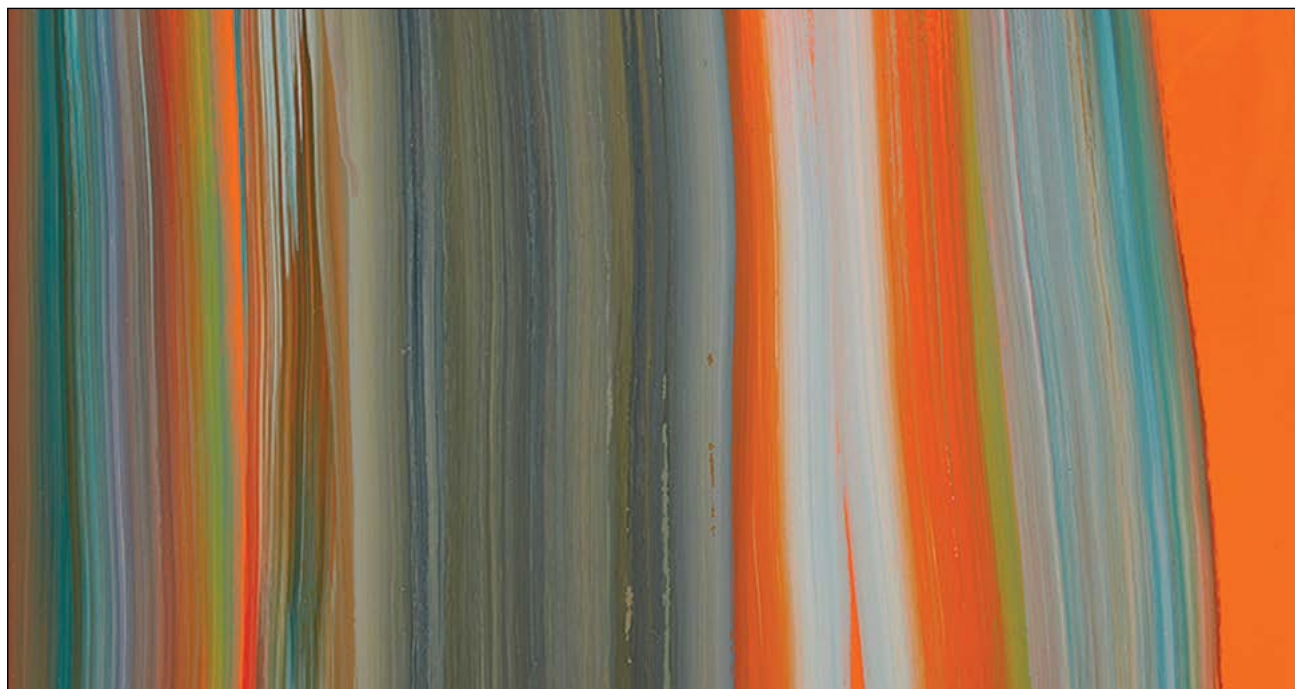


BAR BULLETIN

July 14, 2021 • Volume 60, No. 13



Three Muses 10 by Willy Richardson (see page 3)

www.willyborichardson.com

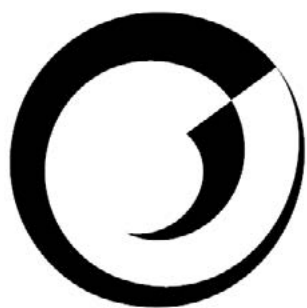
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Family Law



ALB

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www.albpainclinic.com

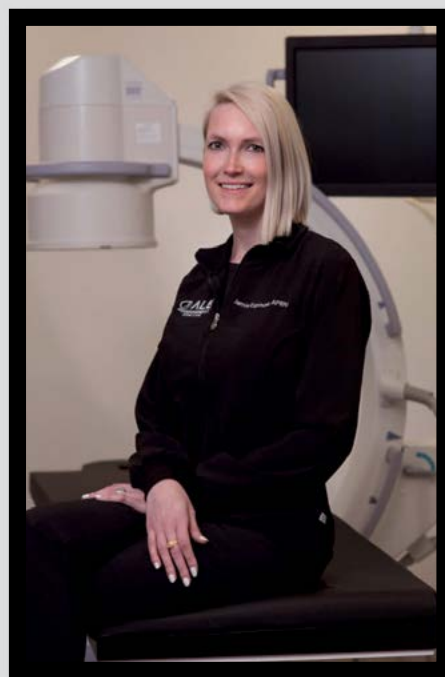
ALB Pain Management & Spine Care (APMSC) is dedicated to the diagnosis and treatment of pain conditions related to an automobile accident. APMSC specializes in interventional pain medicine and neurology. Our providers are dedicated to restoring the health and comfort of our patients. Our mission is to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

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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

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Meetings

July

- 14**
Animal Law Section Board
11:30 a.m., State Bar Center
- 14**
Children's Law Section Board
Noon, Children's Court, Albuquerque
- 14**
Tax Section Board
9 a.m., teleconference
- 15**
Public Law Section Board
Noon, Legislative Finance
Committee, Santa Fe
- 16**
Family Law Section Board
9 a.m., teleconference
- 16**
Indian Law Section Board
Noon, State Bar Center
- 20**
Solo and Small Firm Section Board
10:30 a.m., State Bar Center
- 28**
**Natural Resources, Energy and
Environmental Law Section Board**
Noon, teleconference

Workshops and Legal Clinics

July

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

August

- 4**
Divorce Options Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6022
- 25**
Consumer Debt/Bankruptcy Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6094

September

- 1**
Divorce Options Workshop
6-8 p.m., Video Conference
For more details and to register, call
505-797-6022

About Cover Image and Artist: Willy Bo Richardson received an MFA from Pratt Institute in 2000. He teaches painting at SFUAD and exhibits nationally. In 2011 his work was included in "70 Years of Abstract Painting" at Jason McCoy Gallery in New York, which assembled works by a selection of modern and contemporary painters, including Josef Albers, Hans Hofmann and Jackson Pollock. In 2012 he exhibited a body of watercolors at Phillips auction house in New York. His work and vision was featured on the PBS weekly arts series ¡COLORES!. He is represented by Richard Levy Gallery in Albuquerque and Turner Carroll Gallery in Santa Fe.

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>.

Administrative Office of the Courts

Notice about Online Dispute Resolution

Starting July 1, the Judiciary is pausing referrals to Online Dispute Resolution for newly filed debt and money due cases as well as landlord-tenant actions involving the collection of money due. These case types will proceed in court according to applicable rules of civil procedures. Cases previously referred to ODR will continue in the program until the end of their online negotiation period. The pause on new case referrals will remain in effect until further notice. The Judiciary plans to conduct an intensive evaluation of the online program and upgrade the application, including to increase accessibility.

New Mexico Supreme Court Candidate Announcement

The New Mexico Supreme Court Judicial Nominating Commission convened on June 17, via Zoom, and completed its evaluation of the seven candidates for the one vacancy on the New Mexico Supreme Court due to retirement of the Honorable Senior Supreme Court Justice Barbara Vigil, effective June 30. The Commission recommends the following candidates to

Professionalism Tip

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

I will not adopt procedures that needlessly increase litigation expense.

Governor Michelle Lujan Grisham. The names of the applicants in alphabetical order: **Judge Jennifer DeLaney, Judge T. Glenn Ellington and Judge Briana Zamora.**

Fourth Judicial District Court Notice of Mass Reassignment

Gov. Michelle Lujan Grisham has appointed Michael A. Aragon to fill the judicial vacancy in the Fourth Judicial District Court, DIV I. Effective June 14, a mass reassignment of cases occurred pursuant to NMSC Rule 1-088.1. Judge Michael A. Aragon was assigned all cases previously assigned to Judge Gerald E. Baca and/or Division I. Pursuant to Supreme Court Rule 1-088.1, parties who are allowed by the rule will have 10 days from July 14 to excuse Judge Michael A. Aragon.

Seventh Judicial District Court Governor Appoints Woods

Gov. Michelle Lujan Grisham appointed Roscoe A. Woods to the Seventh Judicial District Court, filling the vacancy created by the unexpected passing of Honorable Matthew G. Reynolds.

Reassignment of Cases Due to the Unexpected passing of Honorable Matthew G. Reynolds

Due to the unexpected passing of Honorable Matthew G. Reynolds, Honorable Roscoe A. Woods, sworn in June 1 is assigned to the cases previously assigned to Judge Reynolds. Pursuant to NMRA 1-088.1, parties who have not yet exercised a peremptory excusal will have until July 28 to excuse the successor judge.

Office of the Public Defender Federal CJA Panel Applications

The CJA Panel Committee is accepting applications to join the panel of attorneys eligible to take appointments in federal criminal cases. If you've thinking about getting into federal court, now's your chance. We offer training, mentorship and other resources to assist new panel members. Applications are due no later

than July 31. Call Marc Robert at 505-923-9338 with any questions. For a blank application, email marc_robert@fd.org.

Hidalgo County District Court New Clerk's Office Hours

Effective July 12, the new office hours for the Hidalgo County District Court Clerk's Office will be 8 a.m. – 5 p.m., closing during the noon hour, Mondays through Thursdays. Because the Hidalgo County Courthouse is closed to the public on Fridays, the Hidalgo County District Court Clerk's Office will be closed for in person services; however the Court will be available by telephone at 575-542-3411 and email at lordadmin@nmcourts.gov on Fridays during the office hours noted above.

