

BAR BULLETIN

May 26, 2021 • Volume 60, No. 10



Desert Floral by Janine Wilson (see page 3)

www.janinewilsonart.com/

Inside This Issue

New Mexico Commission on Access to Justice:	
Housing Help and Protection During COVID-19.....	9
New Mexico Civil Legal Service Providers.....	10
Equal Access to Justice:	
Thank You, Defenders of Justice.....	13

<i>Getting Down to Business About Sleep in the</i>	
<i>Legal Profession</i> by Laura Mahr	15
Clerk's Certificates	19
From the New Mexico Court of Appeals	
2020-NMCA-021: State v. Salazar	20
2020-NMCA-022: State v. Gonzales.....	23

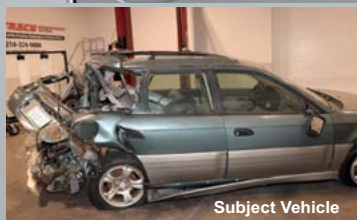
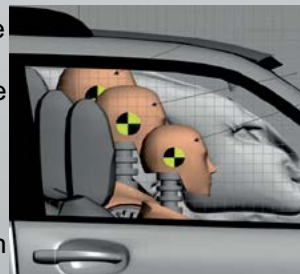
CRASHWORTHINESS:

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



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

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



Subject Vehicle

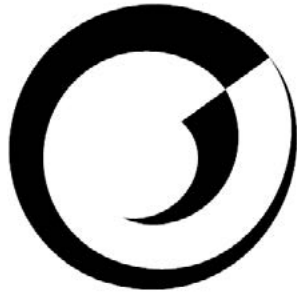


Test Vehicle



4701 Bengal Street, Dallas, Texas 75235

214-324-9000



ALB

PAIN MANAGEMENT & SPINE CARE

www.albpainclinic.com

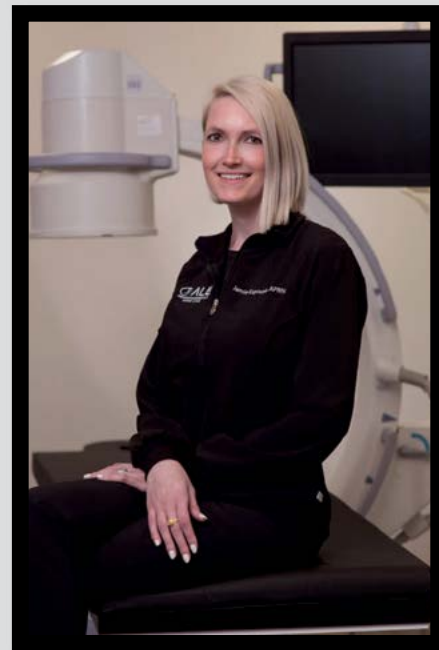
ALB Pain Management & Spine Care (APMSC) is dedicated to the diagnosis and treatment of pain conditions related to an automobile accident. APMSC specializes in interventional pain medicine and neurology. Our providers are dedicated to restoring the health and comfort of our patients. Our mission is to provide the best evidence-based treatment options in an environment where patients will experience first-class medical care with compassionate staff.

Letters of protection accepted.



Aldo F. Berti, MD

Board Certified in Pain Medicine & Neurology



Jamie Espinosa, APRN

**4620 Jefferson Lane NE
Suites A & B
Albuquerque, NM 87109**

**Phone: (505) 800-7885
Fax: (505) 800-7677
info@albpainclinic.com**

Table of Contents

Notices	5
Court of Appeals Opinions List.....	8
New Mexico Commission on Access to Justice:	
Housing Help and Protection During COVID-19	9
New Mexico Civil Legal Service Providers.....	10
Equal Access to Justice: Thank You, Defenders of Justice	13
<i>Getting Down to Business About Sleep in the Legal Profession</i> by Laura Mahr	15
Calendar of Legal Education	17
Clerk's Certificates	19

From the New Mexico Court of Appeals

2020-NMCA-019: Goodman v. OS Restaurant Servs. LLC	20
2020-NMCA-020: McDonald v. Zimmer Inc.	23
Advertising	28

Meetings

May

26
Natural Resources, Energy and Environmental Law Section Board
Noon, teleconference

27
Elder Law Section Board
Noon, teleconference

27
Trial Practice Section Board
Noon, teleconference

28
Cannabis Law Section Board
9 a.m., teleconference

28
Immigration Law Section Board
Noon, teleconference

June

1
Health Law Section Board
9 a.m., teleconference

2
Employment and Labor Law Section Board
Noon, teleconference

Workshops and Legal Clinics

May

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

27
Common Legal Issues for Senior Citizens Workshop
11 a.m.-noon, Video Conference
For more details and to register, call 505-797-6005

June

2
Divorce Options Workshop
6-8 p.m., Video Conference
For more details and to register, call 505-797-6022

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

24
Common Legal Issues for Senior Citizens Workshop
11 a.m.-noon, Video Conference
For more details and to register, call 505-797-6005



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

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	Debra 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@sbnm.org
Account Executive Marcia C. Ulibarri
505-797-6058 • mulibarri@sbnm.org
Communications Coordinator Cassandra Scott
505-797-6040 • notices@sbnm.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.sbnm.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@sbnm.org

May 26, 2021 • Vol. 60, No. 10

www.sbnm.org



About Cover Image and Artist: Janine Wilson is attracted to repeating shapes and patterns and how they interact with each other. Strong color and design are evident in her art, whether it is acrylic, watercolor or photography. She has studied with several nationally known painters and is a member of Rainbow Artists, the Yucca Branch of the National League of American Pen Women and is a Signature member of the New Mexico Watercolor Society.

Notices

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

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

Supreme Court Law Library

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

New Mexico Supreme Court Announcement of Vacancy

A vacancy on the Supreme Court will exist as of July 1 due to the retirement of the Honorable Senior Supreme Court Justice Barbara Vigil, effective June 30. Inquiries regarding the details or assignment of this judicial vacancy should be directed to the administrator of the court. Sergio Pareja, chair of the Supreme Court Judicial 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 was Friday, May 21 by 5 p.m. Applicants seeking information regarding election or retention if appointed should contact the Bureau of Elections in the Office of the Secretary of State. The New Mexico Supreme Court Judicial Nominating Commission will convene beginning at 9 a.m. on Thursday, June 17 and 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

Professionalism Tip

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

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

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:

Topic: New Mexico Supreme Court Judicial Nominating Commission Meeting

Time: Thursday, June 17 at 9 a.m.

Join Zoom Meeting

<https://unm.zoom.us/j/379615447?pwd=M3lSVGxuSEkrSjd4cExlVXYWk3MzQT09>

Meeting ID: 379 615 447

Password: 72146

Second Judicial District Court Civil Division XII Announcement of Applicants

Six applications were received in the Judicial Selection Office at 5 p.m. on May 6. The vacancy occurred due to the retirement of the Honorable Judge Clay Campbell, effective May 1. Inquiries regarding the details or assignment of this judicial vacancy should be directed to the administrator of the court. The Second Judicial District Court Judicial Nominating Commission will convene beginning at 9 a.m. on May 27, and will occur exclusively by Zoom. The commission meeting is open to the public, and anyone who wishes to be heard about any of the applicants will have an opportunity to be heard. If you would like the Zoom invitation emailed to you, please contact Beverly Akin by email at akin@law.unm.edu. Alternatively, you may find the Zoom information for this hearing below. The names of the applicants in alphabetical order: **Lalita Devarakonda, Denise Soto Hall, Elaine P. Lujan, Sean Patrick McAfee, Feliz Angelica Rael and Karl William Reifsteck**. Please change your zoom screen to your first, last name to be admitted.

Topic: Second Judicial District Court Civil Division XII Judicial Nominating Commission Meeting

Date: Thursday, May 27, 2021

Time: 9 a.m.

Join Zoom Meeting: <https://unm.zoom.us/j/379615447?pwd=M3lSVGxuSEkrS>

jd4cExlVXYWk3MzQT09

Meeting ID: 379 615 447

Password: 72146

Destruction of Exhibits:

Pursuant to 1.21.2.6.17 FRRDS (Records Retention and Disposition Schedules-Exhibits), the Second Judicial District Court will destroy exhibits filed with the court, the domestic (DM/DV) for the years of 2014 to 2019 including but not limited to cases which have been consolidated. Cases on appeal are excluded. Parties are advised that exhibits may be retrieved beginning April 28 through May 28. Should you have cases with exhibits, please verify exhibit information with the Special Services Division, at 505-841-6717, from 8:30 a.m. to 4 p.m., Monday through Friday. Plaintiff's exhibits will be released to counsel for the plaintiff(s) or plaintiffs themselves and defendant's exhibits will be released to counsel of record for defendants(s) or defendants themselves by order of the court. All exhibits will be released in their entirety. Exhibits not claimed by the allotted time will be considered abandoned and will be destroyed by order of the court.

STATE BAR NEWS COVID-19 Pandemic Updates

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

Board of Bar Commissioners Meeting Summary

The Board of Bar Commissioners for the State Bar met virtually on April 16. Action taken at the meeting follows:

- Approved the Feb. 5 meeting minutes;
- Chief Justice Michael Vigil conducted a virtual swearing-in for the new and recently appointed Board of Bar Commissioners members, including Allison H. Block-Chavez, 2nd Judicial District; Robert Lara, 3rd and 6th Judicial Districts; Elias Barela and Jesus L. Lopez, 7th and 13th Judicial Districts; Mitchell Mender, 9th and 10th Judicial Districts; Michael Eshleman, Out-of-State District; Shasta N. Inman, Young Lawyers Division Chair; and Angela Minefee, Paralegal Division Liaison;
- Referred the Memorandum of Understanding between the State Bar and the N.M. State Bar Foundation to the executive committee of the State Bar to update with the Bar Foundation pursuant to the new bylaws;
- Pursuant to the Communications Plan, received elevator pitches on activities and programs for the Board's information in communicating with constituents;
- Reviewed updates to the Strategic Plan;
- Approved a sponsorship for the UNM School of Law Annual Golf Classic;
- Approved revisions to the Executive Director Compensation and Evaluation Policies to include the secretary-treasurer on the committee;
- Approved the Professional Practice Program Advisory Committee members;
- Appointed Luz Valverde from the First Congressional District to the New Mexico Legal Aid Board for three-year term;
- Appointed Chad Abeyta to the DNA-People's Legal Services Board for a four-year term;
- Appointed Shasta N. Inman as the young lawyer delegate to the ABA House of Delegates for a two-year term through the 2023 ABA Annual Meeting;
- Received a report on the Executive Committee which met to review the meeting agenda, the MOU, recruitment and appointments and the Board President's role with the Bar Foundation Board;
- Received a report from the Finance Committee and accepted the February 2021 financials, discussed the

Client Protection Fund assessment, reviewed an updated list of 2021 Recurring ACH Payments, and received updates on the licensing and MCLE compliance, as well as an audit update;

- Received a report from the Policy and Bylaws Committee and approved an amendment to the Cannabis Law Section's bylaws to increase the attorney members on their board from 5 to 6; also received the committee's 2021 priorities;
- Received a report from the Regulatory Committee and approved four requests for MCLE self-study credit from the Disciplinary Board, the Medical Review Committee, the Client Protection Fund Commission, and the Ethics Advisory Committee;
- Received reports from the Member Services Committee and Special Committee on Sections;
- Received an update from the Governmental Affairs Committee regarding section lobbying activity;
- Received an update on the Family Law Section;
- Received an update on the NM State Bar Foundation Board, which has met twice this year and discussed communication between the State Bar President and the Bar Foundation Board, which will be addressed in the MOU;
- Received an update on the new Association Management System and revamped website;
- Received a report on ABA Day and virtual meetings with New Mexico's congressional delegation, Well-Being Week in the Law, and the 2021 Annual Meeting, which will be held virtually on Oct. 8; it will be free to all members and is anticipated to be a hybrid event with limited in-person attendance;
- Received a report on the ABA Bar Leadership Institute which was attended by the president-elect and secretary-treasurer;
- Received an update on the Judicial Clerkship Program; and
- Discussed recruitment on the Board and appointments that the Board makes and created an internal recruitment committee of the Board.

Note: The minutes in their entirety will be available on the State Bar's website following approval by the board at the June 11 meeting.

— *Featured* —

Member Benefit



Defined Fitness offers State Bar members, their employees and immediate family members a discounted rate. Memberships include access to all five club locations, group fitness classes and free supervised child care. All locations offer aquatics complex (indoor pool, steam room, sauna and hot tub), state-of-the-art equipment, and personal training services. Bring proof of State Bar membership to any Defined Fitness location to sign up.
www.defined.com.

New Mexico Judges and Lawyers Assistance Program

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

Monday Night Attorney Support Group

- May 31 at 5:30 p.m.
- June 7 at 5:30 p.m.
- June 14 at 5:30 p.m.

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

NMJLAP Committee Meetings

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

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

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

Employee Assistance Program Managing Stress Tool for Members

NMJLAP contracts with The Solutions Group, The State Bar's EAP service, to bring you the following: FOUR FREE counseling sessions per issue, per year. This EAP service is designed to support you and your direct family members by offering free, confidential counseling services. Want to improve how you manage stress at home and at work? StressStop.com, an online suite of stress management and resilience-building resources, will help you improve your overall well-

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

N.M. Well-Being Committee

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

2021 Campaign - What a Healthy Lawyer Looks Like

N.M. Well-Being Committee Meetings:

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

Upcoming Legal Well-Being in Action Podcast Release Dates:

- May 26: Discussion on Sleep
- June 23: Hobbies – What are you doing for fun?

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>.

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 April 30, 2021

UNPUBLISHED OPINIONS

A-1-CA-38273	State v. E Longoria-Arroyo	Affirm	04/26/2021
A-1-CA-38299	State v. C Lucero	Affirm/Vacate/Remand	04/26/2021
A-1-CA-38397	State v. N Guillen	Affirm	04/27/2021
A-1-CA-37512	H Mesfin v. Southwest Airlines	Affirm	04/29/2021
A-1-CA-38205	M Reeves-Evins v. D Daniel	Affirm	04/30/2021

Effective May 7, 2021

PUBLISHED OPINIONS

A-1-CA-37168	S Day-Peck v. M Threet	Affirm	05/04/2021
A-1-CA-37715	State v. J Young	Reverse/Remand	05/05/2021

UNPUBLISHED OPINIONS

A-1-CA-37896	Shoudt v. New Mexico Taxation & Revenue	Dismiss	05/03/2021
A-1-CA-37333	State v. T Munir	Affirm/Reverse/Remand	05/04/2021
A-1-CA-37696	In the Matter of S. LeBeau	Affirm	05/04/2021
A-1-CA-37997	State v. J Miranda-Aguirre	Affirm	05/06/2021

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

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



Housing Help and Protection During COVID-19

The pandemic has created a number of challenges for New Mexicans. One of the most serious is a potential housing crisis as people experience economic hardship and are unable to make rent or mortgage payments. Both eviction and foreclosure cases are predicted to surge in New Mexico once state and federal protections are lifted.

