, improvement of administration of justice, civic influence, and my contribution of voluntary and uncompensated time for those persons who cannot afford adequate legal assistance.

Criminal Court. The Commission recommends the following candidates to Governor Michelle Lujan Grisham: **Britt Marie Baca-Miller, Judge Jacqueline Dolores Flores, Bruce Crawford Fox, Michael Philip Fricke, Jason Robert Greenlee, Joseph Anthony Montano, Rose Osborne, Mark Anthony Ramsey and Jennifer J. Wernersbach.**

Second Judicial District Children's Court

Candidate Announcement

The Second Judicial District Children's Court Judicial Nominating Commission convened on Dec. 17, 2020 via Zoom, and completed its evaluation of fifteen candidates for the two vacancies on the Second Judicial District Children's Court. The commission recommends the following candidates to Governor Michelle Lujan Grisham: **Catherine Begaye, Twila A Hoon, Mark A. Ramsey and Alma Cristina Roberson.**

Bernalillo County Metropolitan Criminal Court Announcement Of Vacancy

Due to the recent election of Judge Courtney Weeks to the Second Judicial Court, there will be a vacancy in the Bernalillo County Metropolitan Court - Criminal effective Jan. 1, 2021. Inquiries regarding the details or assignment of this judicial vacancy should be directed to the Administrator of the Court. Sergio Pareja, chair of the Bernalillo County Metropolitan Court Nominating Commission, invites applications for this position from lawyers who meet the statutory qualifications in Article VI, Section 28 of the New Mexico Constitution. Applications may be obtained from the Judicial Selection website: <https://lawschool.unm.edu/judsel/application.html> or emailed to you by contacting the Judicial Selection Office at akin@law.unm.edu. The deadline for applications has been set for Tuesday, Jan. 12, 2021, by 5 p.m. All applications and letters of references are to be emailed to akin@law.unm.edu. Applications received after 5 pm will not be consid-

ered. The Judicial Nominating Commission will meet at 9 a.m. on Tuesday, Jan. 26, 2021, and the meeting will occur exclusively by Zoom. The commission meeting is open to the public, and anyone who wishes to be heard about any of the candidates 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: Please change your zoom screen to your first, last name and title to be admitted.

Topic: Bernalillo County Metropolitan Court Nominating Commission Meeting
Time: Tuesday, Jan. 26, 2021 at a.m.

Join Zoom Meeting

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

Meeting ID: 379 615 447

Password: 72146

Notice of Mass Case Reassignment

Bernalillo County Metropolitan Court Chief Judge Maria I. Dominguez announced the mass reassignment of cases in Division IV as a result of the 2020 General Election. Pursuant to Rule 23-109 NMRA, Chief Judge Dominguez announced that effective Jan. 11, all misdemeanor cases previously assigned to Judge Courtney B. Weeks will be reassigned to Judge David A. Murphy. Individual notices of reassignment will be mailed to the parties. Parties who have not yet exercised a peremptory excusal, pursuant to Supreme Court Rule 7-106 NMRA, will have 10 business days from Jan. 11 to excuse Judge Murphy in cases filed on or after Jan. 1, 2021.

STATE BAR NEWS COVID-19 Pandemic Updates

The State Bar of New Mexico is committed to helping New Mexico lawyers respond optimally to the developing COVID-19 coronavirus situation. Visit www.nmbar.org/covid-19 for a compilation of resources from national and local health agencies, canceled events and frequently asked questions. This page will

be updated regularly during this rapidly evolving situation. Please check back often for the latest information from the State Bar of New Mexico. If you have additional questions or suggestions about the State Bar's response to the coronavirus situation, please email Executive Director Richard Spinello at rspinello@nmbar.org.

State Bar Building

The State Bar Center is closed until further notice and State Bar staff are working remotely. If documents need to be dropped off or picked up, front desk hours are Monday, Wednesday, and Friday from 9-10 a.m. Please call 505-797-6000 or email sbnm@nmbar.org beforehand, or for more information.

Board of Bar Commissioners 2020 Election Results

The nomination period has ended for the 2020 election for the Board of Bar Commissioners and there were no contested districts. The following individuals have been elected by acclamation to three-year terms: Elizabeth J. Travis in the First Judicial District; Aja N. Brooks in the Second Judicial District; Robert Lara in the Third and Sixth Judicial Districts, Mitchell Mender in the Ninth and Tenth Judicial Districts, and Erinna M. "Erin" Atkins in the Twelfth Judicial District. No nomination petitions were received for a vacancy in the Second Judicial District, two vacancies in the Seventh and Thirteenth Judicial Districts, or the Out-of-State District position. A notice for those vacancies is included in this Bar Bulletin and the Board will make those appointments at their Feb. 5 meeting.

New Mexico Access to Justice Commission

The Board of Bar Commissioners will make two appointments to the NM Access to Justice Commission for three-year terms. The Commission is dedicated to expanding and improving civil legal assistance by increasing pro bono and other support to indigent people in New Mexico. Active status attorneys in New Mexico interested in serving on the Commission should send a letter of interest and brief resume by Jan. 15 to sbnm@nmbar.org.

State Bar of New Mexico Licensing Certifications and Fees Due by Feb. 1, 2021

Submit by Feb. 1, 2021, to avoid late

fees. To complete your annual licensing certifications and pay your fees by credit card, visit www.nmbar.org/licenser renewal. To request a PDF copy of the license renewal form or for questions regarding your renewal, email license@nmbar.org. For technical support, email techsupport@nmbar.org.

Commissioner Vacancies in the Second, Seventh and Thirteenth Judicial Districts and Out-of-State District

Rule 24-101 (C) and (D) NMRA have been amended by the Supreme Court to reflect that the Bar Commissioner Districts shall follow the established State Judicial Districts. On Jan. 1, there will be four vacancies on the Board of Bar Commissioners as follows: One vacancy in the Second Judicial District, two vacancies in the Seventh and Thirteenth Judicial Districts, and one vacancy for an Out-of-State District position. The appointments will be made by the Board of Bar Commissioners at the Feb. 5 meeting to fill the vacancies until the next regular election of Commissioners, and the terms will run through Dec. 31, 2021. Active status members with a principal place of practice (address of record) in the Districts with vacancies are eligible to apply. The remainder of the 2021 Board meetings are scheduled for: April 16, June 11, Oct. 7, and Dec. 8 or 9 (TBD); depending on the COVID-19 situation, at least a couple of the meetings may be held virtually. Members interested in serving on the board should submit a letter of interest and resume to sbnm@nmbar.org by Jan. 15 COB.

Board of Bar Commissioners Meeting Summary

The Board of Bar Commissioners for the State Bar and the NM State Bar Foundation met virtually on Dec. 9. Action taken at the meeting follows:

- Approved the Sept. 23 and 24, 2020 meeting minutes as submitted;
- Received information on licensing and MCLE requirements and deadlines for commissioners to communicate with and address questions from members;
- Provided a revamped logo for the new Association Management Software and website redesign;
- Reviewed the updated Strategic Plan Timeline;
- Held an executive session to discuss a personnel issue;
- Appointed the new directors to the

— *Featured* —

Member Benefit

ruby®

Ruby's friendly, U.S.-based virtual receptionists answer your phone calls, 24/7/365, as a true extension of your firm! Answering with your custom greeting, they're then able to make live transfers, take messages, perform intake, help with calendaring, or even assist with calendaring. Ready to answer all calls or be used as backup, Ruby is the best teammate you never had. State Bar members receive an 8% lifetime discount on all plans!

Call 855-965-4500 or visit www.ruby.com/nmbar

New Mexico State Bar Foundation Board as follows: Erin M. Atkins, Aja N. Brooks, Judge Kevin L. Fitzwater, Lucy H. Sinkular, and Constance G. Tatham as the Board of Bar Commissioner Directors; Judge Carl J. Butkus, Stefanie K. Davis, and Gerald G. Dixon as the at-large active State Bar members; and Stephanie Wagner as the at-large public director; the new board will be meeting early next year;

- Appointed Stuart M. Bluestone, Damon J. Hudson, David A. Stevens, and Paul Spruhan, the Indian Law Section member, for three-year terms;
- Reported that the notice for the two vacancies on the Access to Justice Commission will be re-published and BBC commissioners will solicit interest from members;
- Appointed Benjamin I. Sherman to the Access to Justice Fund Grant Commission for a three-year term;
- Distributed the Supreme Court Board and Committee Liaison roster and requested volunteers;
- Distributed the Board's internal committees list and requested volunteers;
- Reviewed the Committee on Diversity in the Legal Profession and the Committee

on Women and the Legal Profession's recommendations, which were compartmentalized into internal and external categories and the groups responsible for each category were identified; established a special internal committee to study the recommendations further and report back to the Board;

- Received a report from the Executive Director Evaluation and Compensation Committee;

- Received a report from the Executive Committee;

- Received a report from the Finance Committee and reported that no challenges were received to the budget disclosure and approved reimbursement from the State Bar to the Bar Foundation for the free CLE provided to members this year with the COVID-19 pandemic, and the Bar Foundation approved the reimbursement;

- Received a licensing update;

- Received a report from the Policy and Bylaws Committee and approved a Reserve Fund Policy with two separate funds, one of which is a building and equipment fund and the second is an operations, or "rainy day" fund; and approved amendments to Article IV, Section 4.4, Elections, which were in follow up to the redistricting rule changes;

- Received a report from the Regulatory Committee and referred a draft CPF Rule revision to the Executive Committee and appointed Roberta S. Batley as the chair of the newly-created Legal Specialization Commission;

- Tabled a report from the Member Services Committee to the February meeting;

- Received a report from the Statewide/Rural Outreach Committee;

- Received a report from the Special Committee on Sections and tabled a presentation on lobbying to the February meeting;

- Reported that the Past Presidents Committee did not meet this year;

- Received a report from the Well-Being Committee;

- Received the Client Protection Fund Commission 2019 Annual Report; the chair will make a presentation on the report at the February meeting;

- Received an update on the Association Management Software;

- Received an update on the Judicial Clerkship Program;

- Received the report of the Judicial Compensation Commission;

- Received the 2021 Board meeting dates as follows: Feb. 5, April 16, June 11, Oct. 7, and Dec. 8;

- Received a report on the 2021 Executive Committee and Senior Staff Strategic Plan-

ning Session and the 2021 Annual Meeting, which will be held Oct. 8;

- Received a report on the Supreme Court meeting with the officers regarding the State Bar Budget, which was approved by the Supreme Court;

- Presented awards to commissioners with terms expiring the end of this year, including: Allison Block-Chavez, YLD Chair, Gerald G. Dixon, Immediate Past President, Tomas J. Garcia, Michael Eshleman, and Yolanda K. Hernandez, Paralegal Division Liaison; and

- NM Supreme Court Chief Justice Michael E. Vigil administered the Oath for the 2021 State Bar Officers virtually on the State Bar's YouTube channel.

Note: The minutes in their entirety will be available on the State Bar's website following approval by the Board at the Feb. 5 meeting.

New Mexico Judges and Lawyers Assistance Program

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

Monday Night Support Group

- Jan. 18

- Jan. 25

- Feb. 1

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

Employee Assistance Program

Managing Stress Tool for Members

NMJLAP contracts with The Solutions Group, The State Bar's EAP service, to bring you the following: A variety of resources surrounding some of the complex issues we are facing today such as managing conversations when you disagree politically, dealing with challenging people during COVID, civil unrest, Zoom exhaustion and speaking up

about physical distancing. All of these can be found under the 'Additional Resources' tab when selecting the EAP option on the Solutions Group Website. Webinars are FREE, and have a wide range of topics such as mindfulness during Covid-19, bias in the work-place, managing stress, and many more. The Solutions Group offers Work-Life Services. The Work-Life Services is a free, confidential access to professional consultants and online resources. All resources topics, webinars, and the Work-Life Service can be found at www.solutionsbiz.com The Solutions Group can help with any life situation. Call 505.254.3555, or 866-254-3555 to receive FOUR FREE counseling sessions. Every call is completely confidential and free!

Solo and Small Firm Section January Virtual Lunch Presentation: Keeping Up with the Pandemic Developments

Dr. Greg Mertz, a UNMH doctor who specializes in vaccines and antivirals with an emphasis on clinical trials, will lead a timely presentation and discussion, joined by Robert McNeill, an Albuquerque attorney who previously served as state health and environmental secretary and established the state's epidemiological office. Please join the virtual lunch on Tuesday, Jan. 19 at noon. All State Bar members, State Bar staff, and their guests are welcome to attend. R.S.V.P. to member services at memberservices@nmbar.org.

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

January

- | | | |
|--|---|---|
| <p>13 Clear and Effective Communications With Clients, Colleagues and Staff
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>20 Ethical Issues When Representing the Elderly
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>27 Trust and Estate Planning Issues in Divorce
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>14 Drafting Liquidated Damages Clauses
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Nuclear Verdicts
1.0 G
Live Webinar
CEU Institute
407-324-0500</p> | <p>28 Equity & Diversity in Law Practice: Best Practices for Law Firms
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>15 Risky Tenants: Drafting Issues for Landlords
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>21 Ownership of Ideas Created on the Job
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>28 Real Property Institute
4.7 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>19 2021 Americans with Disabilities Act Update
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22 Lawyer Ethics When Working with Paralegals
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>29 Ethics and Client Money: Trust Funds, Expenses, Setoffs & More
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>19 Basics of Trust Accounting
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22 Techniques to Control the Difficult Witness
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>29 Building Cross-Examination Skills with Practical Improv Techniques
1.5 G
Live Webinar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>20 TLA Chicago Regional Seminar
10.7 G
Live Webinar
Transportation Lawyers Association
913-222-8652</p> | <p>25 Annual Renewable Energy Law Conference
14.0 G, 2.0 EP
Live Webinar
Transportation Lawyers Association
512-232-1170</p> | |

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

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 December 11, 2020

PUBLISHED OPINIONS

A-1-CA-37609	A Kaushal v. Santa Fe Community Housing Trust	Reverse/Remand	12/10/2020
A-1-CA-37676	State v. A Montoya	Reverse/Remand	12/10/2020

UNPUBLISHED OPINIONS

A-1-CA-37134	State v. J Trujillo	Affirm	12/07/2020
A-1-CA-37744	Z Shearill v. Mohammad	Reverse	12/07/2020
A-1-CA-37846	G Ayala v. NM Department of Corrections	Affirm	12/07/2020
A-1-CA-37939	S Peacock v. C Guss	Affirm	12/07/2020
A-1-CA-38138	State v. J Lopez	Affirm	12/07/2020
A-1-CA-38287	State v. O Wright	Affirm	12/07/2020
A-1-CA-38374	State v. A Nieto	Affirm	12/07/2020
A-1-CA-38662	CYFD v. Elisa L	Affirm	12/07/2020
A-1-CA-39096	CYFD v. Destinee C	Affirm	12/07/2020
A-1-CA-37024	Bayview Loan Service v. A Martinez	Reverse	12/08/2020
A-1-CA-38613	State v. M Cucci	Affirm	12/09/2020
A-1-CA-38441	State v. A Padilla	Affirm	12/10/2020

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

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



A Message from State Bar President Carla Martinez

Dear Members of the State Bar of New Mexico,

I trust that you and your loved ones enjoyed a safe and peaceful holiday season. As we embark on a new year, I want to introduce myself as the 2021 President of the New Mexico State Bar. In December, Carolyn Wolf (President-Elect), Ben Sherman (Secretary-Treasurer) and I were sworn in by Chief Justice Michael Vigil during an unprecedented virtual swearing-in ceremony. During the ceremony the New Mexico Supreme Court Justices acknowledged the incredible work done by 2020 State Bar President Ernestina Cruz. I personally want to thank Ernestina Cruz for her friendship, steadfast direction and passionate service during 2020. Through her amazing leadership, the State Bar continued to offer many important services and programs to its membership despite the challenges brought on by COVID-19. On behalf of the Board of Bar Commissioners (BBC) and its leadership team, we look forward to continuing to serve our State Bar members during 2021.