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 June 11. Action taken at the meeting follows:

- Approved the April 16, 2021 meeting minutes;
- Received a report on the Communications Plan and information on activities and programs for the Board's information in communicating with constituents;
- Reviewed the Strategic Plan;

- Received nominations for the 2022 officers as follows: Erin Atkins at Secretary-Treasurer, Ben Sherman as President-Elect, and Carolyn Wolf as President;
- Approved a proposed rule for the Professional Practice Program; the rule will be presented to the Supreme Court for approval;
- Approved adding the NM State Bar Foundation President to the Executive Director Evaluation and Compensation Committee for this year;
- Received a report on the ATJ Fund Grant Commission; the Commission reviewed proposals from legal service providers in response to an RFP and awarded \$700,000 in grants to 11 legal service providers;
- Received a report on the Executive Committee, which met to review the MCLE late fee waiver requests and one licensing fee waiver request, a funding request and to approve the meeting agenda;
- Received a report from the Finance Committee and accepted the February 2021 financials and the CPF, ATJ and JLAP first quarter 2021 financials (for the Board's information only); the committee also received a presentation on the 2020 Combined Financial Audit for the State Bar and the NM State Bar Foundation and accepted the audit; reported that a PPP Loan was received for the State Bar;
- Received a report from the Policy and Bylaws Committee; the committee is working on several bylaw amendments which will be presented for approval at the October meeting; the committee also discussed the Section Bylaw Template and the YLD Liaison and will bring back a recommendation for the October meeting;
- Received reports from the Member Services Committee, Statewide/Rural Outreach Committee, Special Committee on Sections, and Special Committee on Diversity and Gender Recommendations;
- Received a report on the newly created Legal Specialization Commission which met with the Family Law Section to review the process and procedures;
- Received an update on the Indian Law Section;
- Received an update on the new As-

sociation Management System and revamped website;

- Received a report from the State Bar President regarding the 2021 virtual ABA Day, Law Well-Being Week, 2021 Annual Meeting, Judicial Nominating Commissions, and Well-Being Committee;
- Received a report from the Bar Foundation President on the newly created Board;
- Received a report from the executive director;
- Received reports from divisions and districts on their activities;
- Received a report on the ABA House of Delegates; and
- Discussed a State Bar video project for which more information will be obtained.

Note: The minutes in their entirety will be available on the State Bar's website following approval by the Board at the Oct. 7 meeting.

Rocky Mountain Mineral Law Foundation Board Appointment

The president of the Board of Bar Commissioners will make one appointment to the Rocky Mountain Mineral Law Foundation Board for a three-year term. The appointee is expected to attend the Annual Trustees Meeting and the Annual Institute, make annual reports to the appropriate officers of their respective organizations, actively assist the Foundation on its programs and publications, and promote the programs, publication and objectives of the Foundation. Active status members in New Mexico wishing to serve on the board should send a letter of interest and brief resume by July 26 to info@sbnm.org.

New Mexico Judges and Lawyers Assistance Program

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

Monday Night Attorney Support Group

- July 19 at 5:30 p.m.
- July 26 at 5:30 p.m.
- Aug. 2 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

— *Featured* —

Member Benefit



MeetingBridge offers easy-to-use teleconferencing especially designed for law firms. You or your staff can set up calls and notify everyone in one simple step using our Invitation/R.S.V.P. tool. No reservations are required to conduct a call. Client codes can be entered for easy tracking. Operator assistance is available on every call by dialing *0.

Call 888-723-1200, or email sales@meetingbridge.com or visit meetingbridge.com/371.

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

- Oct. 2 at 10 a.m.
- To attend this 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:

- July 28: Compassion Fatigue
- August 25: Fear

Legal Services and Programs Committee

Seeking Sponsors for Breaking Good High School Video Contest

The Legal Services and Programs Committee will host the sixth annual Breaking Good Video Contest for 2021. The video contest aims to provide an opportunity for New Mexico high school students to show their creative and artistic talents while learning about civil legal services available to their communities. The LSAP Committee would like to invite members or firms of the legal community to sponsor monetary prizes awarded to first, second, and third place student teams and the first place teacher sponsor. The video contest sponsors will be recognized during the presentation of the awards, to take place on 2022 Law Day, and on all promotional material for the video contest. For more

information regarding details about the prize and scale and the video contest in general, or additional sponsorship information, visit sbnm.org/breakinggood.

Public Law Section

Now Accepting Nominations for Lawyer of the Year Award

Since 1996, the Public Law Section has presented the annual Public Lawyer Award to lawyers who have had distinguished careers in public service and who are not likely to be recognized for their contributions. The Public Law Section is now accepting nominations for the Public Lawyer of the Year Award for 2021. Visit sbnm.org/publiclaw to view previous recipients and award criteria. Nominations are due no later than 5 p.m. on Aug. 31. Award presentation date and format to be determined but will be in the fall for hopeful in-person celebrations. The selection committee will consider all nominated candidates. Make sure to also sign-up for the Public Law Section at sbnm.org/sections/!

UNM SCHOOL OF LAW Law Library Hours

Due to COVID-19, UNM School of Law is currently closed to the general public. The building remains open to students, faculty, and staff, and limited in-person classes are in session. All other classes are being taught remotely. The law library is functioning under limited operations, and the facility is closed to the general public until further notice. Reference services are available remotely Monday through Friday, from 9 a.m.-6 p.m. via email at UNMLawLibref@gmail.com or voicemail at 505-277-0935. The Law Library's document delivery policy requires specific citation or document titles. Please visit our Library Guide outlining our Limited Operation Policies at: <https://libguides.law.unm.edu/limitedops>.

Legal Education

July

- | | | |
|---|---|---|
| <p>15 Why Fetal Alcohol Spectrum Disorder is a Severe Developmental Disorder
1.5 G
Live Webinar
Administrative Office of the US Courts
202-502-4603</p> | <p>19 Annual Rocky Mountain Mineral Law Institute
25.8 G, 1.0 EP
Live Webinar
Rocky Mountain Mineral Law Foundation
www.rmmlf.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>15 Nursing Home Admission Agreements: A Discussion of the Arbitration Clauses Presented to Elders
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>20 Ethics and New Clients: Inadvertent Clients, Intakes, and More
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>23 REPLAY: Setting Boundaries with Our Clients and Ourselves (2020)
1.0 EP
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>15 Immigration Law: 2021 DACA Update
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>21 Conflicts of Interest: You Can't Be Everyone's Best Friend or Their Lawyer
1.0 EP
Live Webinar
Affinipay-Lawpay
512-366-6996</p> | <p>26 Non-Compete Provisions Trends Limitations and Protecting Your Clients Interest
1.5 G
Live Webinar
District of Columbia Bar
www.dcbar.org</p> |
| <p>16 New Mexico has a Civil Rights Act!
5.0 G, 0.7 EP
Live Webinar
American Civil Liberties Union of New Mexico
aclu-nm.org</p> | <p>21 Is it Billable? Billing Practices that Can Lead to Malpractice and Fee Disputes
1.0 EP
Live Webinar
Attorney Protective
attorneyprotective.com</p> | <p>30 REPLAY: So How 'Bout We All Zoom, Zoom, Zooma, Zoom?: Ethical and Best Practices for a Virtual Practice (2021)
1.0 EP
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>16 REPLAY: 2021 Family Law Spring Institute - Day 2 (2021)
4.0 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>21 NSBA Legal Advocacy Update: US Supreme Court 2020-2021 Term Wrap Up and Key Title IX Litigation
1.0 G
Live Webinar
NSBA Council of School Attorneys
www.nsba.org</p> | <p>30 Good Faith and Fair Dealing in Business Transactions: Litigation Risks
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>16 Lawyer Ethics & Credit Cards
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>22 Tap into Victory: Brewing the Winning Case on Cross-Examination
13.1 G, 1.0 EP
Live Webinar
National Association of Criminal Defense Lawyers
www.nacd.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.

August

- | | | |
|---|---|---|
| <p>2 Concrete Tips For Negotiating Commercial Real Estate Leases In The District 2021
2.0 G
Live Webinar
District of Columbia Bar
www.dcbbar.org</p> | <p>11 ADTA Annual Meeting
6.5 G
Live Webinar
Association of Defense Trial Attorneys
360-748-9281</p> | <p>19-20 14th Annual Legal Service Providers Conference
10.0 G, 2.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>3 Is That Defamation? Using The Law To Fight Defamatory Attacks 2021
2.0 G
Live Webinar
District of Columbia Bar
www.dcbbar.org</p> | <p>11 Trust and Estate Planning for Cabins, Boats, and Other Family Recreational Assets
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>20 Hot Topics in Copyright Law: Artificial Intelligence, Computer Code, Fair Use (Google v. Oracle), and NFTs (Non-Fungible Tokens)
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>3 Incentive Compensation in Businesses - Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>12 Key Issues In International Trade Law 2021
1.0 G
Live Webinar
District of Columbia Bar
www.dcbbar.org</p> | <p>27 REPLAY: A Look at the Practice of Law Through the Decades: A Panel Discussion of Women Attorneys Practicing Law in New Mexico from 1980 to the Present (2020)
1.5 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>4 Incentive Compensation in Businesses - Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> | <p>13 REPLAY: 2021 Health Law Legislative Roundup (2021)
1.5 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>31 Trust and Estate Planning for Firearms
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.nmbar.org</p> |
| <p>5 The Strategic Use Of Mediation
2.0 G
Live Webinar
District of Columbia Bar
www.dcbbar.org</p> | <p>13 Advanced Oratorical Cross-Examination Techniques That Work Best Against Experts at Trial and at Depositions
1.5 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | |
| <p>6 REPLAY: Selections from Women in Law Symposium (2020)
3.0 G
Live Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | | |

September

- 30 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204**
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org



Call for Nominations

State Bar of New Mexico

2021 ANNUAL AWARDS

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

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

Judge Sarah M. Singleton* Distinguished Service Award

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

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

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

Distinguished Bar Service Award–Nonlawyer

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

Previous recipients: Renee Valdez, Tiffany Corn, Jim Jackson

Justice Pamela B. Minzner* Professionalism Award

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

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

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

Outstanding Legal Organization or Program Award

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

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

Robert H. LaFollette* Pro Bono Award

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

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

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

Justice Seth D. Montgomery* Distinguished Judicial Service Award

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

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

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

Nominations should be submitted through the following link:

<https://www.jotform.com/sbnm/2021sbnmawards>.