The New Mexico Commission on Access to Justice has been working over the course of the pandemic to make sure that people know about housing protections and rental assistance. We are also asking attorneys to provide pro bono help in housing cases to ensure that people know their rights and are able to access assistance if they qualify.

► New Mexico Supreme Court Eviction Stay

New Mexico Supreme Court Order No 2020-8500-007 requires all judges to stay evictions in cases where a tenant proves they cannot pay rent. This stay is still in place and has been in place since March 2020. It is important that tenants know they are not automatically protected by the stay, however. They must go to their hearing and prove that they cannot pay rent to receive protection under the Court's Order.

The Supreme Court Order is available at <https://cutt.ly/GbLpBd6> (or visit www.nmcourts.gov/covid-19/ and click the "Orders" drop down)

► Federal Foreclosure Protections

Various federal housing agencies have forbearance options in place for people with mortgage loans that are backed by HUD/FHA, VA, USDA, Fannie Mae, or Freddie Mac. A forbearance allows a home-owner to pause their mortgage payments for a period of time without the threat of foreclosure. For loans backed by HUD/FHA, USDA, or VA, the deadline for requesting an initial forbearance is June 30, 2021. For loans backed by Fannie Mae or Freddie Mac, there is not currently a deadline for requesting an initial forbearance. These forbearances can last between twelve and eighteen months depending on the type of loan. For more information about forbearance options for federally-backed mortgages, see <https://cutt.ly/CbnvZ47>. Many private lenders also have forbearance options at this time. Homeowners with non-federally backed loans should also talk with their lenders if they are not able to make mortgage payments due to COVID-related hardship.

► Rental Assistance

The federal coronavirus relief bill passed and signed in December 2020 allocated \$220 million dollars to New Mexico for rental assistance. This money is available statewide now for people who have experienced job loss or reduction in income due to COVID-19 and can be used to pay up to fifteen months of unpaid, current and future rent and utilities. Funding may also be available for other housing-related expenses incurred directly or indirectly due to the COVID-19 outbreak. For more information and to apply, visit <https://www.renthelpnm.org>.

It is particularly important that tenants with stayed eviction orders apply if they meet the criteria. It is also important for landlords to be aware of this assistance so they can refer tenants who are struggling to pay rent. The rental assistance is paid directly to landlords. We encourage you to spread the word about this rental assistance so that all New Mexicans who might benefit from it know about it and apply.



New Mexico Civil Legal Service Providers

The New Mexico Commission on Access to Justice works collaboratively with civil legal service providers in New Mexico. We are including information about some of these providers for members of the State Bar to share with people in their communities who may need civil legal assistance or information about resources. The civil legal services providers help low-income New Mexicans meet basic human needs such as health, safety, education, housing, child custody and financial stability.

General

New Mexico Legal Aid

Helps low-income families secure and maintain public benefits, affordable housing, safety for domestic violence victims and their children and protection from consumer fraud. Services include a statewide legal helpline, legal representation, outreach, education, training, and pro se clinics.

Service Area: Statewide

Tel: 866-416-1922 • Website: newmexicolegalaid.org

NM Center on Law and Poverty

Systemic advocacy & related legal services to improve living conditions, increase opportunities, and protect the rights of people living in poverty. The Center provides advocacy, education and litigation across a broad range of issues including healthcare, public benefits, housing, fair lending, workers' rights, and public education.

Service area: Statewide

Tel: 505-255-2840 • Website: nmpovertylaw.org

Children & Youth

Pegasus Legal Services for Children

Services to at-risk children & youth including guardianship, homelessness, education, & teen parents.

Service Area: Statewide

Tel: 505-244-1101 • Website: pegasuslaw.org

Disabilities

Disability Rights New Mexico

Individual and system advocacy for persons with disabilities to resolve disability rights problems; advocacy and training to promote, protect and expand the rights of persons with disabilities.

Service Area: Statewide

Tel: 505-256-3100 Website: drnm.org

Homeowners

United South Broadway Fair Lending Center

Direct legal representation and educational workshops for homeowners at risk of losing their homes to foreclosure. Consumer education and advocacy on fair housing and fair lending issues.

Service Area: Statewide

Tel: 505-764-8867 • Website: unitedsouthbroadway.org

Immigrants

Catholic Charities

1. Center for Immigration and Citizenship Legal Assistance:

Low cost immigration legal services, including family-based petitions, DACA, and citizenship.

Tel: 505-724-4600

2. Domestic Violence and Sexual Assault Survivor Immigration Services (DVSASIS):

Free representation for immigrant victims of domestic violence, sexual assault, and child sexual abuse.

Service Area: Albuquerque metro

Tel: 505-724-4649 • Website: ccasfnm.org

Catholic Charities of Southern NM

1. Immigrants

Full service bi-lingual provider of immigration legal services including asylum cases, defense of deportation, family-based petitions, DACA, and citizenship. We charge modest fees for legal services and many of our clients qualify for pro bono services.

Service Area: Ten (10) southern counties of the State of New Mexico

Tel: 575-527-0500

2. Victims of Domestic Violence/Sexual Assault

In partnership with La Casa, Inc., we provide free bi-lingual legal assistance to victims of crimes including domestic violence and sexual assault. Expertise in U-Visa and VAWA petitions as well as assisting victims of human trafficking.

Service Area: Ten (10) southern counties of the State of New Mexico

Tel: 575-527-0500

NM Immigrant Law Center

Legal assistance to asylum seekers, unaccompanied minors, and low-income immigrants facing separation due to deportation.

Service Area: Statewide

Website: nmilc.org

Native Americans

DNA People's Legal Services

DNA is an acronym for the Navajo phrase Dinébe'íiná Náhiłna be Agha'diit'ahii which means "attorneys who work for the economic revitalization of The People". DNA – People's Legal Services serves low income individuals across the Navajo, Hopi, and Jicarilla Apache Nations, and in parts of New Mexico, Northern Arizona, and Southern Utah. Office Locations: Window Rock Arizona, Chinle Arizona, Hopi Arizona, Tuba City Arizona, Flagstaff Arizona, Farmington New Mexico.

Executive Director: Rodolfo D. Sanchez

Toll Free Telephone Intake: 833-362-1102 • Website: www.dnalegalservices.org

DNA's Online Application:

<https://dnalegalservices.org/get-legal-help/>

Native American Disability Law Center

Advocates for legal rights of Native Americans with disabilities.

Service Area: Four Corners

Tel: 800-862-7271 • Website: natedisabilitylaw.org

Seniors

Senior Citizens' Law Office

Civil legal services, including direct representation, systemic advocacy, outreach and education, for persons aged 60 and older in Bernalillo County, and persons aged 60 and older with income restrictions in Torrance, Valencia, and Sandoval Counties.

Service Area: Central New Mexico

Tel: 505-265-2300 • Website: sclonm.org

Legal Resources for the Elderly Program (LREP)

LREP is a free legal helpline for New Mexico residents age 55 and older. LREP has no income restrictions and offers assistance in most civil legal matters. If a problem cannot be resolved through the helpline, referrals to private attorneys (pro bono, reduced-fee or full-fee basis) may be provided.

Service area: Statewide

Phone: 505-797-6005 • 1-800-876-6657

Website: www.sbnm.org • Direct link to the LREP Webpage: www.sbnm.org/lrep

Victims of Domestic Violence

Enlace Comunitario

Provides civil legal services to victims of domestic violence in Central NM, including: legal representation for domestic matters and orders of protection; and outreach and education. All individuals in need of domestic violence services are welcome, however because of the dire need for bilingual services (Spanish/English), Latino immigrants are prioritized.

Service Area: Albuquerque metro

Tel: 505-243-8972 • Website: enlacenm.org

Women & Girls

Southwest Women's Law Center

Supports women and girls in New Mexico through legislative advocacy, pro bono engagement, legal research and reporting and coalition building.

Service Area: Statewide

Tel: 505-244-0502 • Website: swwomenslaw.org

KWH Law Center

From its offices located in Albuquerque, KWH Law Center for Social Justice and Change uses legal assistance, advocacy, administrative and other remedies to protect and support the legal rights of women, children, families with children.

Service Area: Statewide

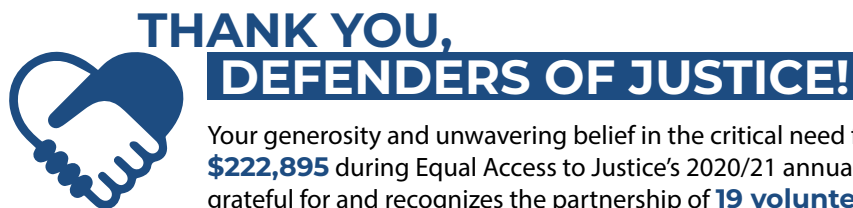
Tel: 505-205-0868 • www.kwhlawcenter.org



Equal Access to Justice

For over 30 years, Equal Access to Justice (EAJ) has been funding justice for all, in collaboration with **New Mexico Legal Aid, New Mexico Center on Law & Poverty, and DNA-People's Legal Services**. Contributions to EAJ help increase access to justice for New Mexicans by providing unrestricted, noncompetitive funds to these organizations that, collectively, meet critical legal needs by providing legal information, direct representation, and systemic advocacy. **The end result is more families staying in their homes, more workers receiving the pay they've earned, more children accessing the education they deserve, more people being protected from their abusers, and more seniors receiving much-needed healthcare.**

Learn more by visiting: www.eaj-nm.org



Your generosity and unwavering belief in the critical need for civil legal services helped raise **\$222,895** during Equal Access to Justice's 2020/21 annual campaign! EAJ's Board of Directors is grateful for and recognizes the partnership of **19 volunteer committee members** and **317 attorneys, law firms, and other concerned community members that came together to support the critical civil legal needs in our state**. Civil legal aid and advocacy are **vital components** of the public response to and recovery from the current health and associated economic crises.

EAJ Campaign Committee

Dan Akenhead, Miller Stratvert*
Mikal Melissa Altomare, Assistant City Attorney, City of Albuquerque*
Susan Miller Bisong, Modrall, Sperling, Roehl, Harris & Sisk, PA*
Amy Brown, Adelante Consulting & Retired Attorney*
Susan G. Chappell, Susan G. Chappell Law Firm*
Bruce Cottrell, (Retired) Los Alamos National Laboratories*
Lewis G. Creekmore, New Mexico Legal Aid*
David Freedman, Freedman, Boyd, Hollander, Goldberg, Urias & Ward, PA
Peter Ives, Department of Cultural Affairs

M. Karen Kilgore, Cuddy & McCarthy, LLC*
Barbara Koenig, (Retired) Jackson, Loman, Stanford & Downey, PC
Alisa Lauer, The Spence Law Firm
Sireesha Manne, NM Center on Law & Poverty*
Ed Marks, Retired, Former NMLA Executive Director
Erin K. McSherry, City of Santa Fe
Charles ("Kip") Purcell, Rodey, Dickason, Sloan, Akin & Robb, PA*
Rodolfo D. Sanchez, DNA-People's Legal Services*
David Stout, UNM School of Law
Senator Bill Tallman

Asterisk () indicates members of the EAJ Board of Directors*

Special thanks to former EAJ director, Rachel N. Rodriguez, for coordinating the 2020/21 Campaign!

Leadership Society

The law firms & solo practitioners listed below are members of the Society at the per attorney levels indicated.

Special thanks to **Rodey, Dickason, Sloan, Akin & Robb** and **Modrall, Sperling, Roehl, Harris & Sisk**, which have continued to lead the state in their contributions. Their steadfast commitment to and support for New Mexico's civil legal services community is deeply appreciated.

Guardians of Justice (\$500+ per attorney)

Davidson Law Firm, LLC
The Lucero Law Office, LLC
Rodey, Dickason, Sloan, Akin & Robb, PA
The Law Offices of Salazar, Sullivan & Jasionowski

Rebecca Sitterly, LLC
The Spence Law Firm NM, LLC
Susan G. Chappell Law Firm

Champions for Justice (\$250-499 per attorney)

Barnhouse, Keegan, Solimon & West, LLP
Collins & Collins, PC
Eileen R. Mandel, Attorney at Law
Freedman, Boyd, Hollander, Goldberg, Urias & Ward, PA
John B. Pound, LLC
Law Office of Karen Aubrey

Matthews Fox, PC
Martinez, Hart, Thompson & Sanchez, PC
Modrall, Sperling, Roehl, Harris & Sisk, PA
Montgomery & Andrews Law Firm
Walther, Bennett, Mayo, Honeycutt, PC

Advocates for Justice (\$100-249 per attorney)

Atkinson, Baker & Rodriguez, PC
Barudin Law Firm
Chandler Law of Los Alamos
Chestnut Law Offices
Cuddy & McCarthy, LLP
Davis Kelin Law Firm, LLC
Davis Law New Mexico
Elsner Law & Policy, LLC

Geer, Wissel & Levy, PA
Gregory W. Chase, PC
Griego, Guggino & Associates
Harmonson Law Firm
Law Office of Donald D. Vigil
Law Office of Mike Gallegos
Law Offices of Robert P. McNeill
McCartney Law Offices

McConnell Law Firm
Mary Ann Green, Attorney at Law
Myers, McCready & Myers, PC
Rothstein Donatelli, LLP
Tommy D. Parker, PC
The Weaks Law Firm, PC
William D. Teel, Attorney at Law

Friends of Justice (\$5-99 per attorney)

Aldridge, Actkinson & Rutter
Cheryl McLean Law Offices, LLC
Doerr & Knudson, PA
Fine Law Firm
Frye & Kelly, PC
Hunt Law Firm, LLC

Jeffrey Kauffman, Attorney at Law
Law Firm of Jacobs & Jacobs
Lilley & O'Connell, PA
Miller Stratvert, PA
Natelson Law Firm
Peacock Law Firm

Parnall Law Firm
Pregenzer, Baysinger, Wideman & Sale, PC
Sapien Law, LLC

Cy Pres

Special recognition of and thanks to the firm of **Feferman, Warren & Mattison** for directing **cy pres** funds to Equal Access to Justice this year. By directing a cy pres award to civil legal aid and advocacy, they continue to make equal access to justice a reality for New Mexicans.