Last year, the BBC created a Standing Committee on Well Being in an effort to highlight the importance of judicial and attorney wellness. The Standing Committee consists of judges, lawyers and law students throughout the state of New Mexico focused on providing helpful information and events that promote a healthy lifestyle. Several of the initiatives that have emerged from this Committee are judicial roundtables, fit to practice events including yoga and a 5k virtual run, and webinars focused on wellness. Expect additional amazing events focused on wellbeing for judges, lawyers and law students during 2021.

Recognizing the challenges we have experienced as a result of the COVID-19 pandemic, now more than ever mental health resources are needed. I encourage you to familiarize yourself with the resources and services of the Judges and Lawyers Assistance Program. Through JLAP you can find 24/7 counseling and crisis help as well as educational webinars and resources through our Employee Assistance Program which is free for all members, their families, and staff. Visit www.nmbar.org/jlap for more.

In the State Bar's continued spirit of unity and inclusivity, the Committee on Diversity in the Legal Profession published the fourth decennial Report on Minorities in the Legal Profession during 2020. The Committee also held a webinar in 2020 focused on the results of the survey and the recommendations contained in the report. The Committee on Women and the Legal Profession also updated their Report on Gender in the Legal Profession during 2020. Both reports included detailed recommendations, which have been shared with the Board of Bar Commissioners. In December 2020, the BBC established a special internal committee that will closely review the reports and make recommendations for implementation.

Additionally, the New Mexico State Bar Foundation is the charitable arm of the State Bar of New Mexico, representing the legal community's commitment to serving the people of New Mexico and the profession. The goals of the Foundation are to enhance access to legal services for underserved populations; promote innovation in the delivery of legal services; and provide legal education to members and the public. Until recently, the governing bodies of the State Bar and Bar Foundation have been interchangeable. In the interest of clarifying board members' roles and encouraging the growth of the Bar Foundation, the Bar Foundation now has an independent yet interlocking board. In December, the BBC appointed five commissioners, three non-commissioner attorneys, and a non-attorney to the newly formed Bar Foundation Board.

Moreover, the State Bar is in the midst of an association management system upgrade, which includes a new website and database. The website will have an improved appearance and capabilities, including a member dashboard where you can access your account information, status on your CLE credits and license renewal, communication preferences, and more. We expect the association management system upgrade to be completed in early spring. Please stay tuned for more details to come.

Lastly, please save the date of Oct. 8 for the 2021 Annual Meeting and Member Appreciation Event. Similar to last year's successful event, we will be holding a one-day virtual CLE program. With the event being held in the fall of 2021, we are hopeful to have an in-person component which will be held at the State Bar Center. Furthermore, I am pleased to announce that the event and CLE will be free of charge to our members.

Again, I am honored to serve as your 2021 State Bar President. Please don't hesitate to reach out if you have any questions. My email address is president@nmbar.org.

Sincerely,



Carla Martinez
President, State Bar of New Mexico

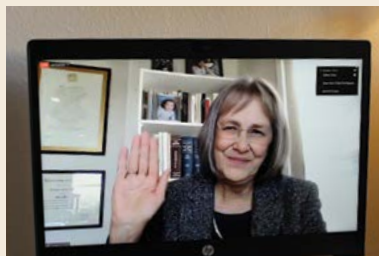
2021 STATE BAR OFFICERS SWORN IN

Dec. 9, 2020

In December, the 2021 officers of the State Bar of New Mexico were sworn in by Chief Justice Michael Vigil via Zoom.



President
Carla C. Martinez



President-Elect
Carolyn A. Wolf



Secretary-Treasurer
Benjamin I. Sherman

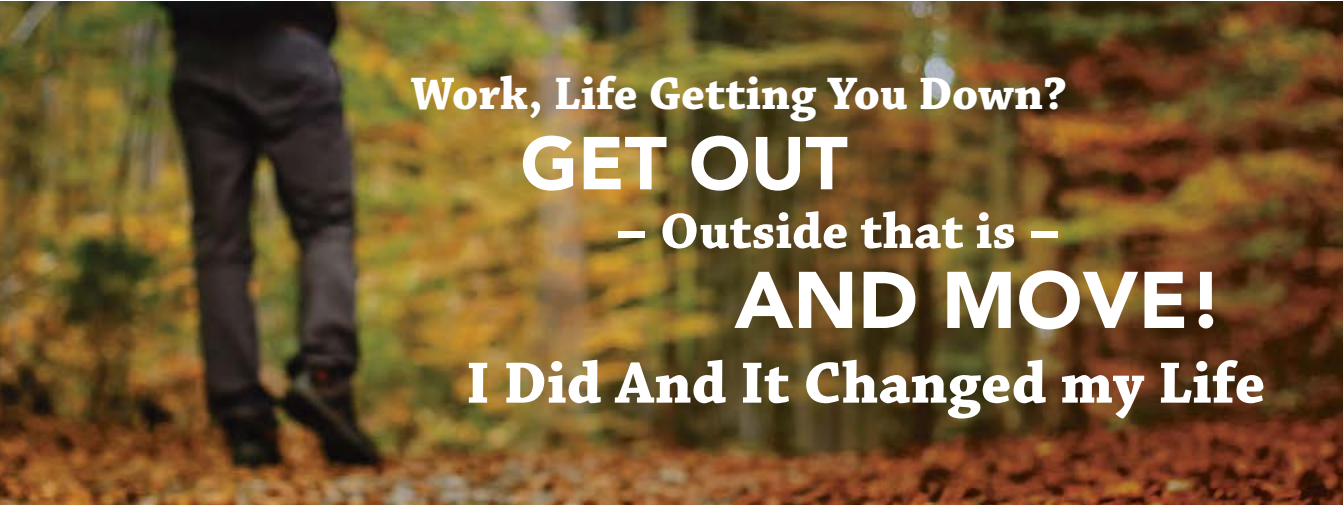
Typically, this ceremony is done in person in the Supreme Court chambers in Santa Fe. As was the case with many things in 2020, our plans had to change due to the public health emergency. After taking the oath, each officer had the opportunity to address the court and members of the bar.

You can watch the full ceremony on the State Bar of New Mexico's YouTube channel.

<https://www.youtube.com/watch?v=DTjHnV3sAZw>

Or search for "State Bar of New Mexico" on YouTube.

Congratulations to the 2021 leadership team! We can't wait to see what the year has in store.



Work, Life Getting You Down? GET OUT – Outside that is – AND MOVE! I Did And It Changed my Life

By Norm Gagne

I regularly walk, run and hike. We backpack in the wilderness. It wasn't always so. I was never much of an athlete. I was an active kid and then played basketball through high school, some intramural and a few years of City League ball after and then my organized sports "career" ended. And so did my regular physical activity.

Lawyering is a sedentary activity. So too is judging. We sit, often for long hours at a time. The incentives reward the iron butt. I slid into a life of long hours at the office and little activity. I would go home, have a drink to relax, have dinner with my family, watch a little television and then fall into bed before starting all over again the next day. Weekend work was common. It is all too easy to slide into this lifestyle.

I fell into an unhealthy routine; too busy, I thought, to get out, too tired to do much, too many drinks to try to relax and to try to ease the stresses of a difficult profession. I gained weight, more than was comfortable on my tall but slight frame, and, in retrospect, began feeling worse and worse physically and mentally. I was doing all the wrong things. I tried to fix it and began playing tennis once a week and very occasionally riding my bike. It never amounted to more than a very few hours each week. All the while I kidded myself that I was doing just fine. I wasn't.

In my mid-forties something changed. Through my older son's sports activities I had the opportunity to be around people, teenagers but also adults, who were physically active, glowing with health and energy. It slowly sunk in. My existing ways did not compare favorably with the vitality and joy I saw in these people. At age forty four, I got out and became active again. I started running. Mind you, I hated running when I was younger. But I was traveling constantly in my work and really don't like hotel health spas. A pair of running shoes, shorts, a t-shirt and a cap for most of the year,

a long sleeve shirt, tights and gloves in colder winter weather and I was good to go. It was the easiest, most portable activity I could do. I could run anywhere my work took me. In time it became a very enjoyable way to explore an unfamiliar city.

I adjusted my diet to match my more active life. That coupled with activity caused weight loss to a more comfortable fit with my frame. I felt better. The paradox of exercise is that expending energy begets energy. My mood was vastly improved as was my resilience to stress. In time, I gave up drinking entirely.

In short, it changed my life.

I even began competitive running. I soon switched from road running to trail running. With a lot of help and encouragement from others, I have done every distance from 5k to a 34.5 mile "ultra marathon." I was never very fast, a middle or back of the pack competitor with an occasional age group medal. But winning is not the point. Moving, participating and finishing are. Along the way in addition to just plain feeling good, I have seen miles of beautiful country, met some wonderful people and made some good friends. Jane and I run, hike and backpack all the time, life affirming and bonding activities we enjoy together.

Is running not for you? (don't discount it entirely - I once hated running). There are other ways to get out that are just as rewarding and beneficial. For most people, walking is the single most available and accessible form of exercise. It is also one of the best. [*Walking: Your Steps To Health*, Harvard Health Publishing, Harvard Medical School (October 2020)]. You can do it in your neighborhood and wherever you travel. Near Albuquerque are miles of Open Space trails. Our neighboring Sandia Mountains have enough trails to keep you hiking and exploring for a long time. If on foot is not your favorite way to get around outdoors,

Albuquerque has over 400 miles of bike paths and trails to explore. Mountain bike trails are everywhere. Many other communities have walking and bike paths and trails. The State has abundant public lands and recreational opportunities can easily be found near where you live. With a little looking around, you will soon find your favorite places.

Getting out and moving is good! But don't just take my word for it. There is a sound, scientific basis for the physical and mental benefits I derive from my active life.

First, just getting outside is a boost to your physical and mental health. [*A Prescription For Better Health: Go Alfresco*, Harvard Health Publishing, Harvard Medical School (July 2010)]. Being outside increases Vitamin D. Epidemiological studies suggest that maintaining healthy levels of Vitamin D have protective effects against everything from osteoporosis to cancer, depression, heart attack and strokes. (Id.). Additionally, you are likely to get more exercise outdoors, you will be happier particularly in winter - light elevates mood, your concentration will likely improve and, if you have an injury or illness, you will likely heal faster. (Id.)

Other studies show that being outside reduces stress, anxiety and depression, lowers blood pressure and calms the body. [*Sour Mood Getting You Down? Get Back To Nature*, Harvard Health Publishing, Harvard Medical School (July 2018)].

Throw some exercise into the mix and magic happens. Studies show that exercise can improve sleep, increase libido, improve endurance, relieve stress, improve mood, improve energy and stamina, reduce tiredness and increase mental alertness, reduce weight and cholesterol and improve cardiovascular fitness. *Exercise For Mental Health*, Sharma, et al., The Primary Care Companion to the Journal of Clinical Psychiatry, 2006; 8(2): 106.

Almost any kind of regular movement outside is enough to make a difference. And all by just getting out of the chair and out the door!

"Yeah but . . ." I hear you say. Ah, the "yeah buts," graveyard of good intentions.

"Yeah but I don't have time." Neither did I. Make time. It doesn't need to be a lot particularly at first. Take a walk around the block in the morning before you shower and leave for work. Or in the evening. Do little things to increase movement outside. Don't look for the nearest parking spot but park some distance from the entrance and get a little walk to and from. Walk the stairs instead of the elevator - OK, not outside but still

good. You get the idea. Just get moving. You will find that you have more energy, can concentrate longer and work more efficiently.

"Yeah but I travel a lot." So did I. A pair of walking or running shoes, comfortable walking clothes or running togs and you are good to go. Uncertain about safety in the area where you are staying? Ask the hotel. Hotel staff have directed me to some great routes for my runs. I have explored virtually every city and town to which I have traveled since I started running, have never felt insecure and have never had a problem. If you are concerned carry a small pepper spray.

"Yeah but the weather!" Too hot? Go early before it gets hot or late after it cools down. Too cold? Wait until it warms up and bundle up in layers; layer up when cold, down when warm. I find that when I am outside frequently, I adjust physically and mentally to temperature shifts with the seasons and have a much greater tolerance for temperatures outside of the narrow indoor range. Too windy? You won't blow away. Too rainy? You won't melt. You get the idea. You are much more adaptable than you think. Besides, weather is really pretty cool. We have had our most memorable runs, hikes and backpacking trips in epic weather.

"Yeah but I have physical limitations." Do what you can. There is probably an activity and a level of exertion that will work for you. If in doubt, talk to your doctor, a physical therapist or a trainer.

"Yeah but Covid 19." Outside activities are and have been the least restricted and, by consensus of all the health experts, the safest. Social distancing is easy. In our experience, most people you encounter outside are respectful and careful. It is easy to step aside and avoid the few who are not.

"Yeah but . . ." **"Yeah but . . ."** **"Yeah but . . ."** **"To borrow a phrase, JUST DO IT!"** Grab your mask. Get out, walk, hike, run, bike. You won't regret it. ■

Norm Gagne is Of Counsel to Butt Thornton & Baehr PC, his professional home for forty two years. He recently completed two terms on the New Mexico Judicial Standards Commission, has been a Board member of the New Mexico Cancer Center Foundation for eighteen years and is a volunteer mediator in the Landlord/Tenant Mediation Program, a response of the City of Albuquerque and Bernalillo County Metropolitan Court to the ongoing public health emergency caused by the pandemic. He is a member of the Judicial Wellness Subcommittee of the New Mexico Wellness Committee.



The Public Law Section of the State Bar is honoring New Mexico's public lawyers with its
2020 PUBLIC LAWYER OF THE YEAR AWARD.

*This recognition highlights the unique challenges that public lawyers have faced,
and continue to overcome, during the ongoing public health emergency.*

As public lawyers, we serve federal and state governments, tribes, counties, municipalities, and public interest organizations. We are prosecutors and public defenders. We are administrative law judges and hearing officers. We are advisors, advocates, analysts, adjudicators, and policy makers.

We are lawyers serving the public while navigating the extraordinary circumstances of a worldwide pandemic.

Our challenges include disaster response, and addressing public health and safety at a time when collaboration is exceedingly difficult.

We are protecting due process in criminal and civil matters at a time when evidentiary records can be made only on virtual platforms.

We are supporting democratic institutions to meet critical needs such as food, shelter, transportation, and financial support when government buildings are closed and safe distances must be maintained.

We are mitigating the harsh realities of an acute emergency that exacerbates the suffering of those in the chronic conditions of poverty, disability, addiction, homelessness, and domestic violence.

We have met many of these challenges using new technology, or old technology in new ways. We have continued to focus on the most effective ways of providing service with often limited resources. We are keenly aware of what it means to work in the public service at a time when what we do together, and how we do it together, is more important than anything we can do as individuals.

During this extraordinary year, we are proud to recognize
New Mexico's public law attorneys as the
2020 Public Lawyer of the Year.

Joseph Dworak, *Chair* • Geraldine Garduno, *Chair-Elect* • Felicia Orth, *Secretary*
Jonas Armstrong, *Budget Officer* • Andrea Salazar, *Past-Chair*
Erin McSherry • Cristela Valdez • Mahlon Wigton • Nathan Eckberg
Kevin Sanders • Ramona Martinez • Cady Sartorius
Amy White and Emma Stahl, *UNM Student Representative*



The Client Protection Fund Commission thanks
WILLIAM D. SLEASE
for the many years of support, advice, and good will
that he extended to the Client Protection Fund
Commission. Mr. Slease's efforts contributed to the
increased efficiency and effectiveness of the Commission.
We will miss him but wish him well in his next endeavors.