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

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

Deadline for Nominations: July 19

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

An Update on the Status of Minorities and Gender in the Legal Profession

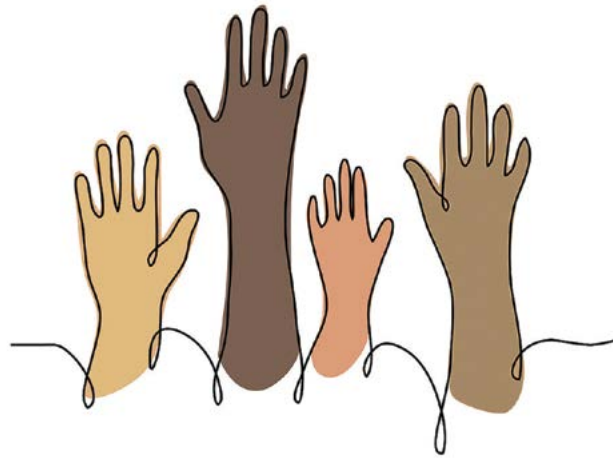
The Status of Minority Attorneys in New Mexico Report (2019) (published in 2020)

By the Committee on Diversity in the Legal Profession

Beginning in 1988, the State Bar of New Mexico's Committee on Diversity in the Legal Profession has conducted studies every ten years to assess the status of women, lawyers of color and other diverse attorneys in the New Mexico bar. The foresight of the State Bar, led by Arturo Jaramillo, to begin collecting this important data provides us with 40 years of information on diversity that allows our Committee to look back and see how far our bar has come, while also aiding to identify areas where there is still critically important work to be done. This is particularly so as there is greater recognition that policies and practices that promote diversity, equity, and inclusion can improve wellness at the workplace and a sense of belonging for lawyers from diverse backgrounds.

This year's report represents a joint effort by the State Bar's Committee on Diversity in the Legal Profession and the State Bar's Committee on Women and the Legal Profession to study diversity and inclusion issues facing lawyers of color, LGBTQ attorneys, attorneys with disabilities and women attorneys. This year, the study was conducted by American Decisions and led by Gabriel R. Sanchez, Ph.D. Dr. Sanchez is one of the nation's leading surveyors of the opinions of persons whose voices are often marginalized.

This report was completed at a poignant moment in American history. Following the police killing of George Floyd in Minneapolis, there has been a resurgence of activism and dialogue concerning police brutality, systemic racism and longstanding inequality in the treatment of people of color. Lawyers, in particular, play a crucial role in our country's justice system and are uniquely positioned to advocate for change. Yet, the legal profession as a whole has struggled to achieve diversity in its own membership, routinely being named as one of the least diverse professions in the nation.



In Memory of Raymond Hamilton, Esq.

The 2019 Report is dedicated to the late Raymond Hamilton. Mr. Hamilton spent his life amplifying the voices of people of color and diversifying the practice of law. While attending UNM as an undergraduate, he helped form the Black Student Union. When Mr. Hamilton returned to New Mexico after graduating from Harvard Law School, he picked up right where he left off. In 1982, he founded the

New Mexico Black Lawyers Association along with fellow attorneys Hannah Best, Angela Jewell and Tommy Jewell. While pursuing a distinguished career in the US Attorney's office, Mr. Hamilton mentored countless law students and attorneys. He helped new graduates with bar exam preparation and personally welcomed black attorneys who moved to New Mexico.

Methodology

The 2019 report includes demographic data from the State Bar, from the UNM law school, the Board of Bar Examiners, the disciplinary process, and the judicial branch. American Decisions developed an online survey addressing issues raised by both of the sponsoring committees and collected responses from 1,564 bar members. This represents a 15.5% overall response rate of the 10,068 active or retired members of the bar, which translates to a +/-2.5% margin of error. Data were weighted to match demographic distributions as defined by the overall bar member database population.

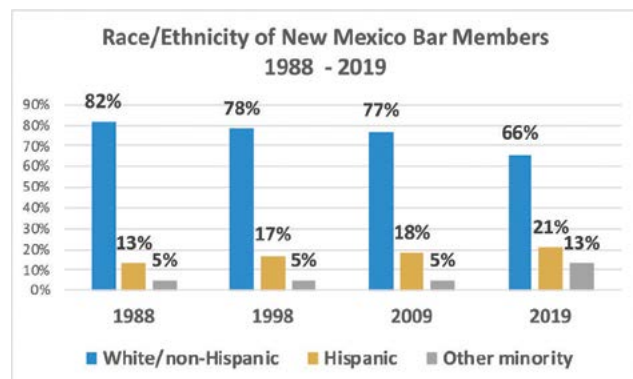
The study also included focus groups designed to dig deeper into some of the themes that emerged from the survey. Three of them focused on Native American, Asian American, and African American attorneys. Two groups were comprised of only women members.

Read the Reports: To read both reports mentioned in this piece, visit www.sbnm.org/surveys.

The Data

Race and Ethnicity

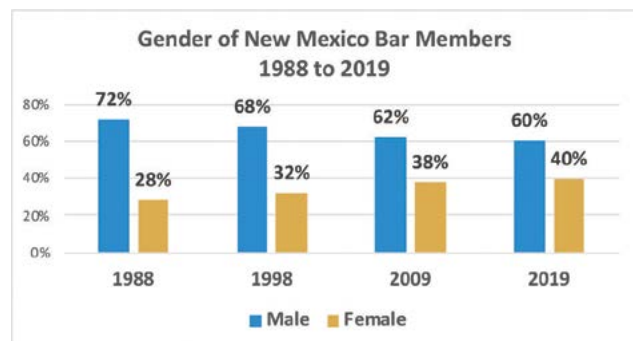
This chart shows the data for the four studies that have been conducted by the Committee on Diversity in the Profession beginning in 1988.



The New Mexico bar has become steadily more diverse over time, with the last ten years showing the largest increase in the proportion of non-white members with non-Hispanic minorities growing at the highest rate. Within this subgroup, persons of mixed race were 4.5% of the bar membership, Native Americans 3.4%, Black Americans 2.0%, Asian/Pacific Islanders 1.7 %, and all others 1.6%.

Gender

The State Bar's share of women members has grown steadily over 40 years, increasing the most (+6%) between 1998 and 2009.



36% of active attorneys in the American Bar Association's national population survey are women. Despite the recent slowdown in the growth in the proportion of women in our bar, New Mexico remains more diverse in terms of gender than lawyers nationwide.

Major Themes of the Bar Membership Survey

Women of Color in New Mexico's Legal Community Face Unusual Challenges

The survey revealed that the combined impact of race and gender provides significant obstacles for women of color in our state. Latinas were more likely than both Latino males and women from other racial backgrounds to report unfair treatment or discrimination. Furthermore, women of color from all non-white racial backgrounds are more likely to be mistaken for a paralegal, administrative, or custodial staff-person than not only men, but also white women.

Hispanic/Latino Members of the Bar Appear to have Experiences More Similar to Whites Than Other Racial and Ethnic Minorities

Hispanics and Whites report nearly identical experiences with discrimination (37% and 36% respectively), nearly ten percentage points lower than respondents from other racial groups. This trend is particularly apparent when we look at survey questions that allow for comparisons to be made over time, suggesting that in our state being of Hispanic origin is less and less likely to be perceived as labeling person as a member of a minority group.

Recommendations

After reviewing all of the survey and other data, and considering both the 40 year trends and the exigencies of the moment in the United States, the Committee on Diversity in the Legal Profession has made recommendations to the Board of Bar Commissioners in four categories. You can review these in full on the State Bar website at the link below.

The committee on diversity commends the New Mexico State Bar and all the stakeholders in the legal community who made this report possible. This report has identified key areas of focus to embark upon a more welcoming, diverse, and equitable bar. Finally, we are pleased to say that the New Mexico State Bar has begun the hard work of analyzing the recommendations and, where feasible, committing to the long-term planning for implementation of recommendations.

For more information on the Committee, visit www.sbnm.org/cdlp.

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Leon Howard, Co-Chair, CDLP

With contributions from:

Denise Chanez, Co-Chair CDLP

Aja Brooks, President, President NMBLA

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The Path Towards Gender Equality:

A History of the Committee on Women and the Legal Profession and the Results of the 2019 Statewide Gender Survey and Recommendations to Address Gender Bias

By the Committee on Women and the Legal Profession

The mission of the Committee on Women and the Legal Profession has been to secure the full and equal participation of women in the New Mexico State Bar, the legal profession, and the justice system. The Committee's mission of making strides towards gender equality is in line with the newly established New Mexico Supreme Court's Committee on Equity and Inclusion, which is working on equality and fairness in court operations and diversity in the judicial workforce. Under the leadership of recently retired Chief Justice Judith Nakamura and with the support of both the New Mexico Supreme Court and the Board of Bar Commissioners, the New Mexico State Bar Association 2019 Gender Diversity Report was designed, in part, to examine progress and changes that have occurred since the initial report spearheaded by the late Honorable Sarah Singleton more than 30 years ago that examined gender bias and diversity issues. This article will provide historical context on the Committee on Women and the Legal Profession, the Committee's initiatives throughout its thirty year history, the recent 2019 Statewide Gender Survey and the Committee's recommendations to address gender bias on our collective path towards gender equality.