Individual Leadership Society (Donors listed below contributed \$1,000+ this campaign year)

Paul F. Abrams
Mikal Melissa Altomare
David Arnold
Bidtah Becker and Paul W. Spruhan
Susan Bisong
Honorable Kristina Bogardus & Robert Scott
Jon Boller
Gary F. Brownell

Bruce H. Cottrell
Jane and Norm Gagne
Bradford K. Goodwin
Michael L. Keleher
William R. Keleher
Mary Metzgar, In Memory of Bernie Metzgar
Richard C. Minzner
Lynn Pickard

Kip Purcell and Georgia Will
Honorable Richard Ransom
Edward R. Ricco & Mary Ann Sweeney
Faith R. Roessel & Matthew D. Slater
Charles Seibert
Luis G. Stelzner
Senator Bill Tallman
Deborah K. Woitte

To view the full campaign report, including a complete list of donors, please visit www.eaj-nm.org.

Getting Down To Business *About Sleep* in the Legal Profession

By Laura Mahr

This article originally appeared in the Fall 2019 edition of the North Carolina State Bar Journal. Reprinted with permission.

Sleep and Our Profession

In the past six years of providing resilience coaching and stress reduction training for lawyers, judges, and law school students, one thing is abundantly clear to me: Our profession rates high on stress and low on quality sleep. When I ask my coaching clients and mindfulness students about their sleep habits, many share that they struggle to get a good night's sleep. Some can't fall asleep, others don't stay asleep, others struggle to wake up in the morning. The more neuroscience research proves the benefits of quality of sleep and reveals the connection between physical, mental, and emotional ailments related to sleeplessness, the more the high rates of stress, burnout, depression, anxiety, and addiction in our profession add up.

Sleep fuels our bodies and brains; law demands too much of us to continuously practice on a drained fuel tank. Working chronically tired can lead to ineffective lawyering resulting from making mistakes, missing solutions to problems, forgetting, and acting out emotionally. Bottom line: Bad sleep is bad for our business, even if what is preventing a good night's sleep is a good intention to do well at work.

A Lawyer's Experience

A recently retired lawyer who practiced for 40 years shared that he never slept more than three or four hours at a time. He worked late after his family went to bed and then went to sleep. After a few hours, he awakened with a start, his mind racing through his cases and his to-do list. The only strategy he had to calm his mind was to get up, go to the office, and start his work day at 3:30 a.m.

I asked him in retrospect what would have been helpful for him during those many years of sleepless nights. He replied, "I wish someone had taught me the kinds of tools I'm learning now...like how to calm down with mindfulness." "For most of my career, nobody was talking about sleep or stress or what to do about it...I didn't get the correlation between sleep and productivity. I certainly didn't talk about my sleep problems at work. I didn't want my colleagues or my clients to think that I didn't have what it takes to get my job done right."

The Connection between Restorative Sleep and Effective Client Services

It's useful for us to connect the dots between getting restorative sleep and effective client services. Quality sleep helps us to

learn more quickly and retain what we learn; when we are rested, we think and problem solve more effectively and more creatively, and we feel more motivated. In addition, there's a strong connection between effective leadership and getting enough sleep (*see* bit.ly/1XvbWX1).

It's easy to comprehend the logic that follows: We lawyer and preside over courtrooms better when we learn quickly, retain what we learn, think creatively, and are motivated.

The Downside of Poor Sleep

Conversely, our cognitive functioning declines rapidly with sleep deprivation (*see Neurocognitive Consequences of Sleep Deprivation*, *Semin Neurol.* 2009 Sep.; 29(4): 320–339, available online at bit.ly/2zfpeG). It's compelling for our profession to understand that this neuroscience research shows that while certain parts of our brains can function fairly well on little sleep, the prefrontal cortex—the "executive functioning" part of our brain that does our lawyering (reasoning, organizing, planning, and problem solving)—struggles greatly with sleep deprivation. The article summarizes these eye-opening cognitive performance effects of sleep deprivation:

- Involuntary microsleeps (falling asleep).
- Attention-intensive performance is unstable with increased errors of omission (lapses) and commission (wrong responses).
- Psychomotor response time slows.
- Both short-term recall and working memory performances decline.
- Reduced learning (acquisition) of cognitive tasks occurs.
- Performance requiring divergent thinking deteriorates.
- Response suppression errors increase in tasks primarily subserved by the prefrontal cortex.
- Response perseveration on ineffective solutions is more likely to occur.
- Increased compensatory effort is required to remain behaviorally effective.
- Tasks may begin well, but performance deteriorates as task duration increases.
- Growing neglect of activities judged to be nonessential (loss of situational awareness) occurs.

When we work when we are tired, we are less efficient and make more mistakes, and we ultimately become further

exhausted as we push the neocortex to function when it would rather be restoring its energy through sleep. In addition, when we work when we are sleepy, we are more prone to distraction, such as surfing the web or checking our phones (*see bit.ly/2Y54bBq*). Therefore, tasks that would otherwise take only a few minutes may drag on because we lose our focus.

In addition, an interesting study on sleep and leadership, *You wouldn't like me when I'm sleepy: Leader sleep, daily abusive supervision, and work unit engagement*, available online at bit.ly/2JWtSvo, found that the quality of sleep of a workplace leader plays a role in the supervisor's abusive behavior. The study also makes the connection between abusive behavior by leaders and employee disengagement and lowered job performance. The study's authors recommend that leaders "attempt to delay important interactions or decisions on days when they have had a poor night of sleep the night before." Another interesting study found that employees who experience high amounts of workplace telepressure from their employers—the preoccupation and urge to immediately respond to email or text messages—tend to have poor sleep quality and high rates of work exhaustion (Barber & Santuzzi, 2015, bit.ly/2Zglueq).

The Upside of Quality Sleep

Quality sleep, on the other hand, helps us to feel good. It reduces stress and inflammation, and supports a healthy immune system and heart (*see bit.ly/2DNqQbs*). Getting quality sleep is one way to uplevel our physical health and our work-life satisfaction. Neuroscience research shows that quality sleep helps us to stabilize our moods, and decrease irritation and emotional volatility (*Overnight Therapy? The Role of Sleep in Emotional Brain Processing*, bit.ly/2Y6Aosn). As attorneys and judges, we want to feel emotionally stable at work. It's desirable for effective client services, in-house teamwork, professional collegiality, and decision making to be able to think and act calmly, without getting emotionally triggered. Additionally, most clients and courtrooms respond well to a calm, emotionally stable demeanor. When our mood is regulated, things tend to work out better all around—for our clients, our cases, and ourselves.

Ideas for Improving our Profession's Relationship with Sleep

We need sleep. We know it. Yet most of us aren't getting the sleep we need, in part because of our anxiousness about doing well, and in part because we are members of a profession that is still learning about wellbeing. Circling back to the retired attorney and his hesitancy to talk about his sleep challenges at work, he's correct in pointing out that our current legal culture isn't accustomed to talking about the toll practicing law or sitting on the bench takes on us, including our ability to sleep peacefully. For most lawyers and judges, it is uncomfortable and feels foreign to talk about our need for greater wellbeing, or our need for help. What would happen if we acknowledged our discomfort, and then set it aside and turned toward

productive ways to address our profession's lack of sleep and its impact on our wellbeing and performance?

If you would like to begin the conversation at your place of employment or improve your own sleep hygiene, here are a few places to start:

Ways legal employers can cultivate an office culture that supports good sleep habits:

1. Host a CLE/training for the entire organization on sleep hygiene that includes sleep theory and practical tools that promote restful sleep.
2. Create sleep-supportive policies and practices regarding staying "plugged in" after normal business hours. Talk about the communication policies with teams. Leaders can share their expectations for staff regarding returning emails, phone calls, and texts to clients and other team members after hours. It may be helpful to hire a professional to facilitate the conversation.
3. Come up with "blackout times" after which no one at the firm is expected to check any kind of work communication, unless it's an emergency.

Ways we can help ourselves to sleep, perform, and feel better:

1. Review the article *Sweet Dreams* (*see https://www.ncbar.gov/media/730541/journal-24-3.pdf#page=28*) that the NC Lawyer Assistance Program Director Robynn Moraites contributed to the Journal this month. Read her list of suggestions for improved sleep. Pick one suggestion from the list and incorporate it into your life for the next month.
2. Look again at the list above from the *Neurocognitive Consequences of Sleep Deprivation* article. Print it out and put it on your desk. When you have an impulse to work when you are tired, look at the list as a gentle reminder of the benefits of taking a restful break. Then take a break, get some restful sleep, and return to work with your prefrontal cortex back on line.
3. Set "blackout times" for yourself after which you won't check any kind of work communication, unless it's an emergency.

Enjoy trying out some new positive sleeping habits and initiating new conversations with your colleagues about sleep and wellbeing. To all a good night! ■

Laura Mahr is a North Carolina and Oregon lawyer and the founder of Conscious Legal Minds LLC, providing mindfulness based well-being coaching, training, and consulting for attorneys and law offices nationwide. Her work is informed by 13 years of practice as a civil sexual assault attorney, 25 years as a student and teacher of mindfulness and yoga, a love of neuroscience, and a passion for resilience. If you would like to bring Laura to your in-person or virtual event to conduct a well-being CLE or do one-on-one resilience coaching with Laura, contact her at consciouslegalminds.com.

Legal Education

May

- | | | |
|---|--|---|
| <p>26 Talking About Wealth Transfer Plans: Practical Strategies to Avoid Disputes Among Beneficiaries
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>26 Video Games and Business Law: Expanding the Reach of the \$150 Billion Industry
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>27 Ethical Issues in Contract Drafting
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| | | <p>27 How to Maintain A Diverse Legal Workforce and Eliminate Bias, In Any Economic Environment
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |

June

- | | | |
|--|---|--|
| <p>1 Trust and Estate Planning for Family Businesses, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>3 Overcoming Procrastination - How to Kick the Habit
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>10 Special Issues in Small Trusts
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>2 Trust and Estate Planning for Family Businesses, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>4 Smartphones, Tablets, and Other Devices in the Workplace
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>11 Ethics of Co-Counsel and Referral Relationships
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>2 De-Mystifying Gang Cases
1.0 G
Live Webinar
National District Attorneys Association
www.ndaa.org</p> | <p>8 2021 Ethics in Civil Litigation Update, Part 1
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>11 REPLAY: Naked and Afraid: A Legal Survival Skills Program (2020)
2.0 G, 1.0 EP
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>2 Retain Your Clients: A Roadmap to Effective, Ethical Client Service
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>9 2021 Ethics in Civil Litigation Update, Part 2
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>15 Adobe Acrobat DC: The Basics for Lawyers and Legal Professionals
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>3 Drafting Employee Handbooks
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>9 Annual Conference on Immigration Law
16.7 G, 4.2 EP
Live Webinar
American Immigration Lawyers Association
www.aila.org</p> | <p>15 Buying and Selling Commercial Real Estate, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |

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

- | | | |
|---|--|--|
| <p>16 Buying and Selling Commercial Real Estate, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>18 Lawyer Ethics and the Internet
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>25 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204
1.0 EP
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>17 Out of Sight, Out of Mind: Unconscious Biases that Impact Remote Colleagues
1.5 EP
Live Webinar
Brownstein Hyatt Farber Schreck LLP
303-223-1304</p> | <p>21 Piercing the Entity Veil: Individual Liability for Business Acts
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>28 Opportunity Zones: The New Wave of Real Estate Finance
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>18 REPLAY: Family Law Spring Institute - Day 1 (2021)
4.0 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>22 Drafting Buy/Sell Agreements for Closely Held Companies, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>28 Drafting Small Commercial Real Estate Leases
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>18 Cybersleuth Investigative Series: Using Free Public Records and Publicly Available Information for Investigative Research
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>23 Drafting Buy/Sell Agreements for Closely Held Companies, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>30 Ethics in Negotiations - Boasts, Shading, and Impropriety
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| | <p>25 The Ethics of Representing Two Parties in a Transaction
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | |

July

- | | | |
|---|--|--|
| <p>3 Rural Broadband vs. 5 G and Internet Connectivity Issues
1.0 G
Live Webinar
Conference of Western Attorneys General
www.cwagweb.org</p> | <p>11 Social Justice Initiatives and Consumer Protection Enforcement
1.0 G
Live Webinar
Conference of Western Attorneys General
www.cwagweb.org</p> | <p>22 The Mindful Approach to Addressing Mental Health Issues in the Legal Field
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>8 Sports Betting Subcommittee Meeting
1.0 G
Live Webinar
Conference of Western Attorneys General
www.cwagweb.org</p> | | |

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

IN MEMORIAM

As of March 6, 2020:
Charles E. Moran
5509 Champions Drive
Midland, TX 79706

IN MEMORIAM

As of July 13, 2020:
Miranda Teresa Sanchez
708 Sagewood Court, SE
Albuquerque, NM 87123

As of July 2, 2020:
Herbert M. Silverberg

As of April 27, 2017:
David Carlson Smith

IN MEMORIAM

As of April 27, 2020:
Jacob A. Wishard
200 N. Church Street
Las Cruces, NM 88001

CLERK'S CERTIFICATE OF ADDRESS AND/OR TELEPHONE CHANGES

Esteban A. Aguilar
Aguilar Law Firm, PC
6608 Gulton Court, NE
Albuquerque, NM 87109
505-243-6810
505-242-6655 (fax)
eaa@aguilarlaw.com

John C. Anderson
Holland & Hart LLP
PO Box 2208
110 N. Guadalupe Street,
Suite 1 (87501)
Santa Fe, NM 87504
505-988-4421
jcanderson@hollandhart.com

Britt Marie Baca-Miller
Second Judicial District Court
PO Box 488
400 Lomas Blvd., NW (87102)
Albuquerque, NM 87103
505-841-7562

Jennifer Sheridan Baker
Pipestem Law, PC
401 S. Boston Avenue,
Suite 2200
Tulsa, OK 74103
918-936-4705
918-584-1425 (fax)
jbaker@pipestemlaw.com

Adam Harrison Bell
4313 Miramar Drive
Georgetown, TX 78628
505-486-2626
abell.law@gmail.com

David Daniel Benatar
Office of the Federal Public
Defender
505 S. Main Street, Suite 400
Las Cruces, NM 88001
575-527-6930
david_benatar@fd.org

Edward L. Benavidez
312 San Pasquale Avenue,
NW
Albuquerque, NM 87102
505-688-0064
elbfifthstlaw@gmail.com

Autumn O. Bergh
N.M. Department of Health
PO Box 26110
1190 S. St. Francis Drive,
Suite N-4095 (87505)
Santa Fe, NM 87502
505-476-3542
505-827-2930 (fax)
autumn.bergh@state.nm.us

Kenneth Henry Bobroff
330 Los Ranchos, NW
Albuquerque, NM 87107
505-459-4227
kbobroff@pol-nsn.gov

Ginger L. Bolinger
6048 Highcrest Drive
Watauga, TX 76148
214-995-2463
gingerbolinger@yahoo.com

Darrell Brantley
The Brantley Law Firm
4025 Canterra Arc
Las Cruces, NM 88011
575-405-1269
darrellnbrantley@gmail.com