2020 CPF COMMISSIONERS:

Leigh Anne Chavez, Chair • James T. Reist, Vice-Chair • Matthew C. Sanchez, Secretary/Treasurer
Erin O'Brien Anderson • Jeffrey L. Baker • Andrew J. Cloutier
Sally J. Galanter • Carolyn A. Wolf • Linda M. Vanzi



Hats Off
to our 2020 Fee Arbitration Program Volunteers!

The State Bar's Fee Arbitration Program wishes to thank the following
volunteers who have generously given their time to arbitrate fee
disputes between attorneys and clients in 2020.

Mark C. Abramson
Lynn A. Barnhill

Phillip B. Davis
James C. Ellis

Anne E. Gibson
Damon J. Hudson

Angela M. Martinez
Deborah L. Thuman

The purpose of the State Bar's Fee Arbitration program is to provide attorneys and clients
with an out-of-court method of resolving fee disputes that is expeditious, inexpensive, and
impartial. The State Bar offers this program as a free service. For more information or to
join the panel of volunteer arbitrators please visit nmbar.org/feearbitration.





Modrall Sperling is pleased to welcome Executive Director, **Scott Cocker**, to the firm. Scott has extensive experience in the field of law firm management, having worked at several prominent law firms in the United States. A Phi Beta Kappa graduate of the University of Washington, Cocker was an administrative director at Perkins Coie in

Seattle. Cocker held several different roles at the firm, one of which involved managing the firm's offices in China. Later, Cocker worked as a director at the law firm of Debevoise & Plimpton, serving in the firm's New York City headquarters and later managing the firm's office in Washington, DC. During his career, Cocker has also worked with smaller firms and legal-related nonprofits, including the New York Council of Defense Lawyers.



Robert J. Johnston, a lawyer with Sutin, Thayer & Browne, has been named to the Board of Directors for the Tax Law Section of the State Bar of New Mexico. His practice concentrates on New Mexico tax law, including corporate income tax, gross receipts tax, property tax, and public finance. He also practices in the areas of liquor licens-

ing, and business and corporate law. Johnston is listed in Super Lawyers-Rising Stars and in Best Lawyers in America-Ones to Watch for tax law.

Rothstein Donatelli is proud to announce the appointment of three attorneys in its Criminal Practice Group to the New Mexico Federal District Court Criminal Justice Act attorney panel by Chief United States District Judge William P. Johnson. The Court appointed **Alicia Lopez** to represent defendants in complex criminal cases, serious felony cases and appeals/habeas corpus cases. **Kate Thompson** has been appointed to the serious felony panel. The court selected **Megan Dorsey** to handle complex criminal and serious felony cases. The court's recognition of Alicia, Kate and Megan fortifies the Firm's position as the largest and most experienced criminal defense firm in New Mexico in all aspects of criminal defense with over 136 combined years of litigation experience in this demanding field. Congratulations to Alicia, Kate and Megan!



Spann, Hollowwa & Artley is pleased to announce that **Sean K. Hollowwa** has joined the firm. Hollowwa is licensed in New Mexico where his practice will focus on real property and contract law. A graduate of Regent University School of Law in Virginia, Hollowwa was a staff editor on the Regent Law Review, achieving publica-

tion of his own law review note. During law school, Hollowwa served as a legal extern to the Honorable David W. Lannetti in the 4th Judicial Circuit of Virginia. Prior to becoming an attorney, Hollowwa attended undergraduate school at Georgetown University. Hollowwa then served as a F-18E/F Super Hornet pilot in the U.S. Navy and continues to serve as an officer in the U.S. Navy Reserve. Hollowwa is a native of Albuquerque where he resides with his wife and four children.

Sutin, Thayer & Browne has been recognized by the American Bar Association's Health Law Section in this year's Regional Law Firm Recognition List. The Sutin firm ranked eighth in the West region, an area comprising Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming. "We are honored to once again be included among the top healthcare law firms in the nation," says David H. Johnson, the senior-most member of the firm's healthcare law practice. "It is validation of Sutin's ongoing commitment to developing comprehensive, innovative solutions to our clients in the healthcare industry." Almost a dozen attorneys work in the Sutin healthcare law team; four of these (Johnson, Deborah E. Mann, Stefan R. Chacon, and Jesse D. Hale) focus almost exclusively in healthcare law, serving as the practice's core. Collectively, they have more than six decades of experience representing healthcare clients and have been recognized for their expertise by their peers and clients alike. Johnson was named Albuquerque Healthcare Lawyer of the Year by Best Lawyers in America in 2015 and 2020. More recently, Mann earned the same honor for 2021, being named Albuquerque's Healthcare Lawyer of the Year. In early 2020, Chacon was re-appointed chair of the Healthcare Litigation and Risk Management Interest Group, the largest interest group within the American Bar Association Health Law Section. Also earlier this year, Hale earned re-appointment as the vice chair of the Membership Committee of the ABA's Health Law Section.

Pregenzner, Baysinger, Wideman & Sale, P.C., is pleased to announce attorney **Bridget L. Mullins** was recently selected by Southwest Rising Stars for the third year in a row for family law and estate and trust litigation. Mullins represents clients in the areas of family law, estate planning, elder law, probate, and guardianships and conservatorships, with a focus on working with Spanish-speaking clients.



William (Bill) Francis Riordan passed away on Monday, Nov. 16, 2020 after a short illness. His wife and children were able to be by his side when he passed. Bill is survived by his wife, Jocelyn Ruebel, daughters Cindy, Carol, and Stacy, son John, and wife Jessica. Bill had three granddaughters, Carson Kavathas, Sarah Gavaldon and Scottie Riordan, whom he adored and two grandsons, Dustin and Ty Davis. Bill is also

survived by three of his brothers, Jim, Richard and Terry and a sister Mary Ellen. He was preceded in death by his parents, Bernard and Helen Riordan and older brother, Bob. Bill was born in Wichita, Kansas on Wednesday, March 26, 1941. His father worked for TWA and in 1948, he was transferred to Albuquerque. Bill always considered Albuquerque his hometown. He attended Highland High School and received a bachelor's degree in Business Administration from UNM in 1965 and a Juris Doctorate Degree from UNM Law School in 1968. Bill began his law career by working as a Legal Aid Attorney with the Legal Aid Society in Albuquerque. In 1969, Bill served as an Assistant District Attorney in Bernalillo County. He also served as an Assistant Attorney General for the State of New Mexico the following year. From 1972-1978, Bill had his own private practice in which he handled commercial law, personal injury, and trial litigation. In 1978, Bill was selected by the Second Judicial District Judiciary to serve as a Children's Court Judge. Bill was elected to the New Mexico Supreme Court in 1980. He was selected in 1986 to serve as Chief Justice of the New Mexico Supreme Court. After leaving the Supreme Court in 1987, Bill was asked to be the Acting Secretary of Corrections for New Mexico by then Governor, Garry Carruthers. Bill was again in private practice from 1987 to 1992 and 1994-2001. His practice was primarily representation of numerous state and local government agencies under contract with the New Mexico Risk Management Department. Bill also served as the first Independent Counsel for the City of Albuquerque from 1987-1990. In 2001, Bill developed a successful mediation/arbitration practice and he remained in practice until his death. Bill was a devoted father, friend and husband. Bill had a passion for the law and doing the right thing. He was one of a kind. Bill also loved Hot Rods and would travel around the country to car shows whenever his schedule would permit. He could talk for hours about cars and the adventures he had with his own Hot Rods. He will be missed. Rest in Peace. Court is adjourned.



Thomas A. Tabet, passed away on Monday evening, Nov. 30, due to Covid related complications. He was 71. We embrace a beautiful image of his niece, Cathy, and his mom, Lily, bringing him home to the Lord. Tom graduated from Belen High School in 1967, received his BA from the University of New Mexico in 1971, and his law degree from Georgetown University Law Center in Washington, DC, in 1975. He practiced

law in Albuquerque for over three decades. Tom was preceded in death by his parents, Joe and Lily (Baca) Tabet; brother Herman Tabet; and brother Wilfred Tabet. Tom is survived by his daughter, Celena Tabet, husband Steven Jaquez; his son, Jeffrey Thomas Tabet, partner Jeremy Jimenez; his grandchildren, Miguel, Gabriella, and Aria; siblings Dolores (Eugene) Schiess, Fidel Tabet, Gloria Trujillo, Lorena (Gilbert) Sanchez, and Richie (Sue) Tabet; and his wife, Michelle Tabet. Tom is also survived by many nieces and nephews. The family would like to thank the staff, especially Tom's caregivers Emi and Gary, for the extra special care they provided for him during his almost eleven year stay at Manzano del Sol. Tom's children would like to give a special thank you and blessing to Dolores and Eugene Schiess, Tom's guardian angels, who made sure that he was comfortable, well cared for, and that all his needs were met. As we have received many, many calls, cards and texts of condolences for Tom's death, we reflect on the common themes we received of Tom's life. Over and over we heard "he was such a good guy..., he helped me and my family out of difficult situations..., he loved his children." Trying to reconcile our loss, we believe Tom's final message to us would be to live life to the fullest. Tom would tell you that if you have a problem with drugs and alcohol, get help. If you obtain sobriety, work at it everyday like your life depends on it, because it does. If you are hurt or angry with someone, forgive them and don't give up on them. Life is short and family is everything.

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

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

CLERK'S CERTIFICATE OF LIMITED ADMISSION

On December 2, 2020:
Robert Pompey Alexander
Office of the Second Judicial
District Attorney
520 Lomas Blvd., NW
Albuquerque, NM 87102
505-222-1099
robert.alexander@da2nd.
state.nm.us

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

Effective October 6, 2020:
Elliot Forrest Barela
Pregenzer, Baysinger,
Wideman & Sale, PC
2424 Louisiana Blvd., NE,
Suite 200
Albuquerque, NM 87110
505-827-0505
505-872-1009 (fax)
ebarela@pbwslaw.com

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective December 4, 2020:
Faranak Nazari Benjamin
1060 Hubert Road
Oakland, CA 94610
970-901-6424
frankienazari@gmail.com

CLERK'S CERTIFICATE OF LIMITED ADMISSION

On December 2, 2020:
Benjamin Lawrence Burke
Law Offices of the Public
Defender
105 Sipapu Street
Taos, NM 87571
575-613-1364
575-613-1499 (fax)
benjamin.burke@lopdm.us

CLERK'S CERTIFICATE OF ADMISSION

On November 5, 2020:
Gary Elzey
United States Air Force, JAG
Corps
1600 Wright Brothers Avenue,
Suite 265
Seymour Johnson AFB, NC
27531
504-616-0817
garyelzey@gmail.com

CLERK'S CERTIFICATE OF LIMITED ADMISSION

On December 15, 2020:
Sara Marie Fossum
Law Offices of the Public
Defender
300 Gossett Drive
Aztec, NM 87410
(505) 386-4060
sara.fossum@lopdm.us

CLERK'S CERTIFICATE OF REINSTATEMENT TO ACTIVE STATUS

Effective November 10, 2020:
J. Wayne Griego
6300 Second Street, NW
Albuquerque, NM 87108
505-410-2989
waynegriego@gmail.com

CLERK'S OF CERTIFICATE OF NAME AND ADDRESS CHANGE

As of November 17, 2020:
Jennifer A. Houston
f.k.a. **Jennifer A. Delnick**
Buckingham Barrera Law
Firm
4110 Cutler Avenue, NE,
Suite 100
Albuquerque, NM 87110
505-266-4878
jennifer@buckbarrrlaw.com

CLERK'S OF CERTIFICATE OF NAME AND ADDRESS CHANGE

As of October 26, 2020:
Noell Sauer Huffmyer
f.k.a. **Noell E. Sauer**
Rodey, Dickason, Sloan, Akin
& Robb, PA
PO Box 1888
201 Third Street, NW,
Suite 2200 (87102)
Albuquerque, NM 87103
505-756-6900
505-768-7395 (fax)
nhuffmyer@rodey.com

CLERK'S CERTIFICATE OF LIMITED ADMISSION

On December 15, 2020:
Yolonda Joiner
Law Offices of the Public
Defender
419 W. Cain Street
Hobbs, NM 88240
(575) 263-2272
yolonda.joiner@lopdm.us

CLERK'S CERTIFICATE OF LIMITED ADMISSION

On December 15, 2020:
Thomas J. Lewis
Law Offices of the Public
Defender
1422 Paseo de Peralta, Bldg. 1
Santa Fe, NM 87501
(505) 395-2890
thomas.lewis@lopdm.us

CLERK'S CERTIFICATE OF ADMISSION

On November 5, 2020:
Meaghan Rose McHenry
PO Box 292690
Phelan, CA 92329
760-954-5251
meaghanmchenry@gmail.
com

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

Effective December 4, 2020:
Maryl M. McNally
PO Box 428
Roswell, NM 88202
920-277-8009
marylmcnally@outlook.com

CLERK'S OF CERTIFI- CATE OF NAME AND ADDRESS CHANGE

As of November 13, 2020:
Michele A. Puiggari
f.k.a. **Michele A. Masiowski**
Puiggari & Associates
3801 Milwaukee Court
Missoula, MT 59808
505-690-4052
michele@mpuiggari.com

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

Effective November 4, 2020:
Cynthia A. Sikelianos
Johanna A. Pickel LLC
1 Ridge Court
Placitas, NM 87043
505-798-2515
505-214-6562 (fax)
cindy@johannapickel.com

CLERK'S CERTIFICATE OF CHANGE TO INACTIVE STATUS

Effective October 6, 2020:
William C. Mitchell
Rogers Mastrangelo Carvalho
& Mitchell
700 S. Third Street
Las Vegas, NV 89101

Effective October 19, 2020:
Paul Cattell Collins
Crowley Law Firm
PO Box 2529
Billings, MT 59103

Effective October 26, 2020:
Kenneth Rooney
3406 Warder Street, NW
Washington, DC 20010

Effective October 30, 2020:
John Joseph Kelly
7309 Indian School Rd., NE
Albuquerque, NM 87110

Effective October 31, 2020:
Robert M. Hall
9920 Lorelei Lane, NE
Albuquerque, NM 87111

Stephen P. McCue
PO Box 25062
Albuquerque, NM 87125
Effective November 18, 2020:

Timothy J. Vidal
PO Box 8980
Santa Fe, NM 87504

Effective December 1, 2020:
Arthur James Waskey
2 Bosque Loop
Santa Fe, NM 87508

CLERK'S CERTIFICATE OF ADDRESS AND/OR TELEPHONE CHANGES

Ozymandias Adams
Office of the Fourth Judicial
District Attorney
130 S. Fourth Street,
Suite 201
Santa Rosa, NM 88435
575-472-3230
575-472-4393 (fax)
oadams@da.state.nm.us

Ihsan Uddin Ahmed
100 Montgomery Street
San Francisco, CA 94104
815-531-9011
ihsan8901@yahoo.com

Benita M. Alexandre
Internal Revenue Service
6200 Jefferson Street, NE,
Suite 100
Albuquerque, NM 87109
505-737-6240
888-227-0210 (fax)
benita.m.alexandre@irs.gov

Audrey Ann Archer
ABA ProBAR
202 S. First Street,
Suite 300
Harlingen, TX 78550
956-365-3775
audrey.a.archer@gmail.com

Steve P. Archibeque
1100 Fourth Street, NW,
Suite A
Albuquerque, NM 87102
505-243-1676
stevenparchibeque@gmail.com

Ellen P. Argyres
1200 Georgia Street, NE
Albuquerque, NM 87110
505-293-6374
eargyres@comcast.net