Background – Creation and Initial Actions of the Committee on Women and the Legal Profession

In December 1987, the State Bar of New Mexico, under the direction of the late Judge Sarah M. Singleton, as chair, organized the Task Force on Women and the Legal Profession (hereinafter "Task Force"). The Task Force was charged with investigating and reporting to the State Bar the extent to which gender bias was affecting women who participated in the legal system as litigants, witnesses, legal staff or attorneys. The Final Report, titled "The Status of Women Attorneys in New Mexico" was dated November 2, 1990 ("Task Force Report"). The Task Force Report looked at issues affecting women as lawyers and judges, as well as substantive issues in the areas of civil justice, domestic

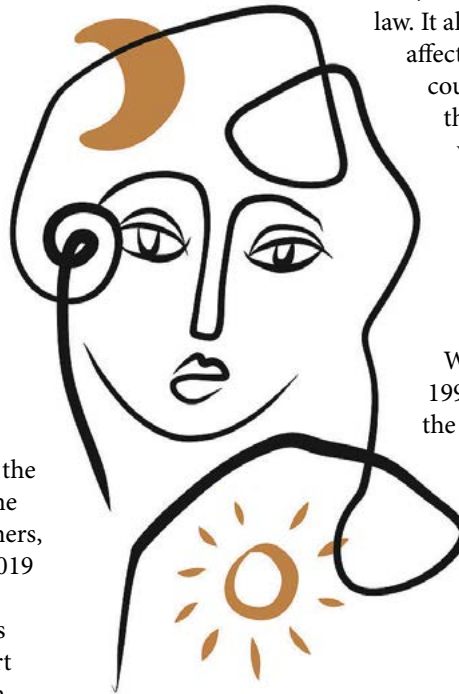
violence, criminal law, juvenile justice, and family law. It also identified gender bias issues affecting female litigants, witnesses, and court employees. Following its publication, the State Bar replaced the Task Force with a permanent committee: the Committee on Women and the Legal Profession ("Committee").

Initial Tasks of the Committee

When the Committee began meeting in 1991, its first task was to write a report for the Board of Bar Commissioners and the Supreme Court recommending actions to implement the recommendations of the Task Force. Following the issuance of the Committee's report, the Board of Bar Commissioners and later the New Mexico Supreme Court adopted most of the actions recommended by the Committee.

As summarized in the September/October 1996 issue of the *Bar Journal*¹ these included:

1. Appointment by the Board of Bar Commissioners of an ad hoc committee charged with drafting a Rule of Professional Conduct prohibiting invidious discrimination.
2. Amendment of the Code of Judicial Conduct by the adoption of a rule that included specific prohibitions against invidious discrimination.
3. Issuance of a statement by Chief Justice Seth D. Montgomery on April 12, 1994 to all judges, court employees and members of the bar prohibiting gender biased behavior in the courtroom, charging judges with the responsibility of prohibiting such behavior by lawyers, and adopting a Handbook as a guide to the creation of a bias free environment throughout New Mexico court system.
4. Revision of uniform jury instructions and court rules to eliminate gender biased language.
5. In 1991, the creation of the Judicial Education Center to provide training to judges in New Mexico on the issues of gender bias and ways to eliminate it in the operation of the courts.



6. At the request of the Committee, promulgation of policies by the University of New Mexico School of Law prohibiting gender bias in interviewing by firms that use its placement services, including grievance provisions for students if they feel they were adversely affected by gender bias by a firm using the placement services of the law school.
7. Amendments made in 1993 by the Family Law Section of the State Bar concerning changes in laws relating to spousal support. (NMSA 1978, §40-4-7 (Repl. Pam. 1994)).
8. Through support of the Committee, the Judicial Education Center conducted workshops on domestic violence issues in various judicial districts. Training on domestic violence was also held at district attorney conferences.
9. Many recommendations of the Committee dealt with the need to educate the legal community as a whole about the problems faced by female colleagues, including alternative work schedules to accommodate family responsibilities.
10. During 1995, the Committee suggested substantive revisions to the judicial branch rules regarding sexual harassment, many of which have been adopted.

The Committee's Initiatives During 1991-2020

During the 29 years after its creation, the Committee continued the important work from the initial study. In September 2000, Chief Justice Pamela B. Minzner made reference to Chief Justice Montgomery's letter of April 12, 1994, and she and all members of the Chief Judges Council endorsed the reprinting and redistribution of the Handbook. The Handbook was updated and revised again in 2005, including procedures to follow under Local Rule 83.12 for the United States District Court for the District of New Mexico. It is currently undergoing another revision, with the tremendous assistance of Professor Sarah Steadman and the law students in the UNM School of Law Clinic, and will be distributed again this year.

The Committee, during the same period, conducted various CLE's related to gender bias, initiated workshops, initiated rule changes by the Supreme Court, and with the assistance from the Board of Bar Commissioners and support from the Supreme Court, implemented statutory changes to provide for gender neutral language in the drafting of new and replacement legislation.

"Ask Pat" columns in the *Bar Bulletin* addressed issues of bias arising from both private workplace and courtroom experiences, some taken from real life experiences of practitioners and court employees and others from hypothetical situations. The Committee worked on several updates of the domestic violence card, a business card

size resource guide provided to various professional and community organizations to distribute to clients who are victims of domestic violence and sexual assault in the community. It has recently been revised to include online, text and chat resources. The Justice Pamela Minzner Award was created and became etched in stone at the New Mexico Court of Appeals building named in her honor that is next to the law school. Coordination and co-sponsorship of addresses and CLE's at the New Mexico State Bar Annual Convention have been common, including panels consisting of members of the New Mexico Supreme Court and other notable speakers. In 2016, the Committee presented a plenary session at the New Mexico State Bar Convention entitled *Gender and Justice: New Mexico Women in Robes*, moderated by the late Judge Singleton that provided the history of the Task Force, its findings and the continued relevance of the Committee on Women and the Legal Profession. Clothing drives, a clothing closet for new attorneys, paralegals and domestic violence organizations, a fashion show, scholarships for UNM students, mentorship programs, furnishing and decorating an apartment for a Saranam family, hosting golf clinics, partnering with the Women's Bar on joint projects and the Young Lawyer's Division for a new attorney reception, and hosting regular lunch speakers addressing the needs and competing demands of "working attorneys" were initiatives taken on by the Committee over the years.

Status of Women in the Law – 2020 Diversity and Gender Bias Report

The Committee held an Executive Summit with members of the original Task Force, including Judge Singleton, on June 23, 2012 at the State Bar Center. Discussions included a review of results from the previous report and an inquiry as to whether additional efforts needed to be made to address issues that were identified in the original Task Force.

On September 12, 2017, Supreme Court Justice Judith Nakamura sent a letter to Scotty A. Holloman, President of the New Mexico Board of Bar Commissioners. To quote Justice Nakamura, Much has changed in the twenty-seven years since the Task Force's final report and yet national data indicates that women attorneys continue to lag behind men in private practice, academia, and in the the judiciary. (See, *A Current Glance at Women in the Law*, January 2017, https://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_january2017.authcheckdam.pdf). And there is evidence from other states that female lawyers are given the lead counsel role only about 25% of the time, leading one of our federal colleagues to issue a rule making it easier to allow younger lawyers, including women, to participate in court proceedings. (Internal cite omitted.) While we hope that

is not the case here in New Mexico, my colleagues and I are aware of cases where women lawyers after writing the briefs are not seated at counsel table or given an opportunity to argue the case.

The Chief Justice went on to say that she understood that the Committee on Women and the Legal Profession has indicated an interest in re-examining and updating the 1990 report. “We would support that effort and would welcome any additional recommendations for determining the current status of women legal professionals in New Mexico.”

Under the leadership of the Chief Justice, and funding from both the Board of Bar Commissioners and the Supreme Court, the Board of Bar Commissioners supported the Committee’s request to conduct a survey of all active and inactive members of the New Mexico State Bar to update and evaluate the data from the original Task Force Report. American Decisions was hired to conduct the survey. The details of the methodology are addressed in the American Decision’s May 2020 Diversity Study. A total of 1,564 members of the New Mexico Bar Association elected to participate in this survey. The survey was conducted on-line and was available in English and Spanish. It is statistically valid, and it has a margin of error of +/-2.5%.

American Decisions also held five focus groups following the survey. The focus groups participants were recruited from a database of all members of the New Mexico Bar Association through live phone calls and e-mails and were screened to meet the target audiences of female members, and members from the Native American, Asian American, and African American communities. Group meetings were approximately two hours in length and contained 6-8 participants in each group. Half of the focus groups were comprised of only female participants in order to encourage a more open dialogue.

Major Overarching Themes Emerging from the Data in the Report to the Committee

While there are many issues that are embedded within the report, the May 2020 Draft Report lists three major themes that emerged from the survey data:

1. “Female Members of the Bar Face Significant Challenges Achieving a Balance Between Professional and Family Obligations.”
2. “Income Inequality Facing Female Members of the Bar Remains a Major Challenge.”
3. “Intersectionality of Race/Ethnicity and Gender Reveals Challenges Women of Color Face in New Mexico’s Legal Community.”

Actions by the Committee on Women and the Legal Profession in Response to the Report

The Committee formed a subcommittee to analyze the results of the analysis received in May 2020.² Several in-depth meetings were held with the goal to review all of the data and issues identified in the Diversity Study and to develop a list of recommended issues/actions for the Committee/State Bar/Courts that would identify both short term and longer term initiatives to correct gender bias and the challenges faced by women members of the State Bar.