Ann L. Brethour
Egolf + Ferlic + Martinez +
Harwood LLC
123 W. San Francisco Street,
2nd Floor
Santa Fe, NM 87501
505-986-9641
annie@egolfaw.com

Kristina Caffrey
Ultra Health
6064 Vista Campo Road, NE
Albuquerque, NM 87109
505-401-7847
kristina@ultrahealth.com

Adam Michael Chavez II
Law Office of Adam Oakey
714 Tijeras Avenue, NW
Albuquerque, NM 87102
505-433-4953
lchavez@oakeylawoffice.com

Anthony Joseph Chavez II
Sutten Law Group LLC
8501 Candelaria Road, NE,
Suite F-1
Albuquerque, NM 87111
505-990-7425
877-885-7425 (fax)
anthony@suttenlaw.com

Marjorie Christensen
615 Kokopelli Drive
Aztec, NM 87410
505-419-2724
marjorie.christensen654@
yahoo.com

Oscar Cobos
5641 Vanegas Drive
Las Cruces, NM 88007
469-623-2572
o_cobos@yahoo.com

Shawn Stephen Cummings
Righi Fitch Law Group
2999 N. 44th Street,
Suite 215
Phoenix, AZ 85018
602-385-6776
602-385-6777 (fax)
shawn@righilaw.com

John F. Davis
PO Box 1903
Bernalillo, NM 87004
505-318-9094
davismediations@gmail.com

Jessica Rose Ditmore
U.S. Army JAG Corps
25 Waters Edge Circle #22
Georgetown, TX 78626
503-515-0016
jditmore3@gmail.com

Francesca Martinez Estevez
PO Box 186
Gila, NM 88038
575-574-2025
festevez88038@yahoo.com

Evan J. Ferguson
Law Offices of the Public
Defender
300 Gossett Drive
Aztec, NM 87410
505-386-4060
505-334-7228 (fax)
evan.ferguson@lopdm.us

Casey Bruce Fitch
Hartline Barger LLP
500 Marquette Avenue,
Suite 770
Albuquerque, NM 87102
505-336-5300
505-348-5747 (fax)
cfitch@hartlinebarger.com

Warren F. Frost
Warren F. Frost, PC
PO Box 641
700 Armijo Street
Logan, NM 88246
575-487-2488
575-487-2486 (fax)
wfrost75@hotmail.com

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-021

No. A-1-CA-36206 (filed January 15, 2020)

STATE OF NEW MEXICO,
Plaintiff-Appellee,

v.

CLOYCEVANN SALAZAR,
Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY

JAMES WAYLON COUNTS, District Judge

Released for Publication May 5, 2020.

HECTOR H. BALDERAS,
Attorney General
MARIS VEIDEMANIS,
Assistant Attorney General
Santa Fe, NM
for Appellee

BENNETT J. BAUR,
Chief Public Defender
AJA OISHI,
Assistant Appellate Defender
Santa Fe, NM

Law Offices of Adrienne R. Turner
ADRIANNE R. TURNER
Albuquerque, NM
for Appellant

Opinion

Zachary A. Ives, Judge.

{1} This appeal presents a question of first impression in New Mexico: whether a person must be an enrolled member of a tribe or pueblo to qualify as an Indian for purposes of determining criminal jurisdiction. A state generally “does not have jurisdiction over crimes committed by an Indian in Indian country.” *State v. Frank*, 2002-NMSC-026, ¶ 12, 132 N.M. 544, 52 P.3d 404. In his probation revocation proceedings, Defendant Cloycevann Salazar argued that his Indian status was fatal to the State’s theory that Defendant’s conduct in Indian country—which resulted in new charges being filed against him under a new cause number in New Mexico state

court—violated the condition of his probation that required him to comply with New Mexico’s criminal statutes. The district court disagreed, concluding that Defendant is not an Indian because he is not an enrolled member of a tribe or pueblo. Defendant then pled no contest pursuant to a conditional plea agreement that included a provision allowing him to appeal the district court’s ruling. Because we conclude that enrollment is not necessary for Indian status, we reverse and remand the case to the district court so that it may reconsider its ruling that Defendant is not an Indian based on pertinent factors in addition to Defendant’s lack of enrollment.¹

BACKGROUND

{2} While Defendant was on probation, the State filed a criminal complaint against him, alleging that he had com-

mitted two new offenses: battery on a household member in violation of NMSA 1978, Section 30-3-15 (2008) and criminal damage to property in violation of NMSA 1978, Section 30-15-1 (1963). The State then filed a petition to revoke Defendant’s probation, alleging that he violated a condition of his probation by “violat[ing] the laws or ordinances of the State of New Mexico, or any jurisdiction and/or endanger[ing] the person or property of another by being charged with [c]riminal [d]amage to [p]roperty of a [h]ousehold [m]ember and [b]attery [a]gainst a [h]ousehold [m]ember.” To support its theory, the State attached to its petition a copy of the criminal complaint charging Defendant with these two new offenses. Also attached was a statement of probable cause alleging that the charged offenses occurred on the Mescalero Apache Reservation and that the offense “involv[ed] two non-[tribal] members.”

{3} In response to the petition, Defendant argued, among other things,² that his probation could not be revoked based on alleged violations of New Mexico’s criminal statutes because, as an Indian, he is not subject to prosecution by the State of New Mexico for violating state statutes based on conduct that allegedly occurred on the Mescalero Apache Reservation. Stated differently, according to Defendant, even if the State could prove that he engaged in the conduct alleged in the criminal complaint, the State’s petition to revoke was not viable as a matter of law because New Mexico’s criminal statutes do not apply to that conduct.

{4} During the hearing on Defendant’s motion, the State stipulated that Defendant was a lifelong resident of the Mescalero Apache Reservation and that his father was an enrolled tribal member. Defendant presented the following additional facts by proffer: (1) Defendant is not an enrolled member of the Mescalero Apache Tribe; (2) Defendant is 7/32 Mescalero Apache by blood, which falls short of the 1/4 required to qualify for membership, but he is an “affiliate” of the tribe; (3) Defendant attended school on the reservation; (4) Defendant gets his medical care on the reservation; (5) Defendant gets his medical care on the reservation; (6) Defendant has had several criminal cases

¹Because of the narrow scope of the district court’s task on remand, we decline to address the merits of Defendant’s argument that the district court erred during the sentencing phase. Defendant may raise the issue, if necessary, in a subsequent appeal.

²Defendant also argued that the district court should suppress the evidence that law enforcement had gathered regarding the alleged battery and property damage because law enforcement did not have authority to investigate on the Mescalero Apache Reservation. The district court ruled against Defendant, and he reserved the right to appeal that ruling in his plea agreement, but he does not challenge that ruling on appeal.

adjudicated in tribal court. The State did not dispute these facts. The thrust of the State's argument was that Defendant does not have Indian status because he is not an enrolled member of the tribe and that his affiliate status is insufficient to establish such status.

{5} The district court agreed with the State. The court concluded that Defendant is not an Indian based on the undisputed fact that he is not an enrolled member of the Mescalero Apache Tribe, explaining that when a person's percentage of Indian blood is even slightly too low to qualify for enrollment, the State has jurisdiction.

{6} Defendant then pled no contest pursuant to a conditional plea and disposition agreement. The agreement allowed Defendant to appeal the district court's denial of his pretrial motion. The district court accepted the agreement, concluded that Defendant had violated a condition of his probation by committing new offenses in violation of New Mexico law, revoked Defendant's probation, and sentenced him to twenty-four years of incarceration with credit for five years of time served. Defendant appeals.

DISCUSSION

{7} To determine whether Defendant's alleged violations of New Mexico's criminal statutes while he was in Indian country are a legally viable basis for revoking Defendant's probation, we begin with the "general principle" that "a state does not have jurisdiction over crimes committed [(1)] by an Indian [(2)] in Indian country." *Frank*, 2002-NMSC-026, ¶ 12. In Defendant's case, the second element is undisputed. "Indian country" includes "all land within the limits of any Indian reservation under the jurisdiction of the United States Government," 18 U.S.C. § 1151(a) (2018), and the State has acknowledged that the charged offenses occurred within the Mescalero Apache Reservation.

{8} At issue here is the first element: whether Defendant is an "Indian." Although "Indian" is a term of art in the context of criminal jurisdiction, see 18 U.S.C. §§ 1152, 1153 (2018), Congress has not defined the term, leaving the task to the courts, which generally apply a test based on *United States v. Rogers*, 45 U.S. 567, 573 (1846). The test's two requirements are "whether the defendant (1) has some Indian blood, and (2)

is recognized as an Indian by a tribe or the federal government or both." *United States v. Stymiest*, 581 F.3d 759, 762 (8th Cir. 2009); accord *United States v. Bruce*, 394 F.3d 1215, 1224 (9th Cir. 2005); *United States v. Prentiss*, 273 F.3d 1277, 1280 (10th Cir. 2001); *United States v. Torres*, 733 F.2d 449, 456 (7th Cir. 1984); see also *United States v. Zepeda*, 792 F.3d 1103, 1113 (9th Cir. 2015) (en banc) (clarifying that the Ninth Circuit test requires "(1) proof of some quantum of Indian blood, whether or not that blood derives from a member of a federally recognized tribe, and (2) proof of membership in, or affiliation with, a federally recognized tribe").

{9} In this case, because it is undisputed that Defendant meets the Indian blood requirement, the only dispute pertains to the second requirement: whether Defendant has been recognized as an Indian by either the Mescalero Apache Tribe or the United States or both. See *Bruce*, 394 F.3d at 1224-25 (stating that evidence of federal recognition is not required and emphasizing that the question is whether there is some evidence of federal or tribal recognition). The district court concluded that Defendant is not recognized as an Indian because he is not an enrolled member of the Mescalero Apache Tribe. Defendant argues that the district court applied the wrong test, and that the court erred by concluding that his lack of tribal membership automatically disqualifies him from being recognized as an Indian. Defendant contends that, under the correct test, a person who is not an enrolled member of any tribe or pueblo may still be recognized as an Indian, satisfying the second requirement, based on other factors, and that the district court erred by failing to consider how those factors apply to his case. Whether lack of enrollment is dispositive is a legal question we review de novo. See *Frank*, 2002-NMSC-026, ¶ 10.

{10} Contrary to the district court's ruling, lack of enrollment as a member of a tribe or pueblo, although relevant, is not dispositive; a person need not be enrolled to be recognized as an Indian. See *Stymiest*, 581 F.3d at 764 (explaining that tribal enrollment "is not essential and its absence is not determinative"); *Bruce*, 394 F.3d at 1225 (recognizing that neither lack of enrollment nor lack of eligibility to enroll is dispositive);

Prentiss, 273 F.3d at 1283 ("[T]he fact that a person is not a member of a particular pueblo does not establish that he or she is not an Indian."); cf. *United States v. Antelope*, 430 U.S. 641, 646 n.7 (1977) (noting, in dicta, that "enrollment in an official tribe has not been held to be an absolute requirement for federal jurisdiction, at least where the Indian defendant lived on the reservation and maintained tribal relations with the Indians thereon" (internal quotation marks and citation omitted)).

{11} Rather than treating enrollment as essential, courts have weighed multiple factors to determine whether a person has been recognized as an Indian for purposes of the test's second requirement, which is designed to measure whether the person "has a sufficient non-racial link to a formerly sovereign people." *Bruce*, 394 F.3d at 1224 (internal quotation marks and citation omitted). Over three decades ago, in *St. Cloud v. United States*, 702 F. Supp. 1456, 1461 (D.S.D. 1988), a federal district court "gleaned from case law several factors to evaluate" when examining the second requirement. The court concluded that courts should consider "[i]n declining order of importance[...]" (1) "enrollment in a tribe"; (2) "government recognition formally and informally through providing the person assistance reserved only to Indians"; (3) "enjoying benefits of tribal affiliation"; and (4) "social recognition as an Indian through living on a reservation and participating in Indian social life." *Id.* The court explained that "[t]hese factors do not establish a precise formula for determining who is an Indian" but instead "merely guide the analysis[.]" *Id.* Elaborating on the role of the first factor, the court observed that "courts have found tribal enrollment alone sufficient proof that a person is an Indian[.]" but that "a person may still be an Indian though not enrolled with a recognized tribe." *Id.* Several federal and state jurisdictions have adopted multifactor tests based on *St. Cloud*.³ See *Zepeda*, 792 F.3d at 1113-14; *Stymiest*, 581 F.3d at 764; *State v. George*, 422 P.3d 1142, 1145-46 (Idaho 2018); *State v. LaPier*, 790 P.2d 983, 986 (Mont. 1990); *State v. Nobles*, 818 S.E.2d 129, 136-40 (N.C. Ct. App. 2018); *State v. Daniels*, 16 P.3d 650, 653-54 (Wash. Ct. App. 2001). Although not all of these jurisdictions

³Some courts have concluded that the *St. Cloud* factors are not exhaustive. See *Stymiest*, 581 F.3d at 764 (concluding that "the *St. Cloud* factors may prove useful, depending upon the evidence, but [that] they should not be considered exhaustive"). The Eighth Circuit and the Ninth Circuit have recognized additional factors. See *id.* (concluding that the district court "properly identified two other factors relevant on the facts of this case—that the tribe exercised criminal jurisdiction over [the defendant]" and that the defendant "held himself out to be an Indian"); *Bruce*, 394 F.3d at 1227 (concluding that it was significant that a tribal court had exercised jurisdiction over the defendant because "the tribe has no jurisdiction to punish anyone but an Indian").

use precisely the same test,⁴ the State has not cited—and our independent research has not unearthed—precedent from any jurisdiction treating lack of enrollment as dispositive.

{12} Based on these authorities, we conclude that enrollment as a member of a recognized tribe or pueblo is not a mandatory prerequisite for Indian status, and that whenever a person is not enrolled, the court must consider other factors to determine whether the second requirement—tribal or federal recognition as an Indian—is satisfied. We therefore hold that the district court erred by concluding that Defendant's lack of enrollment as a member of the Mescalero Apache Tribe is dispositive and by failing to consider other pertinent factors.