Wendy S. Armijo
13060 Rockbridge Circle
Colorado Springs, CO 80921
520-237-4510
warmijo@
patchplusconsulting.com

Dominique Barrett
Quintairos, Prieto, Wood &
Boyer, PA
8800 E. Raintree Drive,
Suite 100
Scottsdale, AZ 85260
602-954-5605
602-954-5606 (fax)
dominique.barrett@qpwbaw.com

Gerald E. Bischoff
Bischoff & Bischoff Law, PA
612 First Street, NW
Albuquerque, NM 87102
505-243-6721
505-508-4538 (fax)
gbischof@dcbf.net

Michael P. Bischoff
Bischoff & Bischoff Law, PA
612 First Street, NW
Albuquerque, NM 87102
505-243-6721
505-508-4538 (fax)
mbischof@dcbf.net

Jason Collis Bousliman
McCarthy & Holthus, LLP
6501 Eagle Rock Avenue,
Suite A-3
Albuquerque, NM 87113
505-219-4895 Ext. 6888
jbousliman@
mccarthyholthus.com

Angie Buchanan
Angie Buchanan, LLC
1309 E. 3rd Avenue,
Suite 20B
Durango, CO 81301
970-426-4602
abuchananlaw@yahoo.com

Todd J. Bullion
Law Office of Todd J. Bullion
300 Central Avenue, SW,
Suite 1000E
Albuquerque, NM 87102
505-452-7674
toddjbullion@gmail.com

Eric Lyon Burton
Burton Law Ltd. Co.
320 Osuna Road, NE,
Suite G-1
Albuquerque, NM 87107
505-344-2255
eric@burtonlawnm.com

Chandler Piché Carney
16021 Boxcar Court
Westfield, IN 46074
317-727-9799
cpcarney2@gmail.com

Gail Chasey
PO Box 80357
Albuquerque, NM 87198
505-246-2221
gailchaseylaw@gmail.com

Kirk C. Chavez
N.M. Human Services
Department-Child Support
Enforcement Division
2120 N. Alto Drive,
Suite 110
Hobbs, NM 88240
575-393-3247
kirkc.chavez@state.nm.us

Michael J. Dekleva
Presbyterian Healthcare
Services
PO Box 26666
9521 San Mateo Blvd., NE
(87113)
Albuquerque, NM 87125
505-923-6909
mdekleva@phs.org

Ken del Valle
PO Box 17303
El Paso, TX 79917
915-276-8353
kendelvalle@aol.com

Amy C. DeLaney-Hernandez
N.M. Children, Youth and
Families Department
3082 32nd Street Bypass
Road, Suite A
Deming, NM 88061
575-313-2223
amy.delaney-hernand@state.nm.us

Lauren Karen DeMarco
100 E. Center Street
Provo, UT 84606
720-630-0989
laurend@utahcounty.gov

Blake J. Dugger
Law Office of Adam Oakey,
LLC
714 Tijeras Avenue, NW
Albuquerque, NM 87102
505-433-4953
bdugger@oakeylawoffice.com

Tara Lynne Edgmon
PO Box 10
Caballo, NM 87931
505-966-6107
tara@taraedgmonlaw.com

Cashmala Habib Fazal
The Law Office of Cash Fazal,
PLLC
PO Box 41115
Mesa, AZ 85274
773-964-0665
cashmalafazal@hotmail.com

Timothy W. Foster
Foster & Foster Law, PC
415 W. Wall Street,
Suite 414
Midland, TX 79701
432-704-5040
tim@ffenergylaw.com

Raymond Leslie Gifford
Wilkinson Barker Knauer,
LLP
PO Box 1440
951 20th Street (80201)
Denver, CO 80202
303-626-2350
rgifford@wbklaw.com

Gregory Xavier Gonzalez
Law Office of Luis Yanez
1015 Magoffin Avenue
El Paso, TX 79901
915-503-2424
gregoryxgonz@gmail.com

Kevin R. Greene
5545 West Pisa Lane
Highland, UT 84003
801-921-1473
kevinryangreene@gmail.com

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

Michal M. Hayes
N.M. Aging & Long-Term
Services Department
2550 Cerrillos Road
Santa Fe, NM 87505
505-469-4140
505-476-4750 (fax)
michal.hayes@state.nm.us

Nancy Farrington Higgins
Senior Citizens Law Office
4317 Lead Avenue SE,
Suite A
Albuquerque, NM 87108
505-265-2300
nhiggins@sclonm.org

Mingjie Li Hoemmen
Scott & Kienzle, PA
PO Box 587
1011 Las Lomas Road NE
(87102)
Albuquerque, NM 87103
505-246-8600
505-246-8682
mingjiehoemmen@
kienzlelaw.com

Kevin Daniel Homiak
Homiak Law LLC
1001 Bannock Street,
Suite 14
Denver, CO 80204
505-385-2614
kevin@homiaklaw.com

Lorena Brittner Hutton
Rinchem Company, Inc.
5131 Masthead Street, NE
Albuquerque, NM 87109
505-345-3655
lhutton@rinchem.com

Bridget Ann Jacober
811 Waldo Street
Santa Fe, NM 87505
505-690-8270
bridgetjacobser@hotmail.com

Jacqueline Susanne James
N.M. Children, Youth and
Families Department
1031 Lamberton Place, NE
Albuquerque, NM 87107
505-841-7980
jacqueline.james@state.nm.us

Kenneth Januszewski
Burch & Cracchiolo, PA
1850 N. Central Avenue,
Suite 1700
Phoenix, AZ 87004
602-274-7611
602-234-0341 (fax)
kenj@bcattorneys.com

W. Brad Jarman
730 Panorama Lane
Santa Fe, NM 87501
917-520-2939
wbradjarmanesq@gmail.com

Vladimir L'Ouverture
264-02 Langston Avenue
Queens, NY 11004
505-228-1455
vladimirlouverture@gmail.
com

Marion Maillard
1901 S. Bell Street
Arlington, VA 22202
703-235-2700
marion.maillard@ice.dhs.gov

Louis I. Mallette
PO Box 3367
40 San Juan Drive (87301)
Gallup, NM 87305
505-444-0490
lmallette@nndoj.org

Theodore Raymundo
Markowski
6937 Crown Ridge Drive
El Paso, TX 79912
915-487-9336
trmarkowski123@gmail.com

A. Renee Mascarenas
Chapman and Priest, PC
PO Box 92438
4100 Osuna Road, NE, Suite
2-202 (87109)
Albuquerque, NM 87199
505-242-6000
505-213-0561 (fax)
reneemascarenas@cplawnm.
com

Jason Lawrence Mendoza
Southwest Law Firm
4882 N. Barranco Drive
Litchfield Park, AZ 85340
602-282-9999
jason@vabenefits4vets.com

Daniel T. Montoya
Heritage Trust Company of
New Mexico
630 Paseo Del Pueblo Sur,
Suite 170
Taos, NM 87571
575-758-7700
dtmontoya77@gmail.com

Franziska Ortega Moore
919 Salamanca Street, NW
Los Ranchos de Albuquerque,
NM 87107
505-803-6216
ortegafr1@gmail.com

Zachary E. Ogaz
Office of the Attorney General
201 Third Street, NW,
Suite 300
Albuquerque, NM 87102
505-717-3546
zogaz@nmag.gov

Dominique C. Oliver
Lewis Brisbois Bisgaard &
Smith, LLP
8801 Horizon Blvd., NE,
Suite 300
Albuquerque, NM 87113
505-545-8308
dominique.oliver@
lewisbroisbois.com

Cosme D. Ripol
Office of the Eighth Judicial
District Attorney
105 Albright Street,
Suite L
Taos, NM 87571
575-758-8683
cripol@da.state.nm.us

Beckham Angelo Rivera
Sunshine Legal LLC
10152 Menaul Blvd., NE #18
Albuquerque, NM 87112
505-750-3685
beckham@
sunshinelegalnewmexico.com

Kim Romero-Oak
8520 Greenwood Avenue
Takoma Park, MD 20912
505-934-0620
kromero1918@comcast.net

Jade D. Rotonda
Aldridge, Hammar & Wexler,
PA
1212 Pennsylvania Street, NE
Albuquerque, NM 87110
505-219-4900
505-255-4029 (fax)
jrotonda@abqlawnm.com

Sam B. Sanchez
216 Camino De Las Huertas
Placitas, NM 87043
575-613-3957
575-758-3137 (fax)
samstaos@yahoo.com

Brittany Michele Sayer
1545 Summit Hills Drive, NE
Albuquerque, NM 87112
505-373-3484
brittany.sayer@gmail.com

Benjamin F. Shelton
Conservation Voters of New
Mexico
121 Sandoval Street,
Suite 200
Santa Fe, NM 87501
505-467-9480
505-820-0365 (fax)
ben@cvnm.org

Mary White Shirley
U.S. Department of Housing
and Urban Development
909 First Avenue,
Suite 260
Seattle, WA 98104
206-220-6201
mary.w.shirley@hud.gov

Leah R. Shover
Madison, Mroz, Steinman,
Kenny & Olexy, PA
PO Box 25467
201 Third Street, NW,
Suite 1600 (87102)
Albuquerque, NM 87125
505-242-2177
505-242-7184 (fax)
lrs@madisonlaw.com

Robert John Sigler
Bandas Law Firm, PC
802 N. Carancahua Street,
Suite 1400
Corpus Christi, TX 78401
361-698-5200
361-698-5222 (fax)
rsigler@bandaslawfirm.com

**Dorie Concetta Biagianti
Smith**
Dorie Biagianti Smith Law,
LLC
310 Garfield Street
Santa Fe, NM 87501
505-983-9601
dbiagiantismith@lawyer.com

Bruce Charles Throne
154 W. Zia Road
Santa Fe, NM 87505
505-989-4345
bthroneatty@newmexico.com

Susan K. Tomita
Susan K. Tomita Law Offices
1825 San Mateo Blvd, NE
Albuquerque, NM 87110
505-883-4993
505-883-4599 (fax)
sustomita@aol.com

Brian J. Wagner
Kutak Rock LLP
5 Park Plaza,
Suite 1500
Irvine, CA 92614
949-417-0979
949-417-5394 (fax)
brian.wagner@kutakrock.com

Jason T. Wallace
Office of the Attorney General
201 Third Street, NW,
Suite 300
Albuquerque, NM 87102
505-717-3510
jwallace@nmag.gov

Cynthia A. Walsh
231 County Road 14 South
Alamosa, CO 81101
719-589-6642
happy21@prettybird.org

Benjamin Tell Ward
Burns Law Group
100 W. Apache Street
Farmington, NM 87401
505-516-1529
505-672-7764 (fax)
tell@mburnslawgroup.com

Norman R. Wheeler
Office of the Eighth Judicial
District Attorney
105 Albright Street,
Suite L
Taos, NM 87571
575-758-8683
nwheeler@da.state.nm.us

Courtney Emily Williams
333 Guadalupe Street
Austin, TX 78701
512-676-6569
courtney.williams@tdi.texas.
gov

Luis Yanez
The Law Offices of Luis Yanez
1015 Magoffin Avenue
El Paso, TX 79901
915-503-2424
915-500-4055 (fax)
luis@yanezlawoffice.com

I FURTHER CERTIFY
that the firm name for the fol-
lowing attorneys has changed
from Batley Powers Family
Law, PA to **Batley Family
Law, PA**, and that they have
new email addresses of record:

Roberta Suzanne Batley
(bobbie@batleyfamilylaw.
com)
Wesley Enns (wesley@batley-
family.law.com)
Lauren E. Riley (lauren@
batleyfamily.law.com)

Jensen Nicole Wallace (
jensen@batleyfamilylaw.com)
Batley Family Law, PA
316 Osuna Road, NE,
Suite 301
Albuquerque, NM 87107
505-246-0500
505-246-9953 (fax)

I FURTHER CERTIFY
that the firm name for the
following attorneys has
changed from Madison, Mroz,
Steinman & Dekleva, PA, to
**Madison, Mroz, Steinman,
Kenny & Olexy, PA:**

Riley J. Busby
Paul Martin Cash
Celina C. Hoffman
Rebecca Shaw Kenny
William C. Madison
Robert J. Mroz
Jacqueline A. Olexy
Leah R. Shover
Gregory D. Steinman
M. Eliza Stewart
Madison, Mroz, Steinman,
Kenny & Olexy, PA
PO Box 25467
201 Third Street, NW,
Suite 1600 (87102)
Albuquerque, NM 87125
505-242-2177
505-242-7184 (fax)

CLERK'S CERTIFICATE OF ADMISSION FOR LIMITED DURATION

On October 19, 2020:

Lauro Arter-Vasquez

Horacio Celaya

Elizabeth Ann Delfs

Colin Michael Desko

Francis William DuBois III

Jarrett Lee Ellzey Jr.

Robert Mitchell Everett

Angela Skaggs Gordon

Jeanmarie P. Harrington
Bisceglia

Valerie Joe

Heather M. Kryzak

Edward Harris Laber

Daniel A. Lipsitz

Caron C. Loffland

Kelley Clark Morris

Jacqueline Dolores Mosher

Robert W. Norman Jr.

James J. Ormiston

Elizabeth deLone Paranhos

Eucaris Tatiana Perez-Valero

Alana L. Porrazzo

Julia Helen Purdy

Michael Steven Rumac

Zeviel Troper Simpser

Madeleine Nicole Sligh

Shannon Ashleigh Swett

Brandon Bud Taylor

Michael Sullivan Vernon

Michelle A. Villegas

CLERK'S CERTIFICATE OF ADMISSION

On November 23, 2020:

Ke'Line S. Ajanoh

Seth M. Anderson

William Henry Barfield

Carter Hobby Beckworth

Cathleen Clare Carlson

Ashlyn Marie Castoe

Levi Michael Chavez II

Karen M. Hen

Shadman Hosseini

Yadira Juarez

Megan Hadley Koehler	Hillary R. Bernhardt	E. Vanessa de León	John Conner Haugen
David L. Link	Lionel C. Betsch	Felicia de León	Bridget J. Hazen
Michael Linke	Cassie J. Bible	Paige Diem	Noah Blaine Hearn
R. Michael McCauley Jr.	James R. Bigbee	Sharayah Newton Dietz	Jeff Dan Herrera
Michael William Melito	Jacqueline R. Bolden	Kristen Maureen Dikeman	Mason Lee Hill
Jacob S. Metoxen	Wolfgang J. Bomgardner	Dana Megan Dinkens	Amber E. Holland
Jacob Montilijo Monty	Pilar A. Borneo	Naomie A. Droll	Sean K. Hollowwa
Amir H. Pahlavan	Scott Franklin Bowen	Janette Angelica Duran	Johan-Charls Jarden Holter
Alan Joseph Robertson	Melinda A. Branin	Clint Dye	Orion Hutchin
John David Rogers	Shane Marlin Brill	Kristen R. Edwards	Evelyn Ibarra-Ortiz
David Lee Stout Jr.	James Lee Brooks	Christopher Chukwuemeka Egbunike	Colin F. Jackson
Jessica L. Waddle	Abby Danill Brown	Graciela R. Esquivel	Sara Miles Jaeckle
Donald L. Walton	Stanford Travis Brown	Alixandra Fields	Yimin Jiao
Edward Morton Wilhelm	Lindsey A. Bundrant	Adrian Gandara	Jazzai Kapri Jimerson
CLERK'S CERTIFICATE OF ADMISSION	Nadia Cabrera-Mazzeo	Sabina M. Gaynor	Laura Clare Johnson
On November 16, 2020:	William Cafaro	Keven Gedko	Morgan Ann Johnson
Chad O. Abeyta	Juan Carlos Calvo	Paul Frederick Carl Geisik	Courtney Johnson-Vidales
Todd Christopher Adelmann	Amanda S. Carmody	Collin T. Gillespie	Blake Christopher Jones
Audrey O. Adgate	Ambrosio E. Castellano Jr.	Trei Gilpin	Sydney Christ Keller
Yarrow Circle Allaire	Danielle L. Ceballes	Adelina Louise Gomez	L. Todd Kelly
Eleanor Browning Anderson	Alexandra Cervantes	Jessica Lynn Gonzales	Sean Kinniry
Mara Elizabeth Anderson	Daniel C. Chadborn	Ricardo S. Gonzales	Adam Alexander Kougias
Phillip E. Arendall	Brent W. Chapman	Julia Gowan	Laureana Alicia Larkin
Jared A. Armijo	Nicholas W. Chiado	Erich T. Greiner	Amy Elizabeth Lattari
Peter J. Armijo	Amy E. Childress	Maura Luz Guaderrama	Amber D. Lengacher
Samuel S. Ashman	Meredith A. Cockman	Jose Angel Gutierrez	Joshua Lilley
Jessica Marie Aycock	Jennifer Marie Collins	Andres Patrick Gutierrez Rivera	Joel N. Lobo
Richard Ryan Azar	Graham Devin Conlon	Rebeca E. Guzman	Manuel E. Lopez III
Seth J. Barany	Garrett J. Coppedge	Victor A. Hall	Maeve B. Lozoya
Kendall M. Barnett	Miranda Elizabeth Crow	Griffin S. Hardy	Cody Ty Lyon
Lidiya Bayliyeva	Ashlea A. Crumley	Jon Taylor Harris	Christopher W. Machold
	John M. Cummings		Ariel MacMillan-Sanchez