The Committee made significant recommendations in the following areas: (1) Challenges with Professional and Personal Obligations; (2) Gender and Racial Bias and Discrimination; (3) Mentorship and Leadership Opportunities; and (4) Barriers to Employment Opportunities. The Committee’s key recommendations will assist in making systemic changes to improve the practice of law for women in the legal profession and to better address the challenges attorneys face with both their professional and personal obligations. Among the Committee’s key recommendations are (click here for the Committee’s recommendations in their entirety):

- The Committee would like for the State Bar to establish a best practices employment manual, a reporting hotline and issue a yearly report.
- Equal pay in the public and private sector remains a concern and there are specific recommendations for employers to self-audit salaries.
- The Committee recognizes the need to incorporate an intersectional approach to addressing diversity and gender. 70% of female minority lawyers report leaving or considering leaving the legal profession.³ We need to create a more inclusive culture in the legal profession with an eye to retention of women and women of color in the legal profession.
- Our Committee remains committed to continuing a fair judicial selection process and working with the UNM Law School Deans and Chairs of the Judicial Nominating Commissions to ensure that women candidates are not asked during the selection process whether or how they plan on addressing judicial and family obligations.
- We recommend state and federal judges receive periodic training on issues of explicit and implicit bias. We also recognize that there is a need for continuing legal education on the requirements of Rule 16-804(G) and ways to improve inclusivity and diversity in the legal profession.
- There is a need for a women’s leadership program and mentorship program and opportunities for women to gain trial and appellate experience. Too often women

who have written legal briefs are not allowed to argue the cases in court.

The Committee's recommendations are still a work in progress much as those that were in the initial report from Judge Singleton. We acknowledge that there is much work to be done in addressing the broad range of issues facing women attorneys. Issues to be further explored include attorneys who are single parents, members of the sandwich generation-- caring for children/spouses/significant others while also responsible for caring for older family members-- attorneys with disabilities, etc. Younger generations are increasingly caring for their elder family members. Even with more women in the work force than ever before, the burden of care for older members of the family who face physical/mental challenges continues to be borne predominately by female family members. System and cultural changes need to evolve where the care of older family members becomes more of a family obligation and not predominately the responsibility of female family members. We will also examine alternative licensing options for attorneys unable to continue practicing law due to severe health or personal issues.

In summary, the mission of the Committee on Women and the Legal Profession is to secure full and equal participation of women in the State Bar of New Mexico, the legal profession and the justice system. The newest survey by

American Decisions examines the unique experiences and challenges faced by women lawyers and offers concrete recommendations to address intersectionality and make the legal profession more inclusive. As aptly articulated by the late Justice Minzner, the work of this Committee is in continuing to help our profession move closer to true equal opportunity.

For more information on the Committee, visit www.sbnm.org/cwlp.

Endnotes

¹See Bar Briefs Sections and Committees, "Five Years Later: An Update of the Report of the Task Force on Women and the Legal Profession," *Bar Journal* – September/October 1996, pgs. 44-51.

²Members of the subcommittee included: Rebecca Mulcahy, Quiana Salazar-King, United States Magistrate Judge Laura Fashing, Zoe E. Lees, Sheryl Saavedra, Erin Marshall, Jeff Albright, and Elizabeth A. Garcia.

³See American Bar Association. [2020]. *Majority of minority female lawyers consider leaving law; ABA study explains why*, <https://www.abajournal.com/news/article/most-minority-female-lawyers-consider-leaving-law-aba-study-explains-why#:~:text=Seventy%20percent%20of%20female%20minority,the%20challenges%20that%20they%20face>.

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July 2021 Volume 16, No. 1

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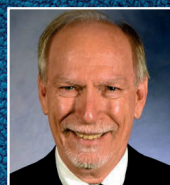
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HIGH INCOME CHILD SUPPORT: Long Awaited Appellate Guidance¹

By Amber R. Macias-Mayo and Sarah E. Bennett

In New Mexico, any domestic relations matter involving children (divorce, parentage, domestic violence, or even kinship guardianship), includes a determination of support for the child or children. In fact, all states have their own guidelines to determine child support, varying widely in amount. The New Mexico Child Support Guidelines provide

a formula to determine child support for children of parties whose combined monthly income does not exceed \$30,000. What is an appropriate lifestyle for parties whose income exceeds \$30,000 per month? Should we assume that the parties will always pay a percentage of their combined income on the children's needs, or is there a cap on the amount created by the statutory formula? How many ponies are enough for a child? After years of debate among practitioners over whether the New Mexico Child Support Guidelines are intended to cap child support at the top rate, or how it should be calculated otherwise, the Court of Appeals in *Jury v. Jury*, 2017-NMCA-036, 392 P.3d 242, addressed the underlying debate, thereby revitalizing long established judicial principals.

Historically, prior to adoption of the New Mexico Child Support Guidelines, Courts had vast discretion in determining the amount of child support to be paid, or whether to grant a modification upon application. In the context of a request for increase of child support, in *Spingola v. Spingola*, 1978-NMSC-045, 91 N.M. 737, the Supreme Court of New Mexico established factors to be considered by the court in exercising its discretion. The Supreme Court provided ten criteria for consideration when reviewing child support. *Id.* ¶ 24. Although the 1988 adoption of the Guidelines largely supplanted consideration of the *Spingola* factors, controversy and litigation regarding application of the formula to high income cases blossomed after the 2008 changes to the statute.

Under *Spingola*, the district court is required to consider ten “guidelines” when exercising its discretion to determine a



proper award of child support. *Id.* ¶ 24. The factors to be considered are: 1) the financial resources of both parents; 2) the lifestyle the children would have enjoyed if the family remained intact and the parties had their current income; 3) additional advantages the parties can afford above their actual needs, but states specifically that “This does not mean providing

‘luxuries or fantastic notions of style...not normal for the stable, conservative upbringing...’; 4) whether the custodial parent is able to, and so does, foster good relationships between the non-custodial parent and the children; 5) current guidelines; 6) the number of children; 7) ages of parties and the children; 8) the best education that the parties can afford; 9) whether additional children have been born; and 10) any subsequent remarriage. *Id.* These factors are not meant to be exclusive, but only to provide district courts with guidance when exercising its discretion regarding these issues. *Id.* ¶ 25. In high income cases, it was common in litigation to present economic expert testimony regarding what needs children have in New Mexico. Obviously, a formula made judicial determinations much easier.

To codify and simplify established law that parents owe a duty of support to their children, in 1988, New Mexico enacted the New Mexico Child Support Guidelines (“Guidelines”). The Guidelines are intended to protect the best interest of children by ensuring their support. The Guidelines were revised and modified in years 1991, 1995 and 2008. Until the 2008 changes, the Guidelines had a standard formula to calculate the child support obligation for high income parties.² When the Guidelines were modified again in 2008, the basic child support schedule in NMSA 1978, § 40-4-11.1(K) (2008) became applicable to parties with a combined gross income of up to \$30,000 per month. Unlike the prior guidelines, however, the 2008 Guidelines did not provide guidance for calculating child support amounts for parties with a combined gross income in excess of \$30,000. It was no longer just a straight-forward

calculation. Many practitioners contended that support was capped at the \$30,000 level; many contended the percentages of old should be applied.

Nearly a decade after the 2008 changes in the New Mexico Child Support Guidelines, the Court of Appeals provided some resolution and some assistance. In *Jury*, 2017-NMCA-036, 392 P.3d 242, the Court concluded that, absent legislative guidance, the district courts retain broad discretion in high income cases. The Court in *Jury* also emphasized that the district court has no discretion in calculating the actual income of each party (“Calculation of parties’ gross monthly incomes must conform to the child support guidelines or precedential appellate court interpretation of the child support guidelines.” *Id.* ¶ 29. However, the Court recognized that a trial court has vast discretion in determining whether increased income of a party represents a substantial change in circumstance to justify modifying child support. *Id.* ¶¶ 37-39. *Jury* eliminated any confusion that there may be a cap for high-income earners. Even when addressing the statutory presumption in § 40-4-11.4, the court must exercise discretion to ensure a fair result for all parties.

In *Jury*, the Court made clear it is “more concerned with a parent’s actual cash flow” than it is with “income represented on tax returns.” *Jury*, ¶ 30 (citing *Major v. Major*, 1998-NMCA-001, ¶ 5, 124 N.M. 436, 952 P.2d. 37). This assertion is supported by the statute’s requirement that one must use current income, or an average from the last twelve months, or the prior years’ tax return when calculating gross income for child support purposes. NMSA, 1978 § 40-4-11.1(K) (2008). No New Mexico appellate court has addressed the issue of multi-year averaging, though many other jurisdictions seem to settle on the appropriateness of three-year average. *Jury*, ¶ 31. However, *Jury* provides guidance for calculating child support when the parties’ combined monthly income exceeds \$30,000 by requiring that the district court consider: 1) the total financial resources of both parents, including their monetary obligations, income and net worth 2) life-style the children would be enjoying if the parents remained together at current income levels; 3) whether the resources available should provide additional advantages above the children’s needs. *Id.* ¶ 32. The *Spingola* factors have been revived.

Jury continues in the vein of *Spingola* and adopts the pre-guidelines body of child support authority, along with the opinions issued since adoption of the guidelines. When litigating these such cases, practitioners should consider evidentiary presentations to support the Court’s exercise of discretion, including the following:

1. Practitioners should expand their presentations to provide lifestyle evidence in support of their arguments in order to ensure that factors in *Spingola* are fully explored and addressed — for instance, “what life-style the children would be enjoying if the father and mother were not divorced, and the non-custodial parent had (their) level of income.” *Jury*, ¶ 32. Often, when incomes vary widely from year to year,

families adjust spending from year to year as well in order to ensure ability to meet expenses in low-income years.