{13} The parties invite us to perform the requisite multifactor analysis in the first instance, but we decline to do so because, on the limited record before us, performing that analysis would entail fact-finding. See *Blaze Constr. Co. v. N.M. Taxation & Revenue Dep't*, 1994-NMSC-110, ¶ 24, 118 N.M. 647, 884 P.2d 803 (“It is well established that an appellate court will not find facts on appeal.”); *State v. Gonzales*, 1999-NMCA-027, ¶ 9, 126 N.M. 742, 975 P.2d 355 (“It is a bedrock principle of appellate practice that appellate courts do not decide the facts in a case.”). Because the district court concluded that lack of enrollment as a tribal member was dispositive, it did not make any factual findings regarding the other relevant factors. On appeal, both parties ask us to consider the scant stipulations they made in the district court, which do not adequately address the factors. Defendant proffered additional relevant facts, including that he is an “affiliate” of

the tribe and that he attended school on the reservation, gets his medical care on the reservation, and has had criminal cases adjudicated in tribal court. The State did not dispute any of these facts in the district court, relying instead on its categorical argument that enrollment is essential, but on appeal the State takes the position that no evidence supports the proffered facts. Defendant responds by asking us to take judicial notice of the affidavits he submitted in support of his motion to dismiss the criminal complaint for lack of jurisdiction. These circumstances warrant fact-finding, which we, as an appellate court, are not in a position to do. Because “[t]he vantage of the appellate bench is a poor one from which to assess credibility and perform other components of the fact-finding task[.]” *Gonzales*, 1999-NMCA-027, ¶ 13, “[f]act-finding is the task of the trial judge[.]” *Id.* ¶ 9. Accordingly, we remand the case to the district court so that it may fully address the government recognition requirement based on evidence pertinent to the applicable factors.

{14} We acknowledge, as the State notes in its brief and as the district court concluded, that the district court had jurisdiction to adjudicate the petition to revoke Defendant's probation, even though the location of the alleged probation violations was in Indian country. However, the existence of such jurisdiction does not change the outcome of this appeal. No matter where a probationer's violation allegedly occurred—in Indian country, in a foreign nation, or in a state in the United States other than New Mexico—any revocation of probation must be based on a legally viable theory that the probationer's conduct violated at least one condition of his

or her probation. In this case, although Defendant's conditions of probation apparently prohibited him from violating the laws of *any* jurisdiction, the State did not ask the district court to find that Defendant's conduct violated any laws of either the Mescalero Apache Tribe or the United States or that he was subject to prosecution by the United States for violating New Mexico law. Nor did the State ask the district court to find that Defendant violated any probation condition that is not tethered to compliance with the law. We have therefore limited our analysis to the narrow theory the State has chosen to pursue: that Defendant violated the condition of his probation that requires him to comply with the laws of New Mexico, and that he did so by being charged with two new crimes in state court. Because in this instance that theory is only valid if Defendant is not an Indian, and the district court relied on the wrong test to determine whether he is, we must reverse.

CONCLUSION

{15} We reverse the district court's ruling that Defendant is not an Indian and remand the case to allow the district court to reconsider that ruling in a manner consistent with this opinion. To facilitate any further appellate review that might be necessary, the district court should explain the legal and factual bases for its ruling on remand.

{16} IT IS SO ORDERED.
ZACHARY A. IVES, Judge

WE CONCUR:
J. MILES HANISEE, Chief Judge
KRISTINA BOGARDUS, Judge

⁴For example, a circuit split has emerged about whether certain factors carry more weight than others. Echoing the *St. Cloud* court, the Ninth Circuit has held that the factors should be considered in “declining order of importance,” *Bruce*, 394 F.3d at 1224, but the Eighth Circuit has held that the factors should not “be tied to an order of importance.” *Stymiest*, 581 F.3d at 764. Because the parties have not briefed this issue or any other issue pertaining to differences between jurisdictions and because we need not resolve such issues to decide this appeal, we decline to reach them. See *Elane Photography, LLC v. Willock*, 2013-NMSC-040, ¶ 70, 309 P.3d 53 (“It is of no benefit either to the parties or to future litigants for [an appellate court] to promulgate case law based on [its] own speculation rather than the parties’ carefully considered arguments.”).

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-022

No. A-1-CA-36059 (filed December 23, 2019)

STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
JOHN R. GONZALES,
Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF CIBOLA COUNTY

PEDRO G. RAE, DISTRICT JUDGE

Released for Publication May 5, 2020.

HECTOR H. BALDERAS,
Attorney General
Santa Fe, NM
M. VICTORIA WILSON,
Assistant Attorney General
Albuquerque, NM
for Appellee

BENNETT J. BAUR,
Chief Public Defender
MJ EDGE,
Assistant Appellate Defender
Santa Fe, NM
for Appellant

Opinion

Jacqueline R. Medina, Judge

{1} Defendant John Gonzales appeals his convictions for resisting, evading, or obstructing an officer, contrary to NMSA 1978, Section 30-22-1(D) (1981); aggravated driving while under the influence of intoxicating liquor or drugs (DWI), contrary to NMSA 1978, Section 66-8-102(D)(1) (2010, amended 2016); careless driving, contrary to NMSA 1978, Section 66-8-113 (1987); and possession of an open container, contrary to NMSA 1978, Section 66-8-138 (2013). Defendant raises two issues on appeal: (1) the denial of his motion for a mistrial after the State questioned him about plea negotiations in front of the jury and (2) he was the subject of a pretextual stop. We reverse and remand for a new trial.

BACKGROUND

{2} The testimony at trial revealed the following facts. A husband and wife were driving home one afternoon when they saw an unfamiliar car driven by Defendant pull in and out of their driveway. As

Defendant pulled out, he almost struck the couple's vehicle and fence before driving away. The couple followed Defendant and saw him pull in and out of another driveway. As Defendant drove away, the couple had to swerve in order to avoid being struck by him, causing a nearby truck to drive onto a railroad tie. A few minutes later, Defendant returned and pulled back into the same driveway from which he had just pulled out, at which point Officer Caleb Martin arrived in response to a report of a reckless driver.

{3} When Officer Martin made contact with Defendant, who was still sitting in the vehicle, he immediately smelled a strong odor of alcohol emanating from Defendant and noticed Defendant had bloodshot, watery eyes. Once Defendant opened the door, he almost fell out of the vehicle. Officer Martin eventually placed Defendant under arrest for DWI. Additionally, when Officer Martin reached in to turn off the ignition and secure Defendant's vehicle, he noticed a nearly empty pint of whiskey on the passenger seat. Officer Martin drove Defendant to the police station, and as he was escorting Defendant inside, Defendant

pulled away, resulting in Officer Martin pinning him against the wall. Inside the station, Officer Martin asked Defendant if he would submit to a breath or blood test and interpreted Defendant's lack of response as a refusal.

{4} Defendant testified in his defense. On direct examination, Defendant testified that he stopped at a store on his way home and purchased a bottle of whiskey. Once home, Defendant entered his house, retrieved a soda with a cup of ice and returned to his vehicle, where he sat and listened to music until Officer Martin arrived. Defendant denied that he almost fell down or that he resisted arrest, and further testified that he offered to provide a breath, blood, or urine sample.

{5} During the State's cross examination of Defendant, the following colloquy took place:

Q. Mr. Gonzales, you realize certain things can happen in this case, right, if you get convicted, you are looking at jail time, right?¹

Yes, if I did something wrong but I never did anything wrong. You have to break the law before you can get[—]

Q. Yeah.

A. I haven't broke any laws. I can't see where he got me on reckless driving when I never drove my car in the manner of under the influence. . . . If I would have done wrong, I would have accepted the guilty plea like in the past. But how can you plea to something you didn't do[?] I don't think you would do that. I'm sorry but if you do nothing wrong, how can you plea to that? How can you accept that? You have to do something wrong before you—

The district court interjected, "There is no question pending, Mr. Gonzales. Wait until there is a question, okay." The cross examination continued:

Q. Mr. Gonzales, you just made a statement that you would never plea to something like this?

A. Would you please repeat the question?

Q. You would never plea to something that you didn't do, right?

A. Well you can't.

Q. Isn't it true that this morning you wanted to plea this case out?

¹Although defense counsel did not object, we note that this question was improper, as jurors in criminal cases are expressly admonished not to consider the consequences of their verdict. See UJI 14-6007 NMRA.

Immediately following the State's question, defense counsel objected, stating, "That is clearly inadmissible," and moved for a mistrial. In response, the State argued that Defendant "opened the door[.]" After a brief bench conference, the district court sustained defense counsel's objection but denied her motion for a mistrial and instructed the jury "to disregard the last statements of the witness about any possible negotiations that may have occurred in this case[.]"

{6} At the conclusion of trial, Defendant was found guilty of: (1) resisting, evading, or obstructing an officer; (2) aggravated DWI; (3) careless driving; and (4) possession of an open container. This appeal followed.

DISCUSSION

I. Evidence of Defendant's Plea Attempt Was Not Admissible

A. Standard of Review

{7} We review the denial of a motion for a mistrial for an abuse of discretion. *State v. Hernandez*, 2017-NMCA-020, ¶ 14, 388 P.3d 1016. "The district court abuses its discretion in ruling on a motion for mistrial if it acts in an obviously erroneous, arbitrary, or unwarranted manner, or when the decision is clearly against the logic and effect of the facts and circumstances before the court." *Id.* (internal quotation marks and citation omitted). In determining whether the district court abused its discretion in denying Defendant's motion for a mistrial, we must address whether the State's question about plea negotiations violated Rule 11-410 NMRA, and if so, whether it could be cured by the district court's admonition. See *Hernandez*, 2017-NMCA-020, ¶ 14. We begin by turning to the rule generally prohibiting the introduction of plea negotiations at trial and the policy supporting that prohibition.

B. Rule 11-410 and Supporting Policy

{8} Under Rule 11-410(A)(5), evidence of "a statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or resulted in a later-withdrawn guilty plea" are not admissible "against the defendant who made the plea or participated in plea discussions[.]"² Rule 11-410 also applies to evidence of the offer itself. See *State v. Smile*, 2009-NMCA-064, ¶ 41, 146 N.M. 525, 212 P.3d 413 (observing that "Rule 11-410 applies to . . . evidence of an offer to plead guilty and statements made in connection with the offer"). "The only exceptions provided by Rule 11-410

are where another statement made during the same plea or plea discussions has been introduced, if in fairness both statements ought to be considered together and in a criminal proceeding for perjury or false statement." *Kipnis v. Jusbasche*, 2017-NMSC-006, ¶ 1, 388 P.3d 654 (internal quotation marks and citation omitted); see Rule 11-410(B)(1). The State does not argue that either of the listed exceptions apply in the instant case.

{9} There are important policy considerations for Rule 11-410's general prohibition against the admission of evidence relating to plea negotiations. "Like the federal counterpart rule from which the [state] rule was taken, the rule is meant to promote the efficient disposition of criminal cases because collateral use of pleas, as admissions of party-opponents under Rule 11-801 NMRA or as other evidentiary implications of guilt, would discourage resolution of criminal proceedings." *Kipnis*, 2017-NMSC-006, ¶ 1. "Rule [11-]410 embodies the public interest in encouraging negotiations concerning pleas between the criminal defendant and the [s]tate. Guilty pleas are an essential part of our criminal justice system, and candor in plea discussions aids greatly in the reaching of agreements between the defendant and the [s]tate." *State v. Trujillo*, 1980-NMSC-004, ¶ 18, 93 N.M. 724, 605 P.2d 232.

{10} Our Supreme Court expounded upon the importance of the role of plea bargaining in *Trujillo* by acknowledging:

The negotiated guilty plea serves important functions. The quality of justice in all cases would suffer if overloaded courts were faced with a great increase in the number of trials. Tremendous investments of time, talent, and money, all of which are in short supply and can be better used elsewhere, would be necessary if all cases were tried.

Id. (omission, internal quotation marks, and citation omitted). In light of these important policy considerations, the Court in *Trujillo* determined that "Rule 11-410 'clos[ed] the door on the admissibility of [statements surrounding plea negotiations] as evidence at trial for either substantive or impeachment purposes' and that 'a weighing of conflicting policies demonstrates that the balance is tipped in favor of interpreting Rule [11-]410 as the cloak of privilege around plea negotiation

discussions.'" *Kipnis*, 2017-NMSC-006, ¶ 14 (first and second alterations in original) (quoting *Trujillo*, 1980-NMSC-004, ¶¶ 19, 21). Our Supreme Court has also indicated that Rule 11-410 acts as a categorical rule of exclusion, noting that, unlike surrounding evidentiary rules, Rule 11-410 "contains no language which limits its exclusionary effect." *Kipnis*, 2017-NMSC-006, ¶ 13 (quoting *Trujillo*, 1980-NMSC-004, ¶ 17). Compare Rule 11-410, with Rule 11-409 NMRA (providing that evidence of offers to pay medical expenses "is not admissible to prove liability for the injury" (emphasis added)), and Rule 11-411 NMRA (providing that evidence of a person's liability insurance, or lack thereof, "is not admissible to prove that the person acted negligently or otherwise wrongfully" (emphasis added)). Moreover, in doing so, our Supreme Court has paid more than passing tribute to the interpretation of Federal Rule of Evidence 410 and the idea that the federal counterpart "contains no hint that its categorical rule of exclusion has anything to do with the purpose for which the evidence is offered." *Kipnis*, 2017-NMSC-006, ¶ 13 (quoting Glen Weissenberger & James J. Duane, *Weissenberger's Federal Evidence* § 410.3 at 214 (7th ed. 2011)). With these considerations in mind, we now turn to an analysis of the State's questioning of Defendant.

C. Rule 11-410 Bars Admission of Evidence of Defendant's Plea Attempt

{11} Despite Rule 11-410's broad protection, the State contends that under the doctrine of curative admissibility, the State's question—"Isn't it true that this morning you wanted to plea this case out?"—was proper since Defendant "raised the issue of pleading guilty in a way that misrepresented what occurred[.]" Specifically, the State contends that Defendant "opened the door" by "us[ing] the lack of a plea as evidence to support his claim that he did not drive while intoxicated." We disagree.