Katherine Louise Mallon	Felix Andre Neboh	Jacobett Eugenia Rivera Luján	Duncan T. Ternus
Monique Rose Malooly	Amanda K. Nelson		Alexander W. Tucker
Alysandra E. Martinez	William Joseph Obermeyer	Dominic B. Romero	Alicia Ubeda Harvey
John B. Martinez	Chris Opila	Lily Norwood Rowland	Cristina L. Vasquez
Gianna Nicole McArthur	Brian S. Osterman	Kari Lynn Ruma	Sun W. Vega
Thera McAvoy	Christopher T. Papaleo	Karen Sánchez-González	Kevin M. Vela
Jessica Leigh McLaughlin	Chandler E. Patterson	Brenda Sanders	Donna Irene Vidaurreta
Melanie C. McNett	Andrew John Pavlides	Marco Henry Santamaria	Austin C. Vincent
Olavo Michel	Robert C. Payne	Miguel A. Sarkis	Alexandra R. Waleko
Aaron Mitchell	TyLynn Rae Payne	Robert William Scales	Alesha M. Walker
Jean Carlos Moldes	Evan Zachary Pearson	Justin Tyler Schutte	Luke Andrew Wallace
Christopher J. Molina	Jesse E. Pecoraro	Rees R. Scruggs II	Mikel T. Ward
Kimberly Morgan Molina	Karla F. Pizarro	Julia M. Shaver	Brianna Weis
Taylor James Monroe	Jodee Rose Rankin	Richard M. Spradlin	Julian Ellis Whitley
Madison A. Moss	Jean Gabriel Raveney	Erin K. Stanton	Hayden C. Wickens
William Daniel Mount III	Rachel A. Ray	Ethan Wayne Steadman	David William Wilhelmsen
Paige M. Mowrer	Reid Parker Rendon	Evan Stivers	Jadyn Taylor Williams
John Tyler Myers	Luca C. Renzi	Nikolas S. Stoffel	Denali Wilson
Liz Amarilis Natal	Christopher William Richman	Jake Michael Stribling	Walter P. Zivley Jr.
Kathy R. Neal	Kalle Ann Riner	Lea Corinne Strife	
		Heather Tanner	

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-008

No. A-1-CA-36190 (filed September 24, 2019)

ANGELA RUSS,
Plaintiff-Appellee/Cross-Appellant,
v.
JEFFREY L. RUSS,
Defendant-Appellant/Cross-Appellee,
and
NEW MEXICO HUMAN SERVICES
DEPARTMENT,
Intervenor.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
DEBRA RAMIREZ, District Judge

Certiorari Granted, December 4, 2019, No. S-1-SC-37962.

Released for Publication February 11, 2020.

New Mexico Family Law, PC
AMANDA A. ARAGON
Albuquerque, NM
for Appellee

MICHELLE CORTEZ
Albuquerque, NM
L. HELEN BENNETT
Albuquerque, NM
for Appellant

Opinion

J. Miles Hanisee, Judge.

{1} Jeffrey Russ (Husband) appeals a district court order requiring reimbursement to Angela Russ (Wife), along with continued payments to her, of half of Husband's military retirement pay (Retirement Pay), pursuant to their Marital Settlement Agreement (MSA). At issue is what remains owed to Wife after Husband waived his Retirement Pay in exchange for receiving disability-based Combat Related Special Compensation (CRSC). Husband argues the United States Supreme Court's recent decision in *Howell v. Howell*, 137 S. Ct. 1400 (2017) preempts New Mexico case law and prohibits the district court from ordering Husband to reimburse Wife for waived Retirement Pay. Although we agree with Husband that our contrary decision in *Hadrych v. Hadrych*, 2007-NMCA-001, 140 N.M. 829, 149 P.3d 593, is no longer controlling precedent after *Howell*, we nonetheless

conclude there to be sufficient reason under still-applicable New Mexico precedent to deny retroactive application of *Howell*. We therefore affirm on grounds different than those relied on by the district court.

BACKGROUND

{2} Husband and Wife married in 1993. Husband served in the military for the duration of the thirteen-year marriage. Upon their divorce in 2006 the parties entered into the MSA. Incorporated into the district court's final decree, the MSA stated that "as a compromise division of community assets," Husband and Wife agreed that Wife "receive 50 [percent] of [Husband's] disposable [R]etirement [P]ay which was earned during the term of [their] marriage." Husband retired from the military and began receiving Retirement Pay effective January 1, 2011. On April 6, 2011, Wife filed a motion to amend the MSA to state instead that Wife would receive "50 [percent] of [Husband's] disposable [R]etirement [P]ay from date of retirement" so that the Defense Finance and Account-

ing Service would disperse her portion of the Retirement Pay. Without a response from Husband, the district court entered an order approving the change less than a week later.

{3} From January 2011 until May 2014, Husband received monthly Retirement Pay varying in amount from \$1,578 to \$1,638. Wife received her portion of Husband's Retirement Pay from August 2011 until April 2014. On May 1, 2014, Husband began receiving CRSC, as a consequence of his conversion of 100 percent of his Retirement Pay to CRSC, eliminating altogether Wife's monthly percentage of Husband's Retirement Pay under the MSA. On April 11, 2014, Wife filed an emergency motion to enforce the MSA requesting that the district court compel Husband to pay Wife the amount "she would be getting from her portion of [Husband's] [R]etirement [P]ay and to award her back pay from the time the retirement benefits ceased." On May 23, 2014, Husband also filed a motion to enforce the MSA, arguing that the language of the MSA should not have been modified, and that Wife is only entitled to half of Husband's Retirement Pay *during the marriage*, equaling 32.2 percent of Husband's monthly Retirement Pay, and that disbursements under Husband's CRSC benefits are his "separate property."

{4} After a hearing on January 4, 2016, the district court determined that the issue of whether, under the MSA, Husband's CRSC benefits "converted from Retirement [Pay] to CRSC post-retirement[, remain] a community asset and [are] divisible" would be resolved following a trial on the merits. A bench trial took place on November 21, 2016, after which the district court entered its findings of fact, conclusions of law, and order of judgment (Order) on December 19, 2016. The district court found: (1) "[Wife] began receiving her vested portion of the [R]etirement [Pay]" in August 2011, Husband "cannot escape the responsibility of paying [Wife] what the parties agreed she earned during the time that he served in the military, no matter what name is attributed to that compensation or the source from which [Husband] pays [Wife]"; (3) principles of equity required that Wife receive 32.3 percent of the Retirement Pay in accordance with the amount she "earned for the term of the marriage"; (4) Husband owes Wife \$22,243.09 in military retirement arrears,¹

¹The total amount of arrears includes \$5,841.92 for Retirement Pay not paid to Wife before conversion from January 2011 to March 2014, along with \$16,401.17 for April 2014 until December 2016 for amounts of Retirement Pay Wife would have received if Husband had not converted his Retirement Pay. Only the portion of the arrears involving payment not received after the conversion is at issue on appeal.

and; (5) Wife owes Husband \$8,738 in overpaid child support, which was used by the district court to offset the overall judgment against Husband. The district court then ordered Husband to pay Wife \$529.07 a month—the sum of 32.3 percent of Husband's Retirement Pay—for as long as allowed by the Department of Defense' Military Retirement Regulations, and an additional \$500 a month to be paid toward the overall \$13,505.09 judgment owed to Wife. Husband timely appealed the district court's order.

DISCUSSION

{5} On appeal, Husband argues that the United States Supreme Court decision in *Howell* abrogates this Court's past decisions in *Hadrych*, 2007-NMCA-001, and *Scheidel v. Scheidel*, 2000-NMCA-059, 129 N.M. 223, 4 P.3d 670. Both opinions held, in differing circumstances, that a court can order a military spouse to indemnify a non-military spouse for post-divorce decree military waivers of military retirement pay. Husband also argues that *Howell* should be applied retroactively in this case in accordance with the factors in *Beavers v. Johnson Controls World Services, Inc.*, 1994-NMSC-094, ¶ 23, 118 N.M. 391, 881 P.2d 1376, because (1) *Howell* did not create a new principle of law as federal statute and the United States Supreme Court's decision in *Mansell v. Mansell*, 490 U.S. 581 (1989) prohibited waived military retirement pay from categorization as community property by family courts; (2) limiting application of *Howell* would frustrate congressional intent as manifested within the Uniformed Services Former Spouses' Protection Act (USFSPA) 10 U.S.C. § 1408 (2018); and (3) equity favors retroactive application since hardship endured by non-military spouses is outweighed by hardship endured by military veterans receiving disability due to their own inability to support themselves.

{6} Wife answers that *Howell* does not abrogate *Scheidel* because *Scheidel* addressed a contractual provision of indemnification; and the MSA contains a release clause analogous to an indemnity provision which protects Wife's contractual interest in Husband's Retirement Pay and bars Husband from seeking application of *Howell* because to do so would deprive Wife of her share of the Retirement Pay. Wife further contends that *Howell* should not be applied retroactively because it applies a new principle of law by overruling past precedent and because retroactivity would burden the judicial system, economically devastate non-military spouses receiving military retirement payments, and unfairly reduce Wife's share of community property originally agreed to in the MSA. Wife does not rebut Husband's argument that *Howell* abrogated *Hadrych*.

Standard of Review

{7} “[T]his Court has applied a de novo standard to questions of federal preemption.” *Humphries v. Pay & Save, Inc.*, 2011-NMCA-035, ¶ 6, 150 N.M. 444, 261 P.3d 592. In addition, we affirm for reasons different than those relied on by the district court only in circumstances that are not unfair to the appellant. *Meiboom v. Watson*, 2000-NMSC-004, ¶ 20, 128 N.M. 536, 994 P.2d 1154 (“This Court may affirm a district court ruling on a ground not relied upon by the district court, but will not do so if reliance on the new ground would be unfair to appellant.” (alteration, internal quotation marks, and citation omitted)).

Federal Preemption

{8} Both parties address *Scheidel* and *Hadrych* in light of their factual similarity to the instant case. Husband argues that both cases are abrogated by *Howell*, whereas Wife argues that *Scheidel* is factually distinct from *Howell* thereby avoiding abrogation. Federal preemption only applies “in situations where Congress has announced a ‘clear and manifest purpose’” for state application since New Mexico courts “maintain a strong preference against the doctrine.” *Humphries*, 2011-NMCA-035, ¶ 7; *Lohman v. Daimler-Chrysler Corp.*, 2007-NMCA-100, ¶ 15, 142 N.M. 437, 166 P.3d 1091 (“Courts apply a strong presumption against preemption, particularly in areas of law that are traditionally left to state regulation.”). Federal law preempts “the application of state community property law to [R]etirement [P]ay.” *Howell*, 137 S. Ct. at 1403 (internal quotation marks and citation omitted). The USFSPA states that a state “may treat [veterans’] disposable retired pay[.]” § 1408(c)(1), as divisible property upon divorce, but expressly excludes from the definition of disposable retired pay any amount “deducted from the retired pay . . . as a result of a waiver . . . required by law in order to receive [disability benefits].” § 1408(a)(4)(A)(ii). As such, and based upon our thorough review of *Howell*, we have determined only the holding in *Hadrych* must be considered incongruent with the holding in *Howell*. We explain.

{9} During the pendency of this appeal, the United States Supreme Court issued *Howell*. In *Howell*, a veteran husband “waived a share of the retirement pay in order to receive nontaxable disability benefits from the Federal Government[.]” resulting in a reduction in his ex-spouse's share of his retirement payment. 137 S. Ct. at 1402, 1404. The parties were divorced before the husband's retirement, at which time the non-veteran wife was awarded 50 percent of the husband's military retirement as her sole and separate property in the divorce decree. *Id.* at 1404. Thirteen years after retirement, the husband was found to be

20 percent disabled and elected to receive disability benefits, consequently waiving approximately \$250 per month of his military retirement pay. *Id.* The husband's waiver resulted in the wife receiving \$125 less per month from his retirement pay. *Id.* Upon a motion to enforce the preexisting judgment by the wife, the lower state court “held that the original divorce decree had given [the wife] a vested interest in the prewaiver amount of that pay, and ordered [the husband] to ensure [the wife] receive her full 50 [percent] of the military retirement without regard for the disability.” *Id.* (internal quotation marks and citation omitted). The Supreme Court reversed, holding that a state court cannot “subsequently increase, pro rata, the amount the divorced spouse receives each month from the veteran's retirement pay in order to indemnify the divorced spouse for the loss caused by the veteran's waiver[.]” *Id.* at 1402. The Court concluded that its previous decision in *Mansell*, holding that “federal law completely pre[em]pts the [s]tates from treating waived military retirement pay as divisible community property[.]” determined the outcome of the case. *Howell*, 137 S. Ct. at 1405. The Court noted the rationale of the lower court, observing that “like several other state courts, [the lower court] emphasized the fact that the veteran's waiver in *Mansell* took place before the divorce proceeding[.]” whereas the waiver in *Howell* took place “several years after the divorce proceedings.” *Howell*, 137 S. Ct. at 1405. Nonetheless, the Supreme Court determined that factual difference does not render *Mansell* inapplicable. *Howell*, 137 S. Ct. 1405. It reasoned that the state court did not (and most likely legally could not) control the “future contingency” of the wife's share of the military retirement pay, and stated “[t]he existence of that contingency meant that the value of [the wife's] share of military retirement pay was possibly worth less—perhaps less than [the wife] and others thought—at the time of the divorce.” *Id.* The Court also reasoned that the state court did not have the authority to “vest” the wife with interest in the waivable portion under 38 USC § 5301(a)(1) (2018), because disability benefits are not assignable. The Court further clarified that even if the wife was “vested” with a right to half of the husband's retirement pay, such an interest is at most “contingent, depending for its amount on a subsequent condition: [the husband's] possible waiver of that pay.” *Howell*, 137 S. Ct. at 1406. The Court also held “[r]egardless of their form . . . reimbursement and indemnification orders displace the federal rule and stand as an obstacle to the accomplishment and execution of the purposes and objections of Congress. All such orders are thus pre-empted.” *Id.*

While the Court recognized “the hardship that congressional pre-emption can sometimes work on divorcing spouses[.]” it stated that a state court may take into account the contingency of Retirement Pay and consider potential reductions in value when determining a family’s assets. *Id.*

{10} In *Hadrych*, decided long before *Howell*, we found it equitable to “require [the h]usband to be responsible for the reduction in [the w]ife’s benefits” since “although [the h]usband is deemed disabled by the military,” he was employed and earning additional income each month. *Hadrych*, 2007-NMCA-001, ¶ 15. The final decree awarded the wife 50 percent of the husband’s retirement pay “attributable to the period of time the parties were married.” *Id.* ¶ 10 (internal quotation marks and citation omitted). There was no marital settlement agreement and therefore “no indemnity provision or non-alteration provision[.]” thereby distinguishing the case from *Scheidel*.² *Hadrych*, 2007-NMCA-001, ¶ 9. We held that “the [district] court could act to enforce and preserve [the w]ife’s right to benefits established by the final decree” because “we cannot accept the inequity and unfairness that results when one party is allowed to unilaterally reduce the other’s benefits established either under an agreement or a final decree.” *Id.* ¶ 11. We also interpreted *Mansell* to “only appl[y] to the division of payments at the time of divorce and [to] not preclude a court from ordering the spouse who has adversely impacted the other spouse, by converting retirement benefits to disability benefits, to pay the other spouse directly.” *Hadrych*, 2007-NMCA-001, ¶ 13.