2. No income averaging rules were adopted by *Jury* or any other New Mexico appellate decisions — factors such as timing of receipt of payor’s income (monthly salary versus variable annual bonus and/or distributions) and income variability and unpredictability present ample opportunity for parties to address not only what advantages the children should receive, but also the potential for imposition of unfair burdens on a payor. The *Jury* court emphasized that the district court must use discretion and, pursuant to *Spingola*, must arrive at an equitable solution for all parties.
3. Courts should consider hybrid methods applied to child support calculations – that is, if the payor’s base salary is such that it can be used to calculate a monthly combined income of \$30,000 or less, the Court should consider applying the New Mexico Child Support Guidelines to the base income amount, and then a proper percentage for the irregular and inconsistent income amounts such as bonuses, distributions and/or overtime. According to the 1994 Child Support Guidelines Review Commission, Income and Tax Subcommittee, “[b]onuses should generally be included in gross income for child support calculation purposes, with similar considerations and in similar ways as set forth” under the “overtime-income” section. Several categories fall into the “over-time income” section, one of those is “irregular” income. In considering irregular income when calculating a child support obligation, the 1994 commentary states:

If over-time has historically been irregular, but the compensation has been significant, basic monthly child support should be calculated excluding over-time, but the payor parent should be required to make additional lump-sum child support payment in the month after the over-time income is received . . .

It is important for practitioners, the judiciary and the parties alike to understand that child support is intended to support the needs of children, but also to be equitable as between the parties. If the child’s needs are being met, and the child is fortunate enough to enjoy appropriate privilege with respect to education, travel, amenities and possessions, “no child, no matter how wealthy the parents, needs to be provided more than three ponies.” *Jury*, ¶ 46.

Since this article was sent to publish, New Mexico Senate Bill 140 was approved by Mexico Legislature and signed by our Governor amending the Child Support Guidelines *inter alia* by providing a formula for how to determine child support when parties have a combined income of over \$30,000 per month. NMSA 1978, § 40-4-11.1, effective July 1, 2021, requires calculation of basic support at the highest basic support amount on the chart for number of children the parties have, plus an additional specified percentage of the combined income over \$30,000. In doing so, the statute provides guidance to the courts for an appropriate child

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The Moralistic Fantasy of INCOME IMPUTATION

By Jane E. Granier

As a society we have collectively determined that parents should make every possible sacrifice to support their children. They should be able to tug up their bootstraps and go to work lest the cost of bringing a child into the world fall upon the taxpayers of the state.¹ Child support obligations are generally determined by the courts by combining parents' gross income to derive a dollar amount that is set by statute. In situations where a parent has little or no income, courts typically impute income to the underperforming parent. In New Mexico, courts consider 'potential income if unemployed or underemployed.'² The obvious problem with that is that potential income is imaginary. Try spending it.

Imputed income is based on good intentions, but it leads to a great many impossible-to-meet child support obligations. Most people will experience a bout of unemployment at some point in their lives. The national average for time spent unemployed is approximately 27 weeks as of February 2021.³ Injury, illness, the need to care for elderly relatives, struggles with drug and alcohol dependency, or periodic incarceration prevent many parents from obtaining steady full-time employment. Undocumented parents also have difficulty in maintaining a steady income source without proper work authorization. The good intention to provide financial support for a child can frequently clash with reality.

Enterprising parents can and do turn to the gig economy to make ends meet. Anyone that can download an app to their smartphone can instantly work for Uber, Lyft, Airbnb, DoorDash or Grubhub. But imputing potential gig income is a messy and inexact task. It would also be a mistake to assume that this type of employment always provides a meaningful wage. For example, DoorDash currently advertises that its delivery drivers can earn between \$2.00 to \$10.00 per delivery, plus customer tips. But it is impossible to extrapolate income expectancy from this information alone. Food delivery jobs are dependent upon the local restaurant economy, so a driver in Albuquerque would certainly be better compensated than a driver in Alamogordo.



The rates DoorDash pays do not include compensation for mileage and vehicle expenses. DoorDash, also considers its drivers to be independent contractors (an industry standard), so drivers are often unpleasantly surprised to learn about the high cost of payroll and gross receipts taxes after several paychecks are spent. Ultimately many gig economy jobs become financial sinkholes when the

high cost of self-employment is factored in.

If income is imputed to an obligor parent already struggling to make ends meet, they are less likely to pay any support at all. Higher orders and tougher enforcement do not increase collections when the barrier to payment is poverty.⁴ Orders set above 19% of an obligor's income tend to decrease the amount of support actually paid.⁵ Unpaid support becomes an ever-increasing debt. The larger it grows, the less likely it will be paid at a future date. The largest debts are owed by the poorest of parents.⁶ Many low-earning parents become discouraged and leave formal employment.⁷ Many are alienated from their children and extended families by what they perceive to be an insurmountable barrier to loving relationships.

Income imputation harms custodial parents as well. They are essentially told by the state that there is a certain minimum amount of child support they are entitled to receive each month. The failure of the obligor parent to meet that minimum amount becomes a bitter and deeply personal issue. It represents the obligor's failure as a provider and failure as a human being. After all, the courts tell us that child support is a parent's "most important single obligation."⁸

New Mexico courts are required to impute income to unemployed and underemployed parents to the level of employment at full capacity.⁹ The statutory guidelines offer little actual guidance to courts in evaluating the significance of the discrepancy between actual income and earning potential. The amount of imputed income entirely up to the discretion of the judge.¹⁰ The current legal minimum wage multiplied by 40 (hours per week) is considered the most acceptable baseline

for imputation, regardless of achievability. This comes to \$1,820.00¹¹ per month of fantasy income a parent should use to pay a very real legal obligation.

There is relief on the horizon. At the time writing, both branches of the New Mexico legislature have approved amendments to our child support guidelines. These amendments will drastically change the rules regarding income imputation. If signed into law the following additions to NMSA § 40-4-11.1 will become effective July 1, 2021:

“D. If a court finds that a parent has willfully failed to obtain or maintain appropriate employment, the court may impute to that parent an income equal to that parent’s earning and employment potential.

- 1) *The following criteria shall be used:*
 - a. *availability of employment opportunities for the parent;*
 - b. *the parent’s employment history;*
 - c. *the parent’s income history;*
 - d. *the parent’s job skills;*
 - e. *the parent’s education;*
 - f. *the parent’s age and health;*
 - g. *the parent’s history of convictions and incarceration; and*
 - h. *the parent’s ability to obtain or maintain employment due to providing care for a disabled child of the parties.*

- 2) *Minimum wage may be imputed if a parent has no recent employment or earnings history and that parent has the capacity to earn minimum wage. The minimum wage to be imputed to that parent is the prevailing minimum wage in the locality where that parent resides.*

*E. Income may not be imputed to a parent if the parent is incarcerated for a period of one hundred eighty days or longer. Incarceration is not considered a voluntary unemployment.”*¹²

The new statutory language introduces an element of willfulness. The courts must first determine whether a party’s unemployment or underemployment is a deliberate action before assigning make-believe income. It will no longer be

sufficient to blindly impute minimum wage while a laid off worker is searching for a new job, or if a parent is prevented from working due to a long period of incarceration. The expanded criteria for deciding upon imputation will be of enormous benefit to struggling parents as well as to the courts tasked with assisting them. This is terrific news for New Mexican families. ■

Jane E. Granier is an attorney for the Child Support Enforcement Division and has the great honor and pleasure of working in the Twelfth Judicial District. Her views and opinions do not reflect any official policy of the Child Support Enforcement Division.

Endnotes

¹ *Martinez v. Martinez* 1982-NMSC-097 ¶13.

² NMSA § 40-4-11.1 (C) (1).

³ U.S. Bureau of Labor Statistics, accessed at: <https://www.bls.gov/news.release/empsit.t12.htm>

⁴ *Executive Summary: Reforming Child Support to Improve Outcomes for Children and Families*, by Vicki Turetsky, The Abdel Report, June 2019, Volume 23, No. 5.

⁵ *How do Child Support Order Amounts Affect Payment and Compliance?* By Mark Takayesu, 2011, Orange County Department of Child Support Services, accessed at: https://ywcass.com/sites/default/files/pdf-resource/how_do_child_support_orders_affect_payments_and_compliance.pdf

⁶ *The Child Support Debt Bubble*, by Tonya L. Brito, UC Irvine Law Review, 2019, Volume 9, Issue 4.

⁷ *Falling Further Behind? Child Support Arrears and Father’s Labor Force Participation*, by Daniel P. Miller and Ronald B. Mincy, Social Service Review, 86(4); 604-635, 2012.

⁸ *Niemyjski v. Niemyjski* 1982-NMSC-062 ¶7.

⁹ NMSA § 40-4-11.1(A), (C) (1); *Quintana v. Eddins* 2002-NMCA-008 ¶¶ 10, 16.

¹⁰ *State ex rel. HSD v. Kelley* 2003-NMCA-050 ¶23 citing *Quintana*.

¹¹ $\$10.50 \times 40 \text{ hours} \times 52 \text{ weeks} \div 12 \text{ months} = \1820.00 .

¹² 2021 New Mexico House Bill No. 190

High Income Child Support: Long Awaited Appellate Guidance continued from page 4

support amount; however, it does not resolve all the issues that arise with determining actual income and accommodating timing adjustments for when that income should be shared. The factors discussed in *Jury* and *Spingola* regarding the needs of the child remain useful to practitioners. ■

Amber R. Macias-Mayo and Sarah E. Bennett are Shareholders at Walther Bennett Mayo Honeycutt, P.C., where they both practice exclusively in family law matters. Macias-Mayo is the current Chair of the Family Law Section of the State Bar of New Mexico, as well as Best Lawyers, 2021 Ones to Watch. Bennett is Best Lawyers 2021 Santa Fe Family Lawyer of the Year. Macias-Mayo and Bennett have worked together as a team, and individually, on child support determinations for parties whose income exceeds the former of the New Mexico Child Support Guidelines. Each is committed to helping families and fact-finders

resolve child support disputes in a manner that is consistent with the law and in the best interest of New Mexico’s children.