{12} Curative admissibility is a common law evidentiary doctrine that is still recognized by our courts, despite its lack of codification in our rules of evidence. See *State v. Baca*, 1995-NMSC-045, ¶ 23 n.2, 120 N.M. 383, 902 P.2d 65 (recognizing that New Mexico adopted the doctrine of curative admissibility); see also *United States v. Bolin*, 514 F.2d 554, 558 (7th Cir. 1975) (stating that "[t]he doctrine of curative admissibility . . . is well established in the common law of evidence"). Under the

²We note that Rule 5-304(F) NMRA also provides: Evidence of a plea of guilty, later withdrawn, a plea of no contest, or of an offer to plead guilty or no contest to the crime charged or any other crime, or of statements made in connection with any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer. However, as Defendant does not cite Rule 5-304(F) and relies solely on Rule 11-410 for his argument, our discussion is limited to the latter rule.

doctrine of curative admissibility, a party may introduce inadmissible evidence to counteract the prejudice created by their opponent's earlier introduction of similarly inadmissible evidence. *State v. Comitz*, 2019-NMSC-011, ¶ 47, 443 P.3d 1130 (“[W]hen a defendant gives testimony that ‘opens the door’ to inadmissible evidence, the doctrine of curative admissibility in some circumstances may permit the [s]tate to rebut that claim with otherwise inadmissible evidence.” (internal quotation marks and citation omitted)); *State v. Ruiz*, 2001-NMCA-097, ¶ 47, 131 N.M. 241, 34 P.3d 630 (“Our precedents permit otherwise inadmissible evidence to be used to rebut the same under the doctrine of curative admissibility.”); *Leday v. State*, 983 S.W.2d 713, 716 (Tex. Crim. App. 1998) (en banc) (“In the common law of evidence, the doctrine of curative admissibility allows one party to introduce evidence that might otherwise be excluded, to counter the unfair prejudicial use of the same evidence by the opposing party.”). Thus, a party cannot invoke curative admissibility to correct an admissible statement.³ See Francis A. Gilligan & Edward J. Imwinkelried, *Bringing the “Opening the Door” Theory to a Close: The Tendency to Overlook the Specific Contradiction Doctrine in Evidence Law*, 41 Santa Clara L. Rev. 807, 809 (2001) (“Curative admissibility is triggered only when the opponent first breaches an evidentiary rule by introducing inadmissible evidence.” (emphasis added)); see also *State v. Fukusaku*, 946 P.2d 32, 67 (Haw. 1997) (declining to apply the doctrine of curative admissibility because defense counsel “introduced admissible evidence, not inadmissible evidence”); Frederick C. Moss, *The Sweeping-Claims Exception and the Federal Rules of Evidence*, 1982 Duke L.J. 61, 76 (1982) (“The doctrine of curative admissibility should be limited, at least conceptually, to cases . . . in which the admission of rebuttal evidence is justified to counteract prejudicial inadmissible evidence introduced by the other side.” (emphasis added)); Dale A. Nance, *A Theory of Verbal Completeness*, 80 Iowa L. Rev. 825, 869 (1995) (noting that “[c]urative admissibility applies only when the original evidence is properly inadmissible upon objection”).

{13} Because the doctrine is based on, and limited by, the interest of fairness, the district court has discretion to deny a party's request to invoke curative admissibility, especially when the court concludes a curative instruction would be effective in ameliorating the prejudice

created by the inadmissible evidence. See *Perkins v. United States*, 760 A.2d 604, 610 (D.C. 2000) (“Under the doctrine of curative admissibility, the introduction of incompetent or irrelevant evidence by a party opens the door to the admission of otherwise inadmissible evidence only to the extent necessary to remove any unfair prejudice which might otherwise have ensued from the original evidence. The doctrine is based upon, and limited by, the necessity of removing prejudice in the interest of fairness.” (internal quotation marks and citations omitted)); *State v. Dunlap*, 2002 WI 19, ¶ 14, 250 Wis. 2d 466, 640 N.W.2d 112 (“[T]he court may allow the opposing party to introduce otherwise inadmissible evidence [through curative admissibility] if it is required by the concept of fundamental fairness to prevent unfair prejudice.”); Gilligan & Imwinkelried, *supra*, at 829 (noting that “if the judge concludes that the jury could have complied with the [curative] instruction, that conclusion cuts strongly against applying curative admissibility”); *id.* at 833 (noting that “courts typically describe the doctrine [of curative admissibility] as a conferral of discretion on the trial judge rather than the grant of a right to the party”).

{14} Here, the parties do not address the admissibility of Defendant's initial statements about plea negotiations. We question, but do not decide, whether those statements were inadmissible, as the plain language of Rule 11-410 only prohibits evidence of plea negotiations from being used against the defendant. See Gilligan & Imwinkelried, *supra*, at 824 (“Although a party may contend that an opponent's evidence is false or misleading, even false or potentially misleading evidence can satisfy the rules governing the admissibility of evidence.”).

{15} However, regardless of whether Defendant's initial testimony was inadmissible—thus triggering the availability of curative admissibility—or not, Rule 11-410 bars the State from introducing evidence of Defendant's plea attempt. Although Defendant's testimony might have misled the jury into believing he did not plead guilty, we do not conclude it created such unfair prejudice that would justify the introduction of Defendant's plea attempt through curative admissibility. *Trujillo* makes clear that, given the importance of plea negotiations in the criminal process, Rule 11-410 “clos[es] the door” on the admissibility of evidence of plea negotiations. *Trujillo*, 1980-NMSC-004, ¶¶ 19-20.

Indeed, our Supreme Court anticipated that “some persons may be tempted to testify inconsistently with what they stated previously during plea discussions with the [s]tate.” *Id.* ¶ 21. While the Court did not condone such action, it determined that “a weighing of conflicting policies demonstrates that the balance is tipped in favor of interpreting Rule [11]410 as the cloak of privilege around plea negotiation discussions.” *Trujillo*, 1980-NMSC-004, ¶ 21 (emphasis added). Similarly, weighing the need to protect and encourage plea negotiations against the State's need to correct the possible prejudice created by Defendant's testimony, we conclude that the State was not so prejudiced as to overcome Rule 11-410's prohibition through curative admissibility.

{16} In advancing its argument that Defendant “opened the door” to discussing his attempt to plea through curative admissibility, the State relies on cases where we have applied the doctrine to propensity evidence. See, e.g., *State v. Hernandez*, 1999-NMCA-105, ¶¶ 19-20, 127 N.M. 769, 987 P.2d 1156 (concluding that the defendant “opened the door” to the prosecutor's questions about prior domestic violence where the defendant testified that the victim would hit herself when she was mad at the defendant); *State v. Andrade*, 1998-NMCA-031, ¶ 21, 124 N.M. 690, 954 P.2d 755 (holding that “[the d]efendant opened the door regarding prior violent episodes between [the d]efendant and [the v]ictim,” making the prosecutor's questions of “who really beat whom” proper through curative admissibility). However, there are significant differences in the way that the rule prohibiting propensity evidence (i.e., Rule 11-404 NMRA) and Rule 11-410 operate that raise concerns about extending our holding in those cases to the case at hand. Specifically, our Supreme Court has noted that Rule 11-410 is limited in its exceptions, and that the intended purpose of the evidence does not have bearing on admissibility. *Kipnis*, 2017-NMSC-006, ¶ 13. Rule 11-404, on the other hand, contains numerous exceptions based on the purpose for which the evidence is introduced. Given these differences, and given the clear import of *Trujillo* prohibiting evidence of plea negotiations despite any misrepresentations by defendants, see 1980-NMSC-004, ¶ 19, we conclude that Defendant's misrepresentation cannot provide the basis for admission of evidence of his plea negotiation. Therefore, it was error for the State to bring up Defendant's attempt to plead guilty. We continue our

³We note, however, that parties may generally impeach misleading evidence introduced by their opponents through specific contradiction. See generally Gilligan & Imwinkelried, *supra* (discussing the differences between curative admissibility and specific contradiction).

analysis, however, to determine whether the curative jury instruction remedied the error.

D. Curative Instructions and Harmless Error

{17} “The overwhelming New Mexico case law states that the prompt sustaining of the objection and an admonition to disregard the answer cures any prejudicial effect of inadmissible testimony.” *State v. Simonson*, 1983-NMSC-075, ¶ 21, 100 N.M. 297, 669 P.2d 1092. However, “one of the exceptions to this general rule arises when inadmissible testimony is intentionally elicited by the prosecution.” *Hernandez*, 2017-NMCA-020, ¶ 17 (alteration, internal quotation marks, and citations omitted). When this occurs, “the general rule does not apply regardless of whether the district court admonishes the jury to disregard the inadmissible testimony[,]” and instead this Court must determine if harmless error occurred. *Id.* ¶¶ 17, 20.

{18} Generally, issues of whether inadmissible testimony was intentionally elicited arise when the prosecutor asks a witness a question, and the ensuing testimony is inadmissible. *See, e.g., State v. Armijo*, 2014-NMCA-013, ¶ 12, 316 P.3d 902 (concluding that the state intentionally elicited inadmissible testimony where the state made no attempt to justify questions seeking the officer’s unqualified opinion and the court could not identify a proper purpose for the prosecutor’s questions); *State v. Ruiz*, 2003-NMCA-069, ¶¶ 8-9, 133 N.M. 717, 68 P.3d 957 (holding that the state intentionally elicited inadmissible testimony where the prosecutor “directly asked the witness to say what he should have known, and what the witness seemed to know, was forbidden”). The analysis of intentionality is straightforward in this case because it is the State’s question, and not resulting witness testimony, that contained the inadmissible reference to Defendant’s plea negotiations. Regardless of any argument by the State regarding whether Defendant “opened the door,” the State’s question to Defendant asking him to affirm his earlier desire to plead was an intentional reference to Defendant’s plea negotiation. As a result, we cannot conclude that the district court’s curative instruction cured the prejudicial effect of the State’s question, and we continue our analysis to determine if the error was harmless. *See Hernandez*, 2017-NMCA-020, ¶¶ 17, 20.

{19} Generally, violations of the rules of evidence are considered to be non-constitutional error, which is harmless “when there is no reasonable probability the error affected the verdict.” *State v. Duran*, 2015-NMCA-015, ¶ 19, 343 P.3d 207 (internal quotation marks and citation omitted). However, given the constitutional rights

that an erroneous admission of Defendant’s attempt to plead guilty could touch upon, we consider the error to be of the constitutional variety, which is harmless “only if we conclude that there is no reasonable possibility the error contributed to the jury’s decision to convict Defendant.” *State v. Tollardo*, 2012-NMSC-008, ¶ 45, 275 P.3d 110 (emphasis added); *see Smile*, 2009-NMCA-064, ¶ 46 (applying a constitutional harmless error test because the improper admission of plea negotiation evidence “could touch upon various constitutional rights”). “[T]here are no scientific answers to the ultimate question of whether the trier of fact was influenced by an error[.]” *Tollardo*, 2012-NMSC-008, ¶ 43 (internal quotation marks and citation omitted). Nonetheless, reviewing courts must endeavor to determine the likely effect of the error on the jury’s verdict. *Id.* In conducting our review, we analyze the error on a case-by-case basis, “evaluat[ing] all of the circumstances surrounding the error, including examining the error itself, the source of the error, the emphasis on the error, and whether the error was cumulative or introduced new facts.” *Hernandez*, 2017-NMCA-020, ¶ 20. Additionally, “evidence of a defendant’s guilt separate from the error may often be relevant, even necessary, for a court to consider, since it will provide context for understanding how the error arose and what role it may have played in the trial proceedings; but such evidence . . . can never be the singular focus of the harmless error analysis.” *Tollardo*, 2012-NMSC-008, ¶ 43.

{20} Evaluating all of the circumstances surrounding the error, we cannot conclude the error was harmless. First, the error was not cumulative and introduced new facts. While Defendant was the first to mention pleas by stating he would have accepted a guilty plea if he had done something wrong, it was the State that brought the discussion out of the abstract and revealed that Defendant tried to plead guilty that very morning. Revealing this fact immediately after Defendant asserted that he would have pleaded guilty if he had done something wrong undoubtedly had an impact on Defendant’s innocence (or guilt) in the minds of the jury, as the State essentially used Defendant’s testimony to equate his plea negotiation with an admission of guilt. *Cf. Hernandez*, 2017-NMCA-020, ¶ 21 (concluding that a reference to the defendant’s purported confession was not harmless given the highly prejudicial nature of confessions on jurors). To put it another way, the State’s revelation prompted the jury to consider: Defendant would have pleaded guilty if he did something wrong; he tried to plead guilty this morning; therefore, Defendant must have done something wrong. Although, as the State

points out, defense counsel objected to the question before Defendant had the opportunity to answer it, the damage was already done: the jury had learned that Defendant attempted to plead guilty that morning, an act which, according to Defendant’s own testimony was essentially an admission of guilt. Additionally, the State’s reference to Defendant’s plea attempt impeached his credibility—which was paramount to his defense, given his challenge of the other witnesses’ version of events—by demonstrating that Defendant did something he testified he would not do (i.e., plead guilty to something he claimed he did not do). Furthermore, the error was emphasized before the jury during the back and forth between the State and defense counsel in which the State claimed that Defendant “opened the door,” and defense counsel called the question “highly inadmissible” and moved for a mistrial.

{21} This Court has acknowledged that admission of evidence of a defendant’s attempt to plead guilty “can be highly prejudicial because it is . . . difficult to conceive a disclosure more apt to influence a jury than the information that the accused had at one time pleaded guilty to the commission of the crime with which he stands charged.” *Smile*, 2009-NMCA-064, ¶ 43 (alterations, internal quotation marks, and citation omitted); *see also id.* ¶ 74 (Vigil, J., concurring in part, dissenting in part) (“[A]t trial [the d]efendant [is] entitled to every constitutional safeguard and presumption associated with a plea of ‘not guilty.’ Because of the nature of a guilty plea, . . . improperly admitting into evidence [the d]efendant’s attempt to plead guilty destroy[s] the d]efendant’s constitutional presumption of innocence.”). While the district court admonished the jury to disregard “any possible negotiations that may have occurred,” given the highly prejudicial nature of the State’s disclosure under the circumstances of this case, we cannot conclude that there was “no reasonable possibility the error contributed to the jury’s decision to convict Defendant.” *Tollardo*, 2012-NMSC-008, ¶ 45. Accordingly, the district court abused its discretion in denying Defendant’s motion for a mistrial.

E. Sufficient Evidence for Retrial

{22} In light of our determination that the district court abused its discretion in not granting a mistrial, we now consider whether retrial is appropriate. Although Defendant does not challenge the sufficiency of the evidence underlying his convictions, in order to avoid potential double jeopardy concerns that may arise if Defendant is retried, we consider whether the State put forth sufficient evidence to convict Defendant of the charges and justify a second trial. *Hernandez*, 2017-

NMCA-020, ¶ 30. “In reviewing the sufficiency of the evidence, this Court views the evidence in the light most favorable to the guilty verdict, indulging all reasonable inferences and resolving all conflicts in the evidence in favor of the verdict.” *Id.* (alteration, internal quotation marks, and citation omitted). Given that there was testimony at trial regarding: (1) Defendant’s difficulties with stability and balance; (2) the odor of alcohol emanating from his person, his bloodshot, watery eyes, and slurred speech; (3) Defendant’s refusal to take a chemical test; (4) Defendant pulling away from the arresting officer while being escorted into the police station; (5) the bottle of alcohol in Defendant’s front seat; and (6) Defendant’s erratic driving, we conclude there was sufficient evidence to support Defendant’s convictions for aggravated DWI; resisting, evading, or obstructing an officer; possession of an open container; and careless driving. See *State v. Soto*, 2007-NMCA-077, ¶ 34, 142 N.M. 32, 162 P.3d 187 (concluding there was sufficient evidence to support an aggravated DWI conviction where officers observed the defendant driving, the defendant had red, bloodshot, watery eyes and smelled of alcohol, officers found empty beer cans where the defendant admitted to have been drinking, and the defendant refused to take a chemical test), *overruled*

on other grounds by Tollardo, 2012-NMSC-008; see also UJI 14-2215 NMRA (listing essential elements of resisting, evading, or obstructing an officer); § 66-8-138 (listing essential elements of possession of open container); UJI 14-4505 NMRA (listing essential elements of careless driving). Thus, Defendant’s double jeopardy rights will not be affected by a retrial.