{11} In light of *Howell*, relief under *Hadrych* is no longer proper. A state court’s capacity to order reimbursement

or indemnification of post-divorce waived retirement pay in an effort to restore past marital settlement agreements or its own past order dividing marital assets is expressly preempted under *Howell*, and therefore, impermissible in New Mexico. *See Howell*, 137 S. Ct. at 1406.

The District Court’s Relief Was Improper Under *Howell*

{12} *Howell* disallows the relief ordered by the district court—by application of *Hadrych*—providing Wife with indemnity for the waived amounts of Retirement Pay. The facts in this case are analogous to the facts in both *Howell* and *Hadrych*: (1) Retirement Pay was awarded to Wife as a form of divisible community property; (2) the divorce decree was entered, and then years later, Husband converted his Retirement Pay to CRSC;³ (3) Wife stopped receiving monthly payments of Retirement Pay after Husband began receiving CRSC; and (4) at trial, Wife claimed she was entitled to continue receiving the original amount of Retirement Pay agreed to by both parties in the MSA despite the waiver. Wife attempts to distinguish her case from *Hadrych* and *Howell* by stating that the MSA contains a release clause that functions as an indemnification provision, much like the indemnity provision in *Scheidel*.⁴ However, the clause in the MSA cited by Wife is not an indemnity provision because it contains no language requiring Husband to reimburse wife in any fashion. Wife’s attempts to analogize to *Scheidel* are therefore unconvincing. This case is not factually similar to *Scheidel* because in *Scheidel* there was a clear provision in the MSA requiring husband to reimburse wife for any underpayment of funds as agreed upon by the parties. *Scheidel* does not apply.

{13} Because of the close similarity between the facts of this case, *Howell*, and *Hadrych*, the district court’s ruling is

inconsistent with the holding of *Howell*. First, the district court found that Wife’s interest in the Retirement Pay was “vested” after Husband retired. Even if Wife’s interest in the Retirement Pay “vested” when Husband retired, her interest was contingent and dependent upon Husband’s possible waiver of Retirement Pay in exchange for disability benefits. *See Howell*, 137 S. Ct. at 1405-06 (“State Courts cannot ‘vest’ that which (under governing federal law) they lack the authority to give.”). Second, the district court ordered Husband pay Wife what they agreed “she earned during the time that he served in the military, no matter what name is attributed to that compensation or the source from which he pays her.” The Court in *Howell*, however, made clear that state court orders of reimbursement or indemnification for waived Retirement Pay are preempted. 137 S. Ct. at 1406.

***Howell* Does Not Apply Retroactively in New Mexico**

{14} Because *Howell* was decided a year after the district court entered its order in 2016, we next consider whether *Howell* should apply retroactively under New Mexico law. The United States Supreme Court did not explicitly state whether its opinion in *Howell* should apply retroactively or prospectively. *See Howell* 137 S. Ct. 1400. “When such a statement is lacking, there is a presumption of retroactivity for a new rule imposed by a judicial decision in a civil case.” *Edenburn v. N.M. Dep’t of Health*, 2013-NMCA-045, ¶ 27, 299 P.3d 424 (internal quotation marks and citation omitted). “This presumption, however, may be overcome by a sufficiently weighty combination of one or more factors.” *Id.* (omission, internal quotation marks, and citation omitted). These factors, adopted from *Chevron Oil Co. v. Huson*, 404 U.S. 97 (1971), include: (1) whether a new

²In *Scheidel*, this Court held that “federal law does not prohibit state courts from enforcing indemnity provisions which ensure the payment of a minimum sum to a non-military spouse as his or her share of a community pension, provided that veterans’ disability benefits are not specified as the source of such payments.” 2000-NMCA-059, ¶ 12. The marital settlement agreement in *Scheidel* stated the husband could not “voluntarily modify his military retirement pay in such a manner as to cause [the w]ife’s share to be diminished or reduced,” and if such a reduction occurs, that the husband would be responsible for paying the wife the difference in payment. *Id.* ¶ 2 (internal quotation marks omitted). The husband was 30 percent disabled at the time of the divorce, and eventually received a 100 percent disability rating as a result of worsening health conditions. *Id.* ¶ 3. Then, upon the wife’s motion, the district court “determined that [the h]usband had violated the terms of the MSA by applying for and receiving a higher disability rating, and required [the h]usband to indemnify [the w]ife for her losses.” *Id.* ¶ 4. We disagreed with the husband’s argument that payment to the wife would amount to “an impermissible distribution of disability benefits to [the w]ife” under *Mansell*, and explained that because the husband was “free to satisfy an indemnity obligation from any source,” that “enforcement of indemnity provisions does not result in the impermissible division of disability benefits.” *Scheidel*, 2000-NMCA-059, ¶¶ 7, 8-9.

³Whereas the military spouses in *Howell* and *Hadrych* both waived Retirement Pay in order to receive disability benefits and Husband here converted his Retirement Pay to CRSC, we treat both circumstances the same. *See In re Marriage of Cassinelli*, 229 Cal. Rptr. 3d 801, 808 (2018) (“Because CRSC is not retired pay—just as veteran’s disability benefits are not retired pay—under FUSFSPA as construed in *Mansell*, a state court does not have jurisdiction to treat CRSC as community property.”).

⁴Were Wife’s argument correct and such a provision present in the MSA, we would have to resolve *Scheidel*’s remaining applicability post-*Howell*. Because such a circumstance is not here the case, we decline to address *Scheidel*’s remaining place in our jurisprudence. *See Insure N.M., LLC v. McGonigle*, 2000-NMCA-018, ¶ 27, 128 N.M. 611, 995 P.2d 1053 (“We will not issue an advisory opinion in the absence of a justiciable issue.”).

principle of law is established “either by overruling clear past precedent on which litigants may have relied, or by deciding an issue of first impression whose resolution was not clearly foreshadowed”; (2) whether “retrospective operation will further or retard its operation” when “weigh[ing] the merits and demerits in each case by looking to the prior history of the rule in question, its purpose and effect,” and; (3) whether “substantial inequitable results” could occur if retroactivity is applied given that “there is ample basis in our cases for avoiding the injustice or hardship by a holding of nonretroactivity.” *Beavers*, 1994-NMSC-094, ¶ 23 (internal quotation marks and citation omitted).

{15} New Mexico precedents addressing closely-related retroactivity questions guide our analysis. In *Whenry v. Whenry*, 1982-NMSC-067, 98 N.M. 737, 652 P.2d 1188, at issue was whether to retroactively apply *McCarty v. McCarty*, 453 U.S. 210 (1981), *superceded in statute as stated in Howell*, 137 S. Ct. 1400, in which the United States Supreme Court held that federal law precludes state courts from treating military retirement pay as community property. Applying the three-factor *Beavers* test, our Supreme Court held that *McCarty* did not apply retroactively. The Court concluded first that *McCarty* “clearly establish[ed] a new principle of law” because it overruled New Mexico precedent. *Whenry*, 1982-NMSC-067, ¶ 8. The Court reasoned that “[p]roperty settlements have been agreed upon based on [the overruled New Mexico] precedent[,]” and that in light of this “extensive reliance,” retroactive application of *McCarty* would have been “unjust and inequitable.” *Whenry*, 1982-NMSC-067, ¶ 8. Turning to the second factor, the Court recognized that the federal interest at stake in not reducing retirement benefits was to maintain the incentive for enlistment and re-enlistment. *Id.* ¶ 9. Because prospective application of *McCarty* would “guarantee them full entitlement of retirement benefits[,]” prospective application of *McCarty* would not reduce “the incentive to enlist or re-enlist.” *Whenry*, 1982-NMSC-067, ¶ 9. Addressing the third factor, the Court observed that “in no other area of law is the need for stability and finality greater than in marriage and family law,” and the Court concluded that “there is ample basis for avoiding the injustice and hardships which would result in applying a rule of retroactive application.” *Id.* ¶¶ 10, 11.

{16} Similarly, in *Toupal v. Toupal*, 1990-NMCA-027, 109 N.M. 774, 790 P.2d 1055, this Court held that *Mansell*, on which *Howell* relies, should not apply retroactively. *Mansell* held that “the USFSPA preempts states from treating military disability retirement benefits as community property.” *Toupal*, 1990-NMCA-027, ¶ 1. In *Toupal*, a husband moved to modify and, under Rule 1-060(B), to reopen a district court’s judgment dividing his disability retirement benefits as community property based on *Mansell*. *Toupal*, 1990-NMCA-027, ¶ 1. Following the lead of our Supreme Court in *Whenry*, we applied the three *Beavers* factors and determined: (1) “*Mansell* created new law by overruling prior New Mexico cases holding that disability retirement pay may be treated as community property”; (2) “the *Mansell* decision did not espouse any legitimate governmental interest to be served by preventing states from treating disability retirement as community property, so refusal to give the decision retroactive effect will not impinge on any important purpose furthered by the decision”[;] and (3) if applied retroactively, the judicial system could be inundated with Rule 1-060(B) petitions from military retirees and “[e]x-spouses who have been receiving such payments, in reliance on established New Mexico case law, will face the prospect of repaying those amounts with diminished resources” *Toupal*, 1990-NMCA-027, ¶ 6. {17} Our analysis is similar to the analyses in both *Whenry* and *Toupal*. First, *Howell* establishes a new principle of law by abrogating established New Mexico precedent that protects a wife’s interest, awarded by decree, in her husband’s military retirement benefits such that the husband was responsible for indemnifying the wife upon his elected reduction in those benefits. *See Hadrych*, 2007-NMCA-001, ¶¶ 10, 15. Even though *Howell* states its reliance on *Mansell* (which predates *Hadrych*) in reaching its holding, *see Howell*, 137 S. Ct. at 1405, *Howell* cautioned that it is improper for state courts to distinguish *Mansell* by “emphasiz[ing] the fact that the veteran’s waiver in *Mansell* took place before the divorce proceeding; [whereas] the waiver [in the state cases] took place several years after the divorce proceedings.” *Howell*, 137 S. Ct. at 1405. This Court made that very distinction in *Hadrych*. 2007-NMCA-001, ¶ 13 (“We join other jurisdictions that have held that *Mansell* only applies to the division of payments at the time of divorce and does not preclude

a court from ordering the spouse who has adversely impacted the other spouse, by converting retirement benefits to disability benefits, to pay the other spouse directly.”). Just as retroactive application of *McCarty* would have been “unjust and inequitable” because of litigants’ “extensive reliance on that prior precedent,” *Whenry*, 1982-NMSC-067, ¶ 8, retroactive application of *Howell* would unjustly and inequitably undo significant provisions of marital settlement agreements that were based on New Mexico precedent, including the MSA in this case.

{18} Second, the congressional purposes of Retirement Pay as an “inducement for enlistment or re-enlistment,” *McCarty*, 453 U.S. at 234, will not be substantially harmed if *Howell* is not applied retroactively since future enlistees or re-enlistees will still benefit from prospective application of the rule as established in *Howell*. Our analysis of the second factor mirrors our Supreme Court’s analysis of this factor in *Whenry*, 1982-NMSC-067, ¶ 9.

{19} Third, retroactive application could produce inequitable results for ex-spouses who rely upon the amount of Retirement Pay agreed to by both parties and relied on by the district court in approving the MSA’s division of community assets, as a source of income. *See Toupal*, 1990-NMCA-027, ¶ 6. In addition, New Mexico’s judicial system could experience an influx of petitions to re-open divorce cases that have long since been settled if retroactivity is applied. *See id.* Reopening this category of cases abruptly in response to a change in law could disturb “the need for stability and finality” in marriage and family law, of which “the relitigation of property interests long after the issues were supposedly settled would merely serve to reopen old wounds and create new ones.” *Whenry*, 1982-NMSC-067, ¶ 10 (internal quotation marks and citation omitted).

{20} Weighing the inequities that result from retroactive application in light of the *Beavers* factors, we conclude that the presumption of retroactive application is here overcome. We hold that *Howell* does not apply retroactively in New Mexico.

CONCLUSION

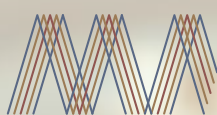
{21} Based upon the reasons set forth in this opinion, we affirm.

{22} **IT IS SO ORDERED.**
J. MILES HANISEE, Judge

WE CONCUR:
KRISTINA BOGARDUS, Judge
ZACHARAY A. IVES, Judge



Montgomery & Andrews, P.A. is pleased to announce that **Ricardo (Rico) Gonzales** has joined the firm as an associate. Born and raised in Valencia County, New Mexico with long-standing ties to the region, Ricardo graduated *magna cum laude* from the University of New Mexico School of Law where he attained admission to the Order of the Coif. During law school, his course of study focused on real property law, water law, and business law. Prior to law school, he obtained his master's degree in the History of the U.S. West from the University of New Mexico, graduating with distinction and working as an associate editor at the *New Mexico Historical Review*.



**MONTGOMERY
& ANDREWS**
LAW FIRM

325 Paseo de Peralta
Santa Fe, N.M. 87501
505-982-3873

www.montand.com



ROBLES | RAEL | ANAYA

Robles, Rael & Anaya, P.C.

**Proudly announces the dedication of the
ROBERT M. WHITE CONFERENCE ROOM**

We want to congratulate Robert (Bob) on his ten-year anniversary with the firm and thank him for his steadfast friendship. Through the years, Bob's wisdom, professionalism and guidance have been essential to our individual and collective development and success. For that, we are eternally grateful. We love you, Bob.

500 Marquette Ave. NW Suite 700, Albuquerque, NM 87102
(505) 242-2228 • info@roblesrael.com
www.roblesrael.com



Phil Davis

~
Mediations
~

**Not Just
Civil Rights Cases**

www.nadn.org/philip-davis • www.davislawnm.com
505.242.1904




**NOT ALL MILLENNIALS
BUILD WEBSITES.
WE DO.**

Social Media.
Integrated Marketing.
Web Development.
siarza.com



SIARZA
SOCIAL DIGITAL



24/7 Live virtual
receptionist services.

**Ruby's got
your back.**

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

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



PRESCHOOL & KINDERGARTEN

A Very Smart Start!

And where the love of learning begins.