Endnotes

¹ This article was written and submitted for publishing prior to the enactment of New Mexico Senate Bill 140 as an amendment to NMSA 1978, § 40-4-11.1 set to take effect July 1, 2021.

² The 1991 Guidelines provided support amounts for parties with combined incomes of up to \$8,300 per month. Thereafter, a percentage of the combined income was used depending upon the number of children (1 child: 10%; 2 children: 15.5%; 3 children: 19.5%; 4 children: 22%; 5 children: 23.9%; 6 children: 25.6%). The 1995 Guidelines changed the combined income amount to \$8,000 per month, and for income that exceeded \$8,000, the percentages changed as well (1 child: 11%; 2 children: 16.1%; 3 children: 18.8%; 4 children: 20.8%; 5 children: 22.6%; 6 children: 24%).

CHILD SUPPORT SERVICES

By Larry Heyeck

When Title IV-D was added to the Social Security Act of 1975, the primary mission of the child support program was welfare recovery.¹ Child support was intended to recoup from responsible parents some portion of the benefits paid out under Aid to Families with Dependent Children, the precursor to today's Temporary Assistance to Needy Families program.² The original mission was broadened by the Child Support Enforcement Amendments of 1984, and states were mandated to help both welfare and non-welfare families.³

The Child Support Enforcement Division of the New Mexico Human Services Department is the state's IV-D program.⁴ Today, CSED works to enhance the well-being of children by locating absent parents, establishing parentage, establishing child support and medical support obligations, and enforcing those obligations.⁵

What Is Child Support?

Child support is money a parent pays to help meet his/her child's needs when the parent is not living with the child. It is a parent's "most important single obligation."⁶ The starting point for establishing the on-going child support obligation is the New Mexico Child Support Guidelines, NMSA 1978, § 40-4-11.1, that are designed to establish an adequate standard of support for children, subject to the ability of parents to pay it.⁷ It is not dependent upon the marital relationship of the parents to each other, but is determined by the relationship of the child to the adults.⁸ "The guidelines are not intended to reflect what the parents have in fact been spending for the care, maintenance, and education of their children. Rather, they set the presumptive figure for what parents *should* be spending."⁹ Once child support has been ordered by the court, it continues until the youngest child attains the age of majority.¹⁰

Who Can Receive Child Support?

A person can receive child support if he/she is the "parent, legal guardian, caretaker relative having custody of or responsibility for the child or children, judicially appointed conservator with a legal and fiduciary duty to the custodial parent of the child, or alternative caretaker designated in a record by the custodial parent. An alternative caretaker is a nonrelative caretaker who is designated by the custodial parent to take care of the children for a temporary period."¹¹ If any of these individuals receives TANF when the minor child is in the household, child support is assigned to the state.¹²

What Services Can CSED Provide To Parties?

Anyone can apply for CSED services. If a parent, guardian, or caretaker receives TANF on behalf of the minor child, a CSED administrative case will automatically be opened. If no public assistance has been provided, the parent, guardian or caretaker can apply for services. These services include:



- Locating absent parents
- Establishing parentage
- Establishing court orders for child support and medical support
- Modifying existing child support orders, when appropriate
- Enforcing court orders for child support and medical support
- Working with other states, countries, and Native American tribes and tribal nations to establish and/or enforce child support obligations when one parent does not live in New Mexico or has assets in another state of sovereignty.

› Applying for Services

Individuals can apply at: www.hsd.state.nm.us. If the household receives TANF, there are no fees to establish and collect child support. If there are no public benefits, some basic fees are charged. Fees are paid after child support has been set by the court and is being collected. Even non-custodial parents can apply for services. In those instances, CSED serves as a "bookkeeper," accounting for all payments received from the non-custodial parent,¹³ and disbursing them in accordance with the court order, laws, and regulations.

› Establishing Parentage

Today, it is no longer just a mother and father who can be the "parents" of a child. With the advent of assisted reproduction and the United State Supreme Court's recognition of same-sex marriage, who can be a parent has changed.¹⁴ Even "paternity" is no longer simple. Under the New Mexico Uniform Parentage Act, there are definitions for "acknowledged father," "adjudicated father," "alleged father" and the "presumption of paternity."¹⁵

CSED can assist in establishing parentage. For example, if an individual is an "alleged father," a genetic test can be arranged at minimal cost. CSED will not, however, initiate an action to rescind or disestablish parentage.¹⁶

› Modifying a Child Support Order

For a district court to modify an existing child support order, there must be a "substantial change in circumstances, materially affecting the welfare of the child[] that has taken place since the entry of the

prior support decree.”¹⁷ There is a presumption of material change of circumstances if “application of the child support guidelines . . . would result in a deviation upward or downward of more than twenty percent of the existing child support obligation and the petition for modification is filed more than a year after the filing of the pre-existing order.”¹⁸ If more than a year has passed, any party to a CSED administered case can request that CSED review the child support order for modification. After reviewing financial and other documentation, CSED will calculate the child support amount using the child support guidelines. When the review is completed, CSED will provide each party with a copy of a post-review notice.

› Enforcing the Child Support Order

CSED utilizes administrative and judicial enforcement remedies. Administrative enforcement occurs automatically and can include the following:

- Income Withholding (IWO)
- State Tax Refund Offset
- Federal Tax Refund Offset
- Passport Denial Program
- Financial Institution Data Match (FIDM)
- Credit Bureau Reporting
- Liens
- License Suspension
- Medical Support Enforcement

Wage withholding is the most effective form of payment. In a CSED administered case, the wage withholding order is auto-generated directly to the obligated party’s employer.¹⁹ Payments are made to CSED and are disbursed to the custodial party either by direct deposit or debit card. The maximum amount withheld for child support and “any other garnishment shall not exceed fifty percent of the obligor’s income.”²⁰

CSED also collects past-due child support payments from federal and state tax refunds of parents who have been ordered to pay child support.²¹ Cases eligible for tax refund offset are those cases receiving full services through CSED that have a delinquent child support debt and meet the tax refund offset criteria.

Another effective tool is license suspension. Failure to pay court ordered child support could result in the suspension or loss of delinquent obligor’s driver’s license, recreational license or permit and/or professional license.²²

Judicial enforcement remedies require court intervention. These can include civil contempt findings and incarceration.²³ In 2011, the United States Supreme Court held that, before imposing civil contempt, a district court must make a specific finding of the delinquent obligor’s ability to pay.²⁴ CSED does perform “ability to pay” reviews before requesting orders to show cause as incarceration should be the last resort.

Just like everyone, CSED evolved because of the pandemic. Instead of incarcerating delinquent obligors, CSED worked with the New Mexico Department of Workforce Solutions (DWS) to develop the STEP-UP program. The delinquent obligor will meet with a DWS

employment specialist and work toward obtaining employment. This can include using DWS’ comprehensive database, developing and posting a resume, and job training opportunities. During the pandemic, DWS hosted many virtual job fairs. From CSED’s perspective, if the individual obtains employment, wage withholding orders can be issued and payments received and disbursed to custodial parties.

We encourage all practitioners to reach out to us and let us assist you in locating absent parents, establishing child support and medical support obligations, and enforcing those obligations. Together, we can help individuals support their children. ■

Larry Heyeck graduated from the University of Arizona School of Law in 1987. Heyeck has been employed by the New Mexico Human Services Department since 2005 and has served as Deputy Medicaid Director, Deputy General Counsel and now as the Regional Managing Attorney for the Child Support Enforcement Division assisting CSED offices in Alamogordo, Clovis, Deming, Hobbs, Las Cruces, Roswell and Silver City.

Endnotes

¹ 42 U.S.C.A. §§ 601, 602, 603, 606, 651 et seq.

² In *Martinez v. Martinez*, 1982-NMSC-097, ¶ 13, the New Mexico Supreme Court stated, “[p]ublic policy dictates that the primary obligation for support and care of a child is by those who bring the child into the world rather than on the taxpayers.”

³ Child Support Enforcement Amendments of 1984, P.L. 98-378, 98 Stat. 1305.

⁴ CSED attorneys represent “only the department’s interests and no attorney-client relationship shall exist between the attorney and another party.” NMSA 1978, § 27-2-27(C).

⁵ NMSA 1978, § 27-2-27.

⁶ *Niemyjski v. Niemyjski*, 1982-NMSC-062, ¶ 7.

⁷ NMSA 1978, § 40-4-11.1(B); see also, *Rosen v. Lantis*, 1997-NMCA-033, ¶ 11 (the guidelines were adopted so that the amount due would be adequate to feed and shelter children). The district court always maintains discretion in awarding child support. *Jury v. Jury*, 2017-NMCA-036.

⁸ *Tedford v. Gregory*, 1996-NMCA-067 ¶ 24

⁹ *Leeder v. Leeder*, 1994-NMCA-105, ¶ 11 (emphasis in original).

¹⁰ *Bustos v. Bustos*, 2000-NMCA-040, ¶¶ 10-11. Parents have a common law duty to support a severely disabled child if the child was so disabled before reaching age 18. *Cohn v. Cohn*, 1997-NMCA-011.

¹¹ 45 C.F.R. § 302.38.

¹² NMSA 1978, § 27-2-28(F).

¹³ Payments can now be made on-line at: <https://www.e-billexpress.com/ebpp/NMHSDCSED/Login/Index>.