II. Defendant Failed to Adequately Preserve Whether His Stop Was Pretextual

{23} Defendant additionally contends that “[t]he police used the stop, investigation, and arrest of [Defendant] as pretexts for [his] continued harassment.” Defendant raises this argument pursuant to *State v. Franklin*, 1967-NMSC-151, 78 N.M. 127, 428 P.2d 982, and *State v. Boyer* 1985-NMCA-029, 103 N.M. 655, 712 P.2d 1, which require appellate counsel to advance his argument even if the merits of the argument are questionable. Defendant never raised this issue before the district court. Preservation is routinely required for claims of pretext. See *Schuster v. N.M. Dep’t of Taxation & Revenue*, 2012-NMSC-025, ¶¶ 32-33, 283 P.3d 288 (addressing whether the appellant preserved his pretext argument); *State v. Scharff*, 2012-NMCA-087, ¶ 19, 284 P.3d 447 (determining the defendant’s pretext argument was insufficient where it was

not adequately preserved below because no testimony was elicited indicating that the traffic stop was a result of pretext, the issue was not raised during the suppression hearing, and no ruling by the district court was invoked). In determining whether a stop was pretextual, the district court must “consider the totality of the circumstances, judge the credibility of witnesses, [and] weigh the evidence . . . [including] the objective reasonableness of an officer’s actions and the subjective intent of the officer[.]” *State v. Ochoa*, 2009-NMCA-002, ¶ 39, 146 N.M. 32, 206 P.3d 143. Given this fact-dependent inquiry, which this Court is unable to make for the first time on appeal, we decline to address Defendant’s pretext argument.

CONCLUSION

{24} For the foregoing reasons, we conclude that Rule 11-410 barred the State from questioning Defendant about his plea negotiations, and the district court abused its discretion in not granting a mistrial. We therefore reverse Defendant’s convictions and remand for a new trial.

{25} **IT IS SO ORDERED.**
JACQUELINE R. MEDINA, Judge

WE CONCUR:
M. MONICA ZAMORA, Judge
JULIE J. VARGAS, Judge



Mediation and Arbitration Services

Over 200 mediations conducted to date
22 years of experience
\$295 an hour

Continuing to gratefully accept
referrals in the areas of:

Auto Accidents • Trucking Accidents • Wrongful Death
Premises Liability • Uninsured Motorist Claims
GAL Appointments (minor settlements)

Offering telephone & video conferencing during the Covid-19 Pandemic.



3800 Osuna Road NE, Suite 2
Albuquerque, NM 87109

www.mattvancelaw.com
mattvance@mattvancelaw.com

TEL (505) 242-6267

Law Office of
MATTHEW VANCE, P.C.
Don't take a chance - call Matt Vance!

FAX (505) 242-4339



Brian Letherer

**We shop up to 22 professional liability
insurance companies to find the
right price and fit for your law firm.**

Make sure your insurance policy has:

- Prior acts coverage, to cover your past work.
- Claim expenses outside the limit of liability, no PacMan.
- "A" rating from A.M. Best, important, some companies are NOT!
- Free tail options for retiring attorneys.

*We help solve insurance problems
for the growth of your firm*

1540 Juan Tabo NE, Suite H, Albuquerque, NM 87112
bletherer@licnm.com • 505.433.4266
www.licnm.com



Premium Professional Development Package

\$600 includes the following benefits:

- Up to **15 CLE credits** per year starting on date of payment (\$735 value) and **Unlimited Audit**
- Concierge service (invaluable)
- Credits filed (invaluable)



New Mexico State Bar Foundation
Center for Legal Education

For more information, and to purchase the
Professional Development Package, contact
cleonline@sbnm.org or **505-797-6020**.



New Mexico Women's Bar Association

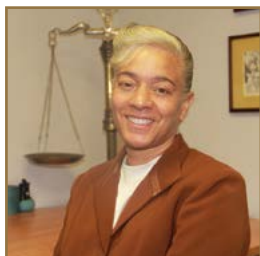
Presents the

2020-21 Henrietta Pettijohn Awards Event

Thursday, June 10, 2021 at 5:00 p.m. 🍷 Virtual Event

Henrietta Pettijohn was the first woman admitted to the New Mexico Bar in 1892, and this award honors recipients who make a difference in supporting women in the law.

— Please join us in celebrating the 2020-21 recipients —



Henrietta Pettijohn Award
THE HONORABLE ANGELA JEWELL



Henrietta Pettijohn Rising Star Award
MS. RILEY MASSE, ESQ.

Proceeds from this event will fund NMWBA's bar exam scholarship fund for law students in need of financial support to take the New Mexico Bar Exam.

For additional details, sponsorship opportunities, tickets info, and bios of the award winners, see NMWBA's website www.nmwba.org/henrietta-pettijohn-award-1 or contact NMWBA's Board by emailing Gayle Lewis Bennett ggrlewis@gmail.com.



Manzano Day School

Joy in Learning® Since 1938



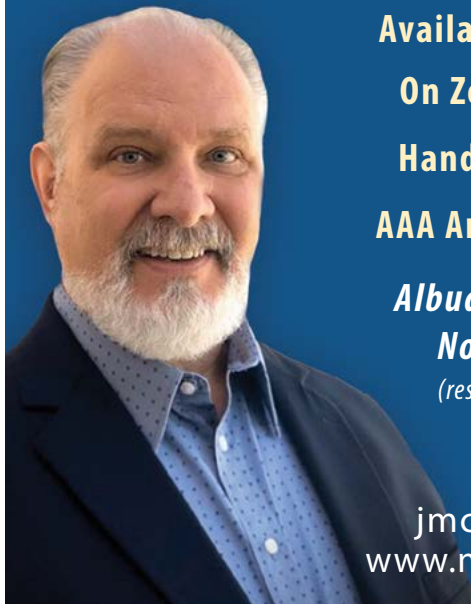
Pre-K through 5th grade 🍷 Nonprofit 🍷 Core Values 🍷 Child-Centered Education
Bus Service 🍷 Extended Day Childcare 🍷 Outdoor Environmental Education

Book an in-person or virtual tour, today! Call 505-243-6659 to schedule.



MEDIATION & ARBITRATION

HON. JEFF McELROY, RET.



**Availability Calendar Online
On Zoom or At Your Office
Handling All Civil Matters
AAA Arbitrator and Mediator**

***Albuquerque, Santa Fe and
Northern New Mexico***
(rest of the state via Zoom only)

(505) 983-6337
jmcclroy.ret@gmail.com
www.nmdisputeresolution.com

ruby.

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

EXPERTISE WITH *Compassion.*

BANKRUPTCY

CREDITOR'S/DEBTOR'S RIGHTS



GIDDENS+GATTON LAW | P.C.

COMMERCIAL LITIGATION

COMMERCIAL REAL ESTATE



*Serving
New Mexicans
Since 1997*

505.271.1053 | www.GiddensLaw.com | Albuquerque, NM

**Access
your work
from
anywhere
with Clio.**

Claim your 10%
SBNM discount at
clio.com/nmbar





ROBERT CASWELL INVESTIGATIONS

rcipi.com
505-797-5661

When you need to know the facts, call the experts

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

Serving New Mexico for 30 years

David Stotts

Attorney at Law

Commercial
Real Estate
Loan Workouts,
Lenders or Borrowers

242-1933

Classified

Positions

Senior Assistant City Attorney

Fulltime regular, exempt position that represents the City in municipal court prosecutions, administrative hearings, and appeals in District Court. Provides legal assessments and recommendations; conducts factual and legal analysis to determine whether legal issues should be prosecuted or defended based on the facts of law and evidence. Juris Doctor Degree AND three year's experience in a civil law practice; at least one year of public law experience preferred. Must be a member of the New Mexico State Bar Association, licensed to practice law in the state of New Mexico, and remain active with all New Mexico Bar annual requirements. Valid driver's license may be required or preferred. If applicable, position requires an acceptable driving record in accordance with City of Las Cruces policy. Individuals should apply online through the Employment Opportunities link on the City of Las Cruces website at www.las-cruces.org. Resumes and paper applications will not be accepted in lieu of an application submitted via this online process. This will be a continuous posting until filled. Applications may be reviewed every two weeks or as needed. SALARY: \$73,957.99 - \$110,936.99 / Annually OPENING DATE: 05/11/20 CLOSING DATE: Continuous

Assistant District Attorney

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

Associate Attorney:

New Mexico Law firm seeking an Associate Attorney to join our team. This opportunity is for a practitioner who is a resourceful, motivated self-starter who desires to serve local businesses by providing outside, general counsel services to New Mexico companies. Applicants must have an understanding of client development, willingness to master areas of law that will effectively support our clients, are team-oriented and interact professionally with clients, attorneys, and staff. Applicants must be licensed and in good standing with the New Mexico State Bar. 0-5 years of experience highly desired. We offer a competitive salary. To apply please email a resume and writing sample to bbcl@BrionesBusinessLaw.com.

Plaintiff's Personal Injury & Civil Rights Associate

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

Prosecutor Position

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

Director of Litigation

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

Lawyer Position

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

Senior Trial Attorney**Trial Attorney****Assistant Trial Attorney**

The Third Judicial District Attorney's Office in Las Cruces is looking for: Senior Trial Attorney, Trial Attorney, Assistant Trial Attorney. Please see the full position descriptions on our website <http://donaanacountyda.com/> Submit Cover Letter, Resume, and references to Whitney Safranek, Human Resources Administrator at wsafranek@da.state.nm.us.

Associate Attorney

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

**Assistant Trial Attorney/
Deputy District Attorney**

The Eleventh Judicial District Attorney's Office, Division I (San Juan County), is accepting resumes for immediate positions from Assistant Trial Attorney to Deputy District Attorney. Salary is based on experience and the NM District Attorney Personnel and Compensation Plan (\$54,308.80 - \$73,251.036). Send resumes to Lori Holesinger, HR Administrator, 335 S. Miller Ave., Farmington, NM 87401, or via e-mail lholesinger@da.state.nm.us

NM Attorney General seeks Assistant Attorneys General, Paralegal and Financial Investigator Positions

The Office of the New Mexico Attorney General is currently recruiting for Assistant Attorneys General, Paralegal and Financial Investigator positions. The job postings and further details are available at www.nmag.gov/human-resources.aspx.

Staff Attorney

Disability Rights New Mexico, a statewide non-profit agency serving to protect, promote and expand the rights of persons with disabilities, seeks full-time Staff Attorney primarily to represent agency clients in legal proceedings. The position also involves commenting on proposed regulations and legislation, and other policy advocacy. Must have excellent research and writing skills, and demonstrate competence in a range of legal practice including litigation. Advanced education, work experience or volunteer activities relevant to disability issues preferred. Must be licensed or eligible for license in NM. Persons with disabilities, minorities, and bilingual applicants strongly encouraged. Competitive salary and benefits. Send letter of interest addressing qualifications, resume, and names of three references to DRNM, 3916 Juan Tabo NE, Albuquerque, NM 87111, or by email to MWolfe@DRNM.org. Applicants encouraged to apply ASAP, but no later than 6/4/2021. AA/EEO.

Trial Attorney

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

Attorney Wanted

Small AV-rated firm seeks attorney interested in civil litigation, primarily insurance defense. Must do high-quality work, use good judgment, possess strong work ethic, work efficiently, and take initiative. We provide camaraderie, access to decades of experience and a great future. Email resume to nmann@gcmlegal.com.

Associate Attorney

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

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.

Associate Attorney

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

Litigation Assistant

The law firm of Gallagher, Casados & Mann, P.C. is seeking a litigation assistant with 3+ years' experience in the areas of insurance defense. This full-time position requires knowledge of State and Federal court procedures, court rules, e-filing, and docketing. Please email resume to nmann@gcmlegal.com.

Domestic Relations Hearing Officer #33541

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

Assistant Federal Public Defender - Albuquerque 2021-07

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

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

Special Master/ Hearing Officer Children's Court

The Second Judicial District Court is accepting applications for a full-time, perm At-Will Hearing Officer in Children's Court (position #32305). Under the supervision of the Presiding Judge, applicant will provide Hearing Officer Services for the Juvenile Justice Center. Applicant will be expected to create and recommend policies and procedures to enhance efficiency and to ensure procedural consistency and compliance with laws and Supreme Court Rules. J.D. from an accredited law school, New Mexico licensed attorney in good standing. Minimum of five (5) years' experience in the practice of law with at least 20% of practice having been in Children's Law related matters, including child welfare, delinquency, mental health, or family law related matters. Ability to establish effective working relationships with judges, the legal community, and staff; and to communicate complex rules clearly and concisely, respond with tact and courtesy both orally and in writing. Extensive knowledge of New Mexico and federal case law, constitution and statutes; court rules, policies and procedures; manual and computer legal research and analysis. A work record of dependability and reliability, attention to detail, accuracy, confidentiality, and effective organizational skills. Ability to pass a background check. SALARY: \$51.44 hourly, plus benefits. Send application or resume supplemental form with proof of education and writing sample to the Second Judicial District Court, Human Resource Office, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM 87102. Applications without copies of information requested on the employment application will be rejected. Application and resume supplemental form may be obtained on the NM Judicial Branch web page at www.nmcourts.gov. CLOSES: June 4, 2021 at 5:00 p.m. EOE. Applicants selected for an interview must notify the Human Resource Division of the need for an accommodation.

Domestic Relations Hearing Officer Family Court

The Second Judicial District Court is accepting applications for a full-time, term At-Will Domestic Relations Hearing Officer in Family Court (position #00000530). Under the supervision of the Presiding Family Court Judge, applicant will be assigned a child support caseload. May also be assigned caseloads to include domestic relations and domestic violence matters. Consistent with Rule 1-053.2 duties may include: (1) review petitions for indigency; (2) conduct hearings on all petitions and motions, both before and after entry of the decree; (3) in child support enforcement division case, carry out the statutory duties of a child support hearing officer; (4) carry out the statutory duties of a domestic violence special commissioner and utilize the procedures as set for in Rule 1-053.1 NMRA; (5) assist the court in carrying out the purposes of the Domestic Relations Mediation Act; and (6) prepare recommendations for review and final approval by the court. matters consistent with Rule 1-053.2. duties Qualifications: J.D. from an accredited law school, New Mexico licensed attorney in good standing, minimum of (5) years of experience in the practice of law with at least 20% of practice having been in family law or domestic relations matters, ability to establish effective working relationships with judges, the legal community, and staff; and to communicate complex rules clearly and concisely, respond with tact and courtesy both orally and in writing, extensive knowledge of New Mexico and federal case law, constitution and statutes; court rules, policies and procedures; manual and computer legal research and analysis, a work record of dependability and reliability, attention to detail, accuracy, confidentiality, and effective organizational skills and the ability to pass a background check. SALARY: \$51.44 hourly, plus benefits. Send application or resume supplemental form with proof of education and writing sample to the Second Judicial District Court, Human Resource Office, P.O. Box 488 (400 Lomas Blvd. NW), Albuquerque, NM 87102. Applications without copies of information requested on the employment application will be rejected. Application and resume supplemental form may be obtained on the NM Judicial Branch web page at www.nmcourts.gov. CLOSES: June 18, 2021 at 5:00 p.m. EOE. Applicants selected for an interview must notify the Human Resource Division of the need for an accommodation.