Sunset Mesa School

Excellence in Preschool & K-5 Education

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

LAWPAY®
 AN AFFINIPAY SOLUTION

POWERING PAYMENTS FOR THE LEGAL INDUSTRY

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




PROUD
 MEMBER
 BENEFIT

888-726-7816
lawpay.com/nmbar

WE ARE PLEASED TO WELCOME


Elliot F. Barela, CPA

TO OUR FIRM



As of November 30, 2020, Elliot F. Barela joined Pregenzer, Baysinger, Wideman & Sale, PC. Mr. Barela represents clients in the areas of Estate Planning, Probate, Wills, Business Planning, Real Estate Law, Tax Planning, and Asset Protection.

Mr. Barela will be a valuable resource to the firm and our clients.



**PREGENZER
 BAYSINGER
 & WIDEMAN
 SALE, PC**

www.pbwslaw.com | 505.872.0505
 2424 Louisiana Blvd NE, Suite 200 | Albuquerque, New Mexico 87110
 460 St. Michael's Dr., Suite 101 | Santa Fe, New Mexico 87505

THANK YOU FROM THE METROPOLITAN COURT

The State Bar Legal Services & Programs Committee, along with the Bernalillo County Metropolitan Court, would like to **RECOGNIZE** and **THANK** the following volunteers for helping to make the 2020 Civil Legal Clinics a success:

Thomas Allison, Lillian Apodaca, Peter Auh, Kathy Black, Julia Downs-Clark, Dennis Feld, Juan Flores, Latisha Frederick, Gregory Gahan, Justin Goodman, MJ Keefe, Diana Llewellyn, Stephen Long, William "Bill" Moore, Susan Page, Penelope Quintero, Feliz Rael, Kathryn E. Rubi, Emet Rudolfo, Michael Rueckhaus, Nicole Russell, Brigitte Thomas, Karlos Ulibarri, Ryan Villa, Allan Walnwright, Tess Wikes, Senior Lawyers Division.

A special thanks to the State Bar of New Mexico for its support & sponsorship.



After a brief pause due to the Public Health Emergency, the Free Civil Legal Clinics resumed virtually in May and are held on the **second Friday of each month from 10:00 a.m. to 1:00 p.m.**

We are still in need of attorneys to assist with this endeavor. This is an opportunity to complete pro bono hours by providing free **civil** legal advice to attendees.

Areas of law may include: Landlord/Tenant, Consumer Rights, Trial Preparation, Employee Wage Claims, Bankruptcy/Debt, and Discovery/Trial Prep.

If you are interested in volunteering, please contact Renee Valdez at (505) 841-9817, or at metrmv@nmcourts.gov.

eNews

Get Your Business Noticed!

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



Benefits:

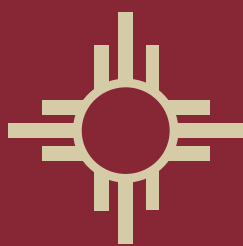
- Circulation of 8,000
- Affordable pricing
- High open/click rates
- Schedule flexibility
- Popular content

*Winner of
the 2016 NABE
Luminary Award
for Excellence in
Electronic Media*



STATE BAR
of NEW MEXICO

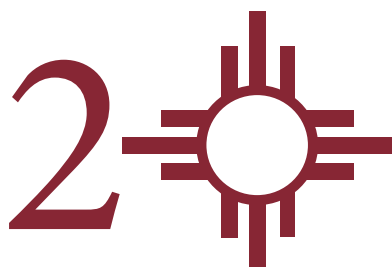
Contact Marcia Ulibarri,
at 505-797-6058 or email mulibarri@nmbar.org



Zia Trust, Inc.

The Advisors' Trust Company[®]

Zia Trust, Inc. has proudly served New Mexican families for



years.

Here's to the next 20, and beyond.

We work alongside your clients' investment advisor

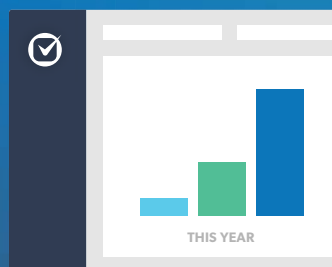
505.881.3338 • www.ziitrust.com

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



Data matters. Get more with Clio.

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



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



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



**SAME
OUTSTANDING
ACADEMIC
OUTCOMES.**

**INTENTIONALLY
DIFFERENT
EDUCATIONAL
MODEL.**

Learn why we were voted
Albuquerque's Best
Private School.



Scan Me!

ACCEPTING APPLICATIONS
FOR GRADES 6-12
bosqueschool.org/apply
(505) 898-6388



"TAKING AND DEFENDING DEPOSITIONS"

March 12-14 AND March 26-28, 2021

Program Director: Steve Scholl

This "learn by doing" course is approved by the NM MCLE Board for 31 general and 4.5 ethics CLE credits.

Learn how to:

Effectively prepare your witnesses; defend the deposition; deal with obstreperous counsel; get the answers within time constraints; optimize information from expert witnesses; test theories; and close off avenues of escape.

Whether you are new to depositions or want to refresh your skills, this class will give you the tools you need to be successful.

\$1295 (includes textbook & materials)

Register by February 12 for \$100 off!

Registration DEADLINE is Monday, March 1, 2021.

For more information and on-line registration visit:

<https://lawschool.unm.edu/cle/upcoming.html>

or contact Cheryl Burbank at burbank@law.unm.edu or (505)277-0609

David Stotts

Attorney at Law

**Business Litigation,
Real Estate Litigation**

242-1933



VERITAS ATHENA LLC

Clarity, Competence, Purpose, Transparency



GUARDIANS AND CONSERVATORS

www.veritas-athena.com • 505-337-9151

Gregory T. Ireland, President, Nationally Certified Guardian

gti@veritas-athena.com

Crystal Anson, General Counsel

ca@veritas-athena.com



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@nmbar.org.

Visit the
State Bar of
New Mexico's
website

www.nmbar.org

DP&S

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

Texas • New Mexico

Caren I. Friedman Civil and Criminal Appeals

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

Classified

Positions

Attorney – Personal Injury Law

Franklin D. Azar & Associates, P.C. is the largest Personal Injury Plaintiffs firm in Colorado and has represented thousands of people entitled to recover damages from injuries in all types of accidents, from dangerous and defective products, and from employers not paying adequate wages. Helmed by Frank Azar, a Colorado native, the firm takes great pride in the unique attention it gives to the communities surrounding every one of its offices and extends vast, creative, and cutting-edge resources in a manner that honors every client. The firm's objective is to help its clients receive complete and timely compensation for their injuries and losses. The firm maintains a powerful team of personal injury lawyers and every attorney in our firm benefits from a collegial environment with open access to some of the most experienced and reputable attorneys in Colorado. Requirements: Demonstrate dedication to personal injury law and a passion for helping people; Strong organizational and writing skills; Energetic, hard-working, and a team-player; Experience with complex litigation; 2 years of experience. Franklin D Azar & Associates offers a comprehensive benefits package and competitive compensation based on results. Please submit resumes to malcolmo@fdazar.com *EOE

Associate Attorney

Hinkle Shanor, LLP's Santa Fe office is seeking an associate attorney to join its medical malpractice defense team. 0-3 years litigation experience is preferred, but all interested candidates are encouraged to apply. Ideal candidates will demonstrate strong academic achievement and polished writing skills. The selected candidate can expect to assist in all phases of civil litigation, including pleadings, pretrial discovery, briefing, and trial support. Competitive salary and benefits; all inquiries will be kept confidential. Please e-mail resumes to gromero@hinklelawfirm.com.

Assistant City Attorney

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Litigation Division. The department's team of attorneys represent the City in litigation matters in New Mexico State and Federal Courts, including trials and appeals, and provide legal advice and guidance to City departments. Attention to detail and strong writing skills are essential. Three (3)+ years' experience is preferred, with additional preference for civil defense litigation experience, and 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

Associate Attorney

The Albuquerque, NM office of Rothstein Donatelli LLP is seeking an associate attorney for its civil rights practice group. The Firm is looking for a New Mexico licensed attorney with at least 2 years or more of litigation experience. The candidate should possess a demonstrated commitment to the welfare of individual clients and include the highest quality of legal practice, especially legal research and writing skills. The ideal candidate will have experience litigating civil rights cases and/or representing survivors of sexual abuse. The associate must be skilled in managing complex litigation and providing staff direction. Rothstein Donatelli has offices in Albuquerque and Santa Fe, New Mexico, as well as in Tempe, Arizona. The Rothstein Donatelli LLP practice areas include civil rights and discrimination law, representation of survivors of sexual abuse, criminal defense, complex civil litigation, appeals and post-conviction work, and Indian law. Rothstein Donatelli is committed to social justice and vigorously protecting the rights of its clients. Interested candidates should send a resume, references, and writing sample to Many Snyder at msnyder@rothsteinlaw.com

Grants Manager/Administrator

The Carroll Petrie Foundation is seeking an exceptionally organized and detail-oriented Grants Manager/Administrator. This individual will be responsible for all grants administration, working collaboratively with program and finance staff through the full grant lifecycle. The Grants Manager/Administrator will also help improve the efficiency of the Foundation's overall administrative processes, including maintaining organizational files and serving as the Foundation's lead grantmaking and operational support staff member. Preference may be given to applicants with prior paralegal experience. To apply, please submit a resume and cover letter to HR@carrollpetrie.org. Please include "Grants Manager - YOUR NAME" in the subject line. For a full job description, please visit <https://www.bridgespan.org/jobs/nonprofit-jobs/position-details?jobId=33527>.

Assistant City Attorney

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

Second Judicial District Court Contract Attorney

Foreclosure Settlement Program

The Second Judicial District Court (SJDC) is accepting applications for a contract attorney for the Foreclosure Settlement Program (FSP). Attorney will operate under the direction of the Chief Judge, the Presiding Civil Judge, and upper level Court management. Attorney will facilitate settlement facilitation conferences between lenders and borrowers in residential foreclosure cases pending before the Court. Attorney will be responsible for conducting status conferences, settlement facilitations and reporting of statistical data to Court management. The majority of communication will take place via telephone and email, with occasional in-person or virtual settlement facilitations. Attorney is independent and impartial and shall be governed by the Rules of Professional Conduct, Mediation Procedures Act, NMSA 1978 §44-7B-1 to 44-7B-6, and Mediation Ethics and Standards of Practice. Attorney agrees to an average of 30 hours of work per week, and will maintain records for payment and reporting. Attorney will coordinate with program administrative staff to support the FSP. Qualifications: Must be a graduate of an ABA accredited law school; possess and maintain a license to practice law in the State of New Mexico; and must have experience in settlement facilitation/mediation. Experience with residential mortgage foreclosure matters and loss mitigation is strongly encouraged. Compensation will be at a rate of \$75.00 per hour, inclusive of gross receipts tax. Send letter of interest, resumé, proof of education, writing sample, and two references to the Second Judicial District Court, Court Administration, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM 87102. Letters of interest without required material will be rejected. Letters must be received by Court Administration no later than 5:00 P.M. on Monday February 15, 2021. More information about the contract can be found on the SJDC's website: <https://seconddistrictcourt.nmcourts.gov/>.

Associate Attorney

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

Litigation Attorney

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

Attorney Position

The Santa Fe office of Hinkle Shanor LLP is looking for an attorney to join its employment and civil rights defense practice. Hinkle Shanor's employment/civil rights defense practice has a large volume of work and is looking for an attorney who can help us continue to build our practice group. We are passionate about our work and clients and would love to find someone who has the same excitement for litigation. The attorney's job duties will be focused on contributing to the employment group's federal and appellate practice, including, but not limited to, legal research and writing, motions practice and discovery, communicating with clients, court and deposition appearances, and working closely with other attorneys. Experience in the areas of employment/labor/civil rights is preferred, and candidates should have a strong academic background, excellent research and writing skills, and the ability to work independently. While applicants in Santa Fe are preferred, we are open to teleworking at this point in time. Eventually, the individual must live in or be willing to relocate to Santa Fe as in-person hearings and depositions will commence at some point in time. Please send resume, law school transcript, and writing sample to Hinkle Shanor LLP's office manager, Gilbert Romero, at gronero@hinklelawfirm.com.

Attorney

Opening for Associate Attorney to do criminal and civil work in Silver City, New Mexico. Call (575) 538-2925 or send resume to Lopez, Dietzel, Perkins & Wallace, P. C., david@ldplawfirm.com, Fax (575) 388-9228, P. O. Box 1289, Silver City, New Mexico 88062.

Attorney III, Office of Superintendent of Insurance ("OSI")

The OSI is seeking an experienced attorney to provide high-level, comprehensive legal services and advice to the Superintendent of Insurance and multiple OSI bureaus. The attorney's primary responsibilities will be enforcement related. The successful candidate will assess, prepare, prosecute, negotiate, and litigate civil enforcement cases arising out of violations of the New Mexico Insurance Code. The attorney can choose to office in either Albuquerque or Santa Fe. Salary range is from the mid \$60s to \$106,000 per year, commensurate with experience. Benefits include the state's retirement system, healthcare plans, and paid holidays, sick leave and annual leave. For more information and to apply, please visit the New Mexico State Personnel Office website at: https://careers.share.state.nm.us/psp/hprdcg/EMPLOYEE/HRMS/c/HRS_HRAM_FL.HRS_CG_SEARCH_FL.GBL?Page=HRS_APP_JBPST_FL&Action=U&SiteId=1&FOCUS=Applicant&JobOpeningId=114272&PostingSeq=1

Associate Attorney

Tucker, Yoder & Associates, LLC Farmington, NM. Must have 3-4 years of attorney experience including litigation. Needed for corporate law matters including, but not limited to, business and/or contract disputes, real estate and property issues, mergers and acquisitions, and drafting of contracts. Must be licensed in New Mexico and familiar with state and federal rules. Excellent writing, legal research and communications skills are a must. Salary determined upon review of experience. Please email resumes to: sarah@tuckeryoderlaw.com or mail to: Tucker, Yoder & Associates, Attn: Sarah Foust, 105 North Orchard Ave., Farmington, NM 87401

Personal Injury Attorney

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

Deputy Director of Policy

The City Attorney's Office seeks an individual to work on the evaluation, development and execution of the City's public policy initiatives. The work requires strong writing, analytical and advocacy skills. The successful applicant will work closely with constituents and community agencies with a broad range of interests and positions to shape priorities to positively impact the residents of Albuquerque. The position serves as a liaison to our external partners (which may include governments and nonprofit organizations) and ensures that our advocacy outcomes are effectively identified and achieved. This person will track project status, timelines, deliverables, and project requirements. This role is heavily involved in outreach and works closely with the Chief Administrative Officer and City Attorney to ensure the City continues to address the needs and priorities of Albuquerque communities on an on-going basis. Requirements: Experience with underserved or vulnerable populations. 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. In-depth understanding of city, state, and federal legislative and budget processes and grant application, administration, and compliance. Strong commitment to social justice, policy advocacy and research. Salary DOE. Please apply on line at the City of Albuquerque's website www.cabq.gov/jobs

Experienced Family Law Attorney or Experienced Civil/Criminal

Covid has changed firm – for the better! Our practice began working remotely in March 2020 – we had, and have, the technology to do this effectively. We provide our legal team with everything needed to professionally work from home – including a high degree of connectivity among each other, our clients, and the courts. We support the need for our employees to concurrently navigate both work and family obligations during this challenging time. We are looking to add another attorney to our team – one that possesses family law experience or transferable experience from civil or criminal law. Consider a firm that is established, with structure and solid reputation. We work hard and smart, with weekends free and no work during vacations! Our legal team is tight and works collaboratively. Competitive Base Salary (no percentage or commissioned pay), generous bonuses (we share), Health/Dental, Profit sharing, and 401k. Call Dorene Kuffer in complete confidence to discuss the possibilities. 505-253-0950. Or email her at dorene@kufferlaw.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.