Associate Attorneys

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

Assistant City Attorney City of Santa Fe

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

CFE Manager

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

Deputy City Attorney for Property & Finance

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

Assistant City Attorney Advising APD

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

Litigation Attorney

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

In-House Attorney

The New Mexico Finance Authority (NMFA) in Santa Fe seeks to hire a hard-working, self-motivated, full-time Attorney with at least 5 years of experience to work with the Commercial Lending group. Under the direction of the Chief Legal Officer, this position is responsible for providing professional, timely and competent legal services to the NMFA. Concentration areas include, but are not limited to: representing the NMFA in the negotiation, documentation and closing of secured and unsecured loan transactions; analysis of UCC and real property collateral issues; experience in commercial finance, lending and incentive programs; familiarity with creditor's rights and bankruptcy matters; loan loss issues and underwriting; familiarity with open meetings, public records and similar transparency statutes; experience in legislative research and statutory interpretation. The NMFA is a government instrumentality whose mission is to advance New Mexico by financing impactful, well-planned projects. The ideal candidate must be licensed to practice law in New Mexico; must have excellent legal writing, research, and oral communication skills, excellent organizational and prioritizing abilities. Business and Corporate Law highly preferred. Must have the ability to use initiative and good judgement in working independently as well as in a team. Must be able to perform all duties with minimal supervision. The successful candidate must demonstrate exceptional analysis skills and the ability to communicate the results to a variety of audiences. Ability to balance multiple projects and competing priorities in a fast-paced environment is required. Submit resumes to Chief Administrative Officer, New Mexico Finance Authority, 207 Shelby St., Santa Fe, NM 87501 or e-mail to dcdebaca@nmfa.net. Salary: Competitive salary with generous benefits (no billable hours).

Attorney Positions

1st Judicial District Attorney

The First Judicial District Attorney's Office is accepting resumes for a felony level and an entry level magistrate court attorney. Salary is based on experience and the District Attorney Personnel and Compensation Plan. Please send resume and letter of interest via email to 1stDA@da.state.nm.us.

Attorney III (WCA #30887)

New Mexico Workers' Compensation Administration (WCA) hiring Attorney III for the Uninsured Employers' Fund (UEF). The UEF pays medical and indemnity benefits to injured workers who have sustained an on-the-job injury for which an employer who is required to carry workers' compensation insurance but did not at the time of the injury. Position responsible for representing interests of UEF in litigation before WCA and District Court. Responsible for maximizing collection of money owed the UEF from uninsured employer. Legal counsel for UEF provides effective and timely legal advice to UEF Administrator and other UEF staff with regard to UEF claims. Ideal candidate has experience with workers' compensation (WC) law including WC adjudication/mediation systems; experience providing legal guidance on difficult legal WC interpretations; collections experience; Microsoft Office. Juris Doctorate degree from accredited school of law and four (4) years in practice of law. Licensed as attorney by Supreme Court of New Mexico or qualified to apply for limited practice license (Rules 15-301.2NMRA). For information on limited practice licenses, visit <http://nmexam.org/limited-license/> Salary: \$31.89-\$51.03 hourly/\$66,338 - \$106,141 annually. Application must be submitted through State of New Mexico Personnel website. For more about this position, visit <https://workerscomp.nm.gov/WCA-Jobs>, or contact Michael Holt, Michael.Holt@state.nm.us

Litigation Paralegal

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

Paralegal

MARRS GRIEBEL LAW, LTD. is an Albuquerque law firm serving businesses and their owners who find themselves dealing with business disputes. We aim to provide our clients with responsive, sensible, and efficient legal services that meet their broader business objectives. Come join our growing team. Paralegal Job Responsibilities: Document review, organization, and analysis; preparing document summaries and indices; Working directly with clients regarding document retrieval and discovery response; Assisting with the preparation, filing and service of pleadings; Coordinating the collection, review and production of documents and responding to discovery requests; Assisting with trial preparation including the assembly of exhibits, witness binders and appendices for depositions and court filings; Summarizing deposition transcripts and exhibits; Researching case-related factual issues using in-house files and outside reference sources. Benefits of Working with our Firm: We are a small firm that rewards hard work. Salary begins at 50K and up depending on experience and production. We offer a generous compensation plan and full benefit package. Hours can be flexible and working remotely is allowed if desired. Skills, Education and Experience Requirements: Research and investigation skills; Ability to prioritize workload and assignments with moderate level of guidance; Bachelor's Degree preferred; Paralegal certificate from an ABA accredited program preferred, or a combination of education and/or experience; 5 years of significant and substantive litigation experience as a paralegal; Basic legal drafting skills for less involved filings – simple motions; Managing medium to large-scale document production experience; Proficiency with Document Review Software (Adobe) and MS Suite; SharePoint experience preferred. To apply, please send resume to hiring@marrslegal.com.

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

Paralegal Basic City of Santa Fe

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

Paralegal

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

Paralegal/Legal Assistant

Well established Santa Fe personal injury law firm is in search of an experienced paralegal/legal assistant. Candidate should be friendly, honest, highly motivated, well organized, detail oriented, proficient with computers and possess excellent verbal and written skills. Duties include requesting & reviewing medical records, send out Letter of Protection & Letter of Representation, opening claims with insurance companies and preparing demand packages as well as meeting with clients. We are searching for an exceptional individual with top level skills. We offer a retirement plan funded by the firm, health insurance, paid vacation, and sick leave. Salary and bonuses are commensurate with experience. Please submit your cover letter and resume to personalinjury2020@gmail.com

Litigation Paralegal/Legal Assistant

Hall & Evans, L.L.C., a prominent and well-respected law firm headquartered in Denver, CO is seeking an experienced litigation Paralegal/Legal Assistant to join our team in New Mexico. This position will work on existing client files and help establish a strong local presence in the New Mexico community. This is a key position that will have additional responsibilities associated with running a small law office and will serve as the main point of contact for the corporate office. We are seeking a certified paralegal with at least 5 years of litigation experience, defense experience preferred, but not required. This position will be supporting two full-time local attorneys and visiting attorneys from the Firm's other office locations. Required Knowledge, Skills and Abilities: Draft pleadings, discovery, and routine correspondence; Assist attorneys with deposition preparation and other discovery requests; Prepare for client meetings, including document productions, depositions, hearings, and trials; Prepare summaries of depositions, documents, and records; Organize exhibits; Maintain case management files; Ability to assume a diverse and complex caseload; Proficient in court rules; Strong knowledge of docketing and calendaring systems; Experienced with both hard and soft filing systems; Experience with database management programs; Well-developed writing and electronic research skills; E-discovery experience; Experience billing time; Ability to multi-task and oversee numerous details while maintaining a high level of accuracy; Anticipate attorney needs, identify problems, and find solutions; Self-directed professional who works well with a wide variety of people; Ability to handle a heavy workload with a high degree of tact, discretion, and sound judgment; Strong organizational and prioritization skills to meet time-critical deadlines; Possess exceptional interpersonal skills with a mature, professional, and personable presentation and demeanor; Ability to work overtime as necessary to meet deadlines; Excellent attendance and reliability; High level of integrity and personal accountability; Ability to lift up to 25 lbs. when necessary. If you have the above qualifications, then don't miss out on the opportunity to join an amazing Firm with a great culture that offers phenomenal growth opportunities. What do we offer in exchange for your dedication and legal expertise? A competitive salary with a bonus plan, a comprehensive benefits package that includes employee medical, dental, vision, life, AD&D, LTD insurance coverages fully paid by the Firm, co-shared premiums for dependent coverages, and other terrific voluntary benefits. You will be working and learning from some of the most talented professionals in the industry. Our goal is to foster a collaborative culture that honors work/life balance. How to Apply: Please go to www.hallellans.com and select the careers tab and then follow the application process. You will need complete an online employment application, provide a cover letter, and resume.

Legal Administrative Assistant

MARRS GRIEBEL LAW, LTD. is an Albuquerque law firm serving businesses and their owners who find themselves dealing with business disputes. We aim to provide our clients with responsive, sensible, and efficient legal services that meet their broader business objectives. This position requires individuals who thrive amidst constant distractions and can manage fast-moving, complex and fluid work environment. Attention to detail despite a fractured work-day is a must for success. Legal Administrative Assistant Job Duties: Legal admin support for 2-3 attorneys; Managing the calendar for the attorney; Drafting legal documents when requested, including subpoenas, motions, and summonses; Filing case documents in an organized manner for easy access (primarily electronic); Communicating with potential clients or other attorney's offices via email, over the phone, or in person; Acquiring relevant legal records to be utilized by the firm's attorneys/ Making copies of legal documents; Managing all files and file management (electronic); Preparing documents and case arguments for attorney use in court; Managing office supplies and ordering replacements when required; Court filings- State and Federal; Light transcription. Benefits of Working with our Firm: We are a small firm that rewards hard work. We offer a generous compensation plan and full benefits package. Salary is up to \$20.00 DOE. Skills, Education and Experience Requirements: Should be highly organized to file, manage and store important client documents Skilled with MS Suite; Familiar with TylerHost Odyssey system for filing with the courts; Above average verbal and written communication skills are also needed to proofread and edit legal documents; Client interaction will be a daily occurrence; successful candidate is good working with wide variety of sometimes demanding clients; Strong candidates must also love to work on a busy environment with lots of interruptions; Task management skills are also ideal for candidates to have, as they must prioritize and handle several work items at once; Past work experience in a legal office. To apply, please send a resume to hiring@marrslegal.com.

Paralegal

Established Albuquerque Family Law Firm seeks experienced paralegal with current working knowledge of domestic matters, state & local rules, filing procedures, trial preparation, calendaring & discovery. Must possess strong word processing skills and experience with Word, Excel, and Outlook. Salary DOE. Bachelor's degree or Associate degree with minimum of two years' experience in NM Family Law. Please send both a cover letter and resume to Letty@cortezhoskovec.com

Litigation Paralegal

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

Secretary/Legal Assistant

The Santa Fe office of Hinkle Shanor LLP is hiring a legal secretary/legal assistant for transaction and litigation work in the areas of real estate, business and corporate law, bankruptcy, civil litigation, wills, estates and trusts. Applicants must have strong word processing and computer skills. Experience in calendaring deadlines and of 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 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

The City of Albuquerque Legal Department is seeking a Paralegal to assist an assigned attorney or attorneys in performing substantive administrative legal work from time of inception through resolution and perform a variety of paralegal duties, including, but not limited to, performing legal research, managing legal documents, assisting in the preparation of matters for hearing or trial, preparing discovery, drafting pleadings, setting up and maintaining a calendar with deadlines, and other matters as assigned. Excellent organization skills and the ability to multitask are necessary. Must be a team player with the willingness and ability to share responsibilities or work independently. Starting salary is \$20.69 per hour during an initial, proscribed probationary period. Upon successful completion of the proscribed probationary period, the salary will increase to \$21.71 per hour. Competitive benefits provided and available on first day of employment. Please apply at <https://www.governmentjobs.com/careers/cabq>.

Paralegal

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

Legal Assistant

New Mexico Law firm seeking a Legal Assistant to join our team. This opportunity is for someone who is a resourceful, motivated self-starter who desires to serve local businesses by providing excellent service to New Mexico companies. Applicants would be responsible for anticipating, coordinating, and delivering legal and general administrative support to the firm's attorneys, must have a willingness to master the skills and services necessary to effectively support our clients, must be team-oriented, and interact professionally with clients, attorneys, and staff. We offer a competitive salary. To apply please email a resume and writing sample to bblc@BrionesBusinessLaw.com.

Service

Legal Writer

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

Forensic Genealogist

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

Mediation Services

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

Research and Writing

Help ME help YOU! Need assistance with research and writing? Lucy River, J.D., is motivated (she's a start-up), prompt, and available. Email Lriver@lucyriverrlaw.com or visit Lucyriverrlaw.com for more info.

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

Office Space Downtown Las Cruces

500 N. Church Street. Law library, deposition room, kitchen, utilities and wifi all included. Email: bmurphee@gmail.com

Santa Fe Office Space

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

110 12th Street NW

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

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

Join Forces?

Are you an established practitioner or firm that would like to merge with an AV-rated small firm that concentrates in civil litigation, especially insurance defense? We seek one or more such attorneys with same or compatible practices. Contact us at nmann@gcmlegal.com.

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@sbnm.org

The publication schedule can be found at
www.sbnm.org.

MEET OUR NEW MEXICO TEAM'S THREE NEWEST ATTORNEYS

**HARTLINE
BARGER** LLP



Casey Fitch

Casey joins us after serving as a District Judge in New Mexico's Third Judicial District for Dona Ana County. Prior to holding judicial office, Casey was a partner at one of Southern New Mexico's largest law firms. There he represented a wide range of businesses and local governments in all phases of litigation, including successful state and federal court appeals. Casey brings a unique background in the federal courts. He has served as a law clerk in the Eastern District of Michigan and the U.S. Court of Appeals for the Ninth Circuit. Before becoming a judge himself, Casey was a career law clerk to U.S. Magistrate Judge Kevin Sweazea in the District of New Mexico. Casey graduated magna cum laude from Seattle University School of Law in 2004. He is from Socorro, New Mexico and proud to call Las Cruces his home.



Ryan T. Goodhue

After graduating magna cum laude from New England School of Law, Ryan worked as an associate attorney at the Albuquerque office of a national law firm from 2016 to 2020. His varied litigation experience includes construction defects, property disputes, personal injury, and product defects, defending individuals, corporations, and insurance companies and appellate work. Outside of work Ryan enjoys spending time with his fiancée' and mini Australian Shepherd and sings and plays keyboards and accordion for the country band High Desert Playboys.



Michael G. Smith

Michael began his law career as an attorney for the Public Defender's office where he gained invaluable trial experience. He has practiced in the areas of personal injury, commercial litigation, construction defect litigation and tort defense. Michael is a 2009 graduate of the University of New Mexico School of Law, where he was awarded Honors in Clinical Law for outstanding performance in the clinical law program and was a member of the Tournament of Champions Mock Trial Team. Michael is a native New Yorker but loves calling Albuquerque home.

Albuquerque

Corpus Christi

Dallas

hartlinebarger.com

Houston

Santa Fe

Waco



SLOAN FIRM^{COM}

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

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



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

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

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

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

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

SLOANFIRM.COM