Litigation Attorney

With 53 offices and over 1,600 attorneys, Lewis Brisbois is one of the largest and most prestigious law firms in the nation. Our Albuquerque office is seeking associates with a minimum of three years litigation defense experience. Candidates must have credentials from ABA approved law school, be actively licensed by the New Mexico state bar, and have excellent writing skills. Duties include but are not limited to independently managing a litigation caseload from beginning to end, communicating with clients and providing timely reporting, appearing at depositions and various court appearances and working closely with other attorneys and Partners on matters. Please submit your resume along with a cover letter and two writing samples to phxrecruiter@lewisbrisbois.com and indicate "New Mexico Litigation Attorney Position". All resumes will remain confidential.

Taos Pueblo Tribal Prosecutor – RFP

Notice is hereby given that Taos Pueblo Tribal Court calls for Proposals for: RFP # 2020-4: Proposal for Taos Pueblo Tribal Prosecutor. Interested parties may secure a copy of the Proposal Packet from Volaura Mondragon, Taos Pueblo Tribal Court, 195 Rio Lucero, Taos Pueblo, New Mexico 87571, (575) 751-0488, ext. 201 or via email by sending a request to vmondragon@taospueblo.com. Proposals must be received no later than January 22, 2021 at 4:00 P.M. and submitted to: Taos Pueblo Central Management System? ATTN: Taos Pueblo Tribal Court: Volaura Mondragon, 1075 Veterans Highway, P.O. Box 1846, Taos, New Mexico 87571 or via email to vmondragon@taospueblo.com. Hard copies of the proposal must be submitted in a sealed envelope that is clearly marked "Proposal for Taos Pueblo Tribal Prosecutor." If mail delivery is used, the proposer should mail the proposal early enough to ensure arrival by this deadline. The proposer uses mail or courier service at his/her own risk. Taos Pueblo will not be liable or responsible for any late delivery of proposals. Postmarks will not be accepted. Until award of the contract, proposals shall be held in confidence and shall not be available for public review. No proposal shall be returned after the date and time set for opening thereof. Taos Pueblo CMS reserves the right to reject any or all proposals and/to waive any information in the proposal process.

Eleventh Judicial District Attorney's Office, Div II

The McKinley County District Attorney's Office, Gallup, New Mexico is seeking resumes for two (2) Assistant Trial Attorney and (3) Senior Trial Attorney positions. Senior Trial Attorney position requires substantial knowledge and experience in criminal prosecution, rules of criminal procedure and rules of evidence. Admission to the New Mexico State Bar preferred, but will consider applicants who are eligible to be admitted by reciprocity. The District Attorney elect is also seeking resumes for a DUI Task Force Attorney. This position must be New Mexico and Navajo Nation Licensed. Former position is ideal for persons who recently took the NM bar exam. The McKinley County District Attorney's Office provides regular courtroom practice and a supportive and collegial work environment. Enjoy the spectacular outdoors in the Adventure Capital of New Mexico. Salaries are negotiable based on experience. Submit letter of interest and resume to District Attorney elect Bernadine Martin, Office of the District Attorney, 201 West Hill, Suite 100, Gallup, NM 87301, or e-mail letter to bernadinem25@gmail.com. Positions to commence on January 2, 2021 and will remain opened until filled.

Taos Pueblo Tribal Conflict Public Defender – RFP

Notice is hereby given that Taos Pueblo Tribal Court calls for Proposals for: RFP # 2020-6: Proposal for Taos Pueblo Tribal Conflict Public Defender. Interested parties may secure a copy of the Proposal Packet from Volaura Mondragon, Taos Pueblo Tribal Court, 195 Rio Lucero, Taos Pueblo, New Mexico 87571, (575) 751-0488, ext. 201 or via email by sending a request to vmondragon@taospueblo.com. Proposals must be received no later than January 22, 2021 at 4:00 P.M. and submitted to: Taos Pueblo Central Management System; ATTN: Taos Pueblo Tribal Court: Volaura Mondragon; 1075 Veterans Highway; P.O. Box 1846; Taos, New Mexico 87571 or via email to vmondragon@taospueblo.com. Hard copies of the proposal must be submitted in a sealed envelope that is clearly marked "Proposal for Taos Pueblo Tribal Conflict Public Defender." If mail delivery is used, the proposer should mail the proposal early enough to ensure arrival by this deadline. The proposer uses mail or courier service at his/her own risk. Taos Pueblo will not be liable or responsible for any late delivery of proposals. Postmarks will not be accepted. Until award of the contract, proposals shall be held in confidence and shall not be available for public review. No proposal shall be returned after the date and time set for opening thereof. Taos Pueblo CMS reserves the right to reject any or all proposals and/to waive any information in the proposal process. Taos Pueblo CMS reserves the right to reject any or all proposals and/to waive any information in the proposal process. GENERAL CONDITIONS: This Request for Proposal (RFP) does not commit Taos Pueblo to award a contract to pay any costs incurred in the preparation of the proposal in response to this request, or to procure or contract for services or supplies. Taos Pueblo expressly reserve the right to reject any and all proposals or to waive any irregularity or information in any proposal or in the RFP procedure and to be the sole judge of the responsibility of any proposer and of the suitability of the materials and/or services to be rendered. Taos Pueblo reserve the right to modify the RFP schedule described above.

Associate Attorney

Tucker, Yoder & Associates, LLC Farmington, NM. Must have 3-4 years of attorney experience including litigation and must be able to manage a case load involving injury, domestic relations and criminal charges. Must be licensed in New Mexico and familiar with state and federal rules. Excellent writing, legal research and communications skills are a must. Salary determined upon review of experience. Please email resumes to: sarah@tuckeryoderlaw.com or mail to: Tucker, Yoder & Associates, Attn: Sarah Foust, 105 North Orchard Ave., Farmington, NM 87401

Managing Attorney

The Law Offices of the Public Defender has a great opportunity for the right attorney! Are you the one? This person can step immediately into a Managing Attorney position in the Hobbs, New Mexico, LOPD office. In addition to supervising the office, the Managing Attorney will carry a caseload and provide professional level services representing juvenile and adult indigent clients, handle highly complex appeals or serve as lead counsel for serious violent felony or appeals and other highly complex litigation cases. The average salary for Managing Attorneys is \$44.67 hourly/ \$92, 913.60/annually. This position is also eligible for geographical pay \$3.75/hourly. About Hobbs: If you enjoy the warmth of a "small-town," you will feel right at home here; Hobbs, located four miles from the Texas border, is a community of about 36,000 residents. It has the largest oil and gas reserves in the world as well as a strong ranching and agriculture community. Additionally, the Hobbs economy has diversified into wind, solar, nuclear, health care and tourism. Weather is temperate all year long with lots of blue sky beckoning to outdoor activities – bicycling, running and fishing, among others. Golfweek named Hobbs' Rockwind Community Links the second best course in New Mexico. Hobbs comes alive with even more excitement during its annual fall horse racing. Additional features of the quality of living experienced in Hobbs includes a state-of-the-art recreational center, and the annual Jack Maddox Distinguished Lecture Series that has included such distinguished speakers as: Laura Bush, Kareem Abdul Jabar, Ben Carson and Condoleezza Rice. Hobbs is the home of the University of the Southwest, the New Mexico Junior College and two new elementary schools. For more information and to apply for this position, go to <https://www.governmentjobs.com/careers/lopdnm>.

Full-Time Associate Attorney

Egolf + Ferlic + Martinez + Harwood, LLC, located in downtown Santa Fe, seeks an exemplary associate attorney for its plaintiff's litigation and civil rights practice group. The ideal candidate will have excellent research and writing skills and wants to join a fast-paced litigation team working to achieve outstanding results for our clients. Candidate must be a self-starter, appreciate the importance of the Oxford comma. Ability to work collaboratively in a team environment is a must. New Mexico licensure is required; a clerkship or 2 plus years of litigation experience is desired. The Firm offers a competitive salary, bonus and benefits package with opportunities for future growth. Resumes and writing samples should be sent to Annette@EgolfLaw.com.

Taos Pueblo Tribal Public Defender – RFP

Notice is hereby given that Taos Pueblo Tribal Court calls for Proposals for: RFP # 2020-5: Proposal for Taos Pueblo Tribal Public Defender. Interested parties may secure a copy of the Proposal Packet from Volaura Mondragon, Taos Pueblo Tribal Court, 195 Rio Lucero, Taos Pueblo, New Mexico 87571, (575) 751-0488, ext. 201 or via email by sending a request to vmondragon@taospueblo.com. Proposals must be received no later than January 22, 2021 at 4:00 P.M. and submitted to: Taos Pueblo Central Management System; ATTN: Taos Pueblo Tribal Court: Volaura Mondragon; 1075 Veterans Highway; P.O. Box 1846; Taos, New Mexico 87571 or via email to vmondragon@taospueblo.com. Hard copies of the proposal must be submitted in a sealed envelope that is clearly marked "Proposal for Taos Pueblo Tribal Public Defender." If mail delivery is used, the proposer should mail the proposal early enough to ensure arrival by this deadline. The proposer uses mail or courier service at his/her own risk. Taos Pueblo will not be liable or responsible for any late delivery of proposals. Postmarks will not be accepted. Until award of the contract, proposals shall be held in confidence and shall not be available for public review. No proposal shall be returned after the date and time set for opening thereof. Taos Pueblo CMS reserves the right to reject any or all proposals and/to waive any information in the proposal process.

Associate Attorney and Paralegal

Law Offices of Lynda Latta, LLC seeks an associate attorney and a paralegal for a fast-paced law firm specializing in family law and criminal misdemeanor defense. Excellent computer and communication skills, ability to multitask and being a good team player are all required. Pay DOE. Send resume via mail to 715 Tijeras Ave. NW, 87102 or email: holly@lyndalatta.com

Legal Assistant

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

Paralegal

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>.

Temporary Part Time and Full Time Paralegal

ATA Services is currently seeking highly qualified temporary part time and full time Paralegal II to work on an assignment in Santa Fe and Albuquerque. Work Summary: Employees in this role coordinates administrative support activities and deals with public businesses and other organizations. Employees, under the guidance and direction of an attorney: develop reporting procedures, identify and describe legal problem areas, and inform public as to legal avenues available; keep accurate files of correspondence and materials relating to cases; make investigations, procedure evidence, take statements of witness and prepare affidavits; notarize documents and files in court records; develop and maintain case files; prepare drafts of proposed rules, regulations and resolutions; determine eligibility for representation; search records and deeds; serve summonses, subpoenas and papers Minimum Qualifications: High school or GED and a minimum of three (3) years of experience as a Certified Paralegal. ATA Services, Inc is an Equal Opportunity/Affirmative Action Employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, age, protected veteran status, or disability status. Salary: \$25.00 /hour. For more information and to apply Veronica Gutierrez at 505-881-1724 or vgutierrez@ataservices.net.

Litigation Secretary – Albuquerque, New Mexico

The Albuquerque office of Lewis Brisbois Bisgaard & Smith LLP is seeking a Litigation Secretary with 3+ years' experience in the various areas of insurance defense. This full-time position requires knowledge of State and Federal court procedures, court rules, e-filing procedures, and docketing. Experience working with insurance companies is always a plus. ATTRIBUTES: Self-starter who can work with little supervision, be extremely organized and very detail oriented; Ability to multi-task effectively and prioritize incoming work to meet deadlines; Demonstrate a professional demeanor and customer service approach during busy times. TECHNICAL QUALIFICATIONS: Advanced computer skills with Windows, Word, Excel, PowerPoint, and Outlook; Proficient with document management software, docketing and records management systems. Contact: Please email your cover letter and resume to phxrecruiter@LewisBrisbois.com and include "Albuquerque Litigation Secretary" in the subject line. Lewis Brisbois offers a compensation and benefits package including health, dental and vision insurance, vacation and sick leave, 401k and more!

Experienced Paralegal - Santa Fe

Full-time experienced paralegal needed for 5-attorney intensive diverse civil litigation practice. We are looking for someone who can perform under pressure and work as a dependable, positive team member. Must have fluency in or be willing to learn calendaring software, MS Word, Outlook, Excel and state/federal court rules and procedures. Competitive salary and benefits based on skills and experience, and 401k. Fun fast-paced work atmosphere with fair expectations. Reply in confidence to: qsimons@simonsfirm.com or to The Simons Firm, LLP, P.O. Box 5333, Santa Fe, NM 87502-5333.

Office Assistant

Matthews Fox, P.C. is a two-lawyer firm concentrating on education and administrative law. We seek a reliable, organized, detail-oriented person to administer our Santa Fe office on a part-time basis. Successful candidate must be skilled in Timeslips, QuickBooks, Microsoft Office 2013 (Word, Outlook, Excel), and Adobe Acrobat. Fundamental bookkeeping abilities required. Sense of humor and positive attitude a must! We offer competitive compensation and benefits. Email letter of interest and resume with references to sfox@matthewsfox.com, and include "Office Assistant" in the subject line.

Full-Time Paralegal

Egolf + Ferlic + Martinez + Harwood LLC is hiring a full-time paralegal position. The Firm is based in downtown Santa Fe but represents clients throughout the state. Ideal candidate will show initiative, demonstrate attention to detail and organization, and work well under pressure. They must be able to communicate well with others, while also being able to work independently. Litigation experience a plus! For the right candidate, the Firm is willing to train individuals with related experience or education. The Firm offers a competitive salary and benefits package that includes healthcare, life insurance & retirement match. Interested candidates should submit a resume to Annette@EgolfLaw.com

Legal Secretary/Legal Assistant

Hinkle Shanor LLP is hiring a legal secretary/legal assistant for a busy medical malpractice defense group in its Santa Fe office. Applicants must have strong typing and computer skills. Experience in calendaring deadlines and court filings in all courts is required. Duties include reviewing, responding to and processing e-mails on a daily basis, reviewing correspondence and pleadings, keeping all files and filing up to date, scheduling depositions, management of electronic files and opening of new files. Familiarity with LMS time and billing software for time entry is a plus. Please send resume and letter of interest to gromero@hinklelawfirm.com.

Paralegal

Civil litigation firm seeking Paralegal with minimum of 3- 5 years' experience, including current working knowledge of State and Federal District Court rules and filing procedures, trial preparation, document and case management, calendaring, 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

Services

Legal Writing and Research Services

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

Office Space

Downtown Office Space For Lease:

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

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.

Miscellaneous

Want To Purchase

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

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

The publication schedule can be found at
www.nmbar.org/BarBulletin.



DPC DIGITAL PRINT CENTER



**Where Quality and
Customer Service Matters!**



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

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

Ask about your Member Discount

Marcia Ulibarri, Advertising and Sales Manager
505-797-6058 • mulibarri@nmbar.org



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



ARTURO L. JARAMILLO

Summer Law Clerk Program

- ☒ Does your firm, business, or organization want to be part of an ABA Awarded program? It's the only one of its kind in the country!
- ☒ Do you want to help ignite first year law student's passion in your field of law?
- ☒ Are you committed to promoting diversity and inclusion through the membership of the State Bar?

If you answered yes to one or all of these questions, then participating in the **Arturo Jaramillo Clerkship Program** can help accomplish these goals! Arturo L. Jaramillo, the first Hispanic president of the State Bar of New Mexico, developed the Summer Law Clerk Program ("Program") in 1993 to offer first year law students of diverse backgrounds the opportunity to clerk in legal settings that provide a foundation for the students' law careers and to promote equal employment opportunities for persons who have historically been under-represented in the legal profession. The Program creates employment opportunities in medium and large law firms, state and local public agencies, and corporate law departments in New Mexico by providing a summer law clerk experience for motivated and deserving law students who meet the programs eligibility criteria.

To learn more, please contact the organizer of the event!



mo@saucedochavez.com