¹⁴ In *Obergefell v. Hodges*, 135 S.Ct. 2584 (2015), the United States Supreme Court held that laws barring marriage between two individuals of the same sex are unconstitutional. This was expanded upon in *Pavan v. Smith*, 137 S.Ct. 2075 (2017), where the court held that it applies to laws regarding children born to same-sex spouses.

¹⁵ NMSA 1978, §§ 40-11A-102, 40-11A-201, 40-11A-301-314.

¹⁶ 8.50.107.8(F) NMAC.

¹⁷ *Perkins v. Rowson*, 1990-NMAC-089, § 19.

¹⁸ NMSA 1978, § 41-4-11.4.

¹⁹ NMSA 1978, § 40-4A-4.1.

²⁰ NMSA 1978, § 40-4A-4.1(E); § 40-4A-6.

²¹ 42 U.S.C.A. § 664, 45 C.F.R. § 303.72, 42 U.S.C.A. § 666(a)(3), NMSA 1978, §§ 7-2C-1 et seq.

²² 42 U.S.C.A. § 666(a)(16), NMSA 1978, §§ 40-5A-4 through 6.

²³ *Niemyjski v. Niemyjski*, 1982-NMSC-062.

²⁴ *Turner v. Rogers*, 564 U.S. 431, 387 S.Ct. 142 (2011).

What's the Big Deal About Rule 1-123?

By Deian McBryde



Rule 1-123 - Didn't He Used To Be Somebody?

Rule 1-123 NMRA is like a fading Hollywood celebrity. We know its name and have a notion of what it does, but we haven't seen it headline a movie lately and aren't sure if it's still alive. Well, the Rule *is* still alive. Maybe a little ignored but, hopefully, plotting a comeback.

Why It's Still Important

You don't need to care unless it's interesting to lower the temperature between the parties and save clients' money so they can spend it on their kids, and if that's not important, then roll the dice! Okay, perhaps that was a *smidge* snarky. Let me try again.

Rule 1-123 is a great way to figure out what's happening with the money. Comprehensive enough for most marital estates and co-parenting situations, disclosures can save fees on discovery and may help to cases settle faster. Also, an honest and fair exchange of disclosures sets a tone of transparency and cooperation between parties, easing a path to settlement. All this, but only if the attorneys get engaged and do them well.

Comments, Please

First, the inspiring part of Rule 1-123 is the commentary, which lays out the Rule's purpose. Paraphrased, the purpose of mandatory disclosure is to:

1. Decrease acrimony,
2. Decrease mistrust,
3. Emphasize fiduciary duties,
4. Help parties make honest, full, and complete disclosures,
5. Ensure disclosure of assets and their values,

6. Ensure disclosure of debts,
7. Ensure disclosure of income,
8. Lessen legal fees and costs, and
9. Encourage low-cost, efficient, and respectful solutions.

"Shall" Is Not a Suggestion

Under the Rule, disclosures are not optional; it's the parties' DUTY:

- Domestic relations parties **SHALL** make Rule 1-123 disclosures in every division of property case or to establish or modify child support or spousal support;
- The parties **SHALL** serve preliminary disclosures within 45 days after service of the petition or motion;
- For property and debt division, disclosures **SHALL** substantially comply with Forms 4A-212, 4A-214, and 4A-215 NMRA;
- For property and debt division cases, disclosures **SHALL** include a list of documents used to complete the schedules;
- In child support and alimony cases, the parties **SHALL** serve an affidavit of disclosure with the information required in Rule 1-123(B)(2)(a) through (f) and;
- In spousal support cases, the parties **SHALL** serve an income and expense disclosure following Form 4A-212 NMRA.

Signed? Sworn? Typed? Handwritten?

Supplemental disclosures must be sworn and served, but the parties should sign all disclosures. The approved forms require signatures.

As for handwritten forms, the answer is yes, if this complies with the purpose of the Rule; however, check the information first to make sure the forms make *full and complete disclosures* of income, assets, and debts. Recreate the disclosures in spreadsheets, check the math, divide community property correctly, and calculate equalization, and consider sending your Excel or Numbers spreadsheet with the disclosures, or even retyping them to be legible because.

Certificates of Service and Penalties

The commentary recommends that "Certificates of service of the disclosure should be filed with the clerk pursuant to Rule 1-005 NMRA." As for compliance, the Rule itself allows for a permissive award of costs, attorney's fees, and sanctions against a delinquent party.

Lawyers Have a Role to Play

I, like most, have received disclosure forms that, I perceive, show little care for the Rule's purpose, especially for lowering costs. I ask for disclosures but instead get formal discovery served on my client, who might have few assets and nothing to hide. Sometimes, I get a discovery packet *with* the petition, which means the straightforward *and* easy-to-complete *mandatory* disclosures are due *after* the first round of formal discovery. Sadly, even when I do get disclosures, they are usually handwritten by the opposing party and not always checked by the attorney. Only one time have I received disclosures with the required affidavit and a list of documents used to complete the schedules.

Let's Do It!

Rule 1-123 has only been around since 2000, and many in our family law bar "grew up" without this vital tool. For newer attorneys, I know it can be discouraging to put work into careful 123 disclosures only to get something less helpful back and wonder, "Why do it if I'm the only one?"

Consider this: "Would your clients, given their resources and after being fully informed of the options, rather pay for disclosures using three short forms and a list of documents, or would they prefer to pay you to send, receive, respond to, and supplement 40 pages of discovery plus all the supporting records?" Also, "Should your clients pay for discovery if preliminary disclosures would get the job done?"

I invite you to commit to lowering costs, reducing acrimony, increasing trust, and setting our cases up for an affordable settlement by complying with mandatory disclosures.

"Ladies and gentlemen, welcome back to the family law red carpet, Rule 1-123." ■

Deian McBryde, Esq. is a mediator and family law attorney. He is also chair of the Solo & Small Firm Section of the State Bar; Council member-at-large for the ABA's General Practice, Solo and Small Firm Division (GPSolo); and serves on various committees and projects to support our legal community.

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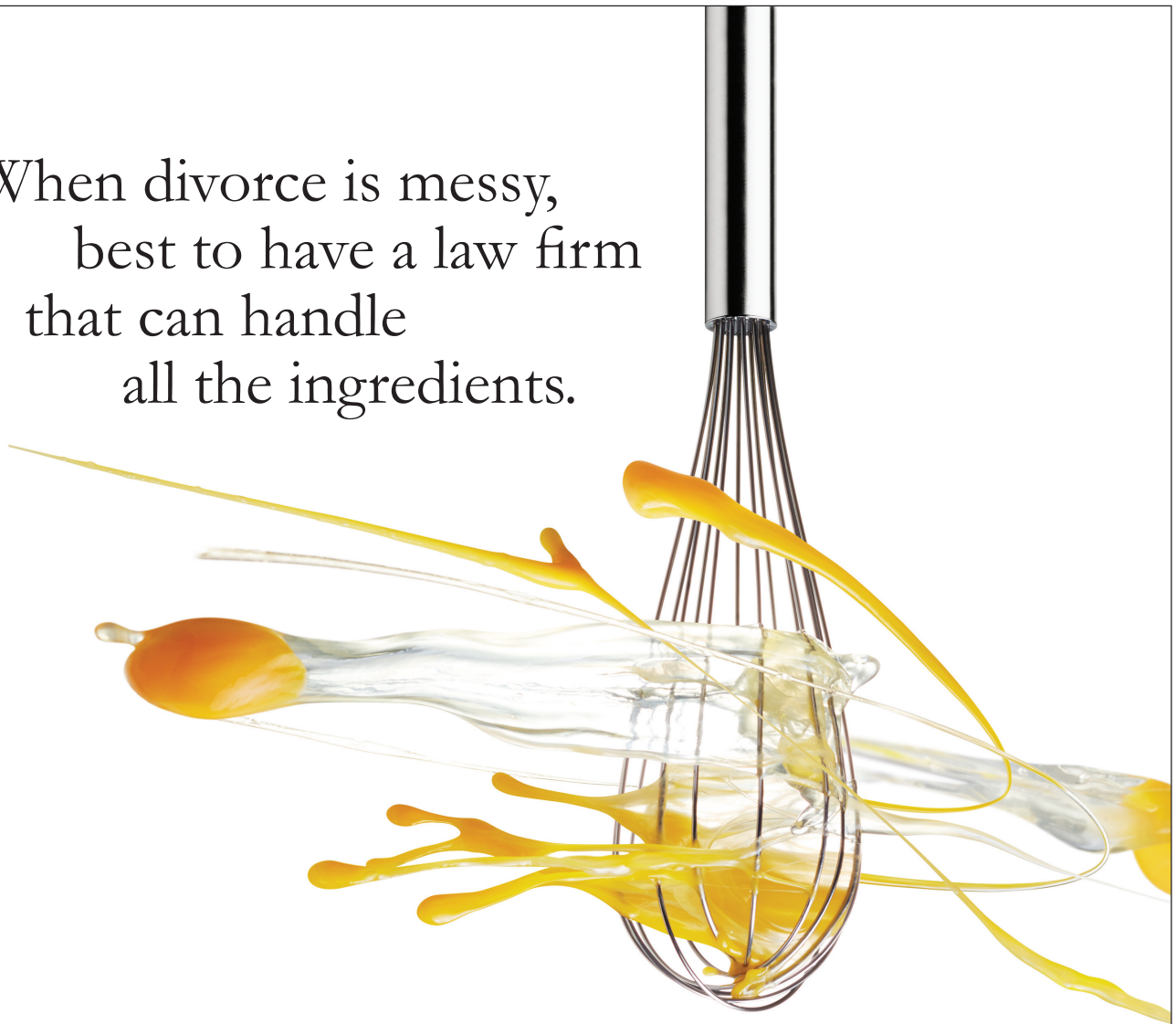
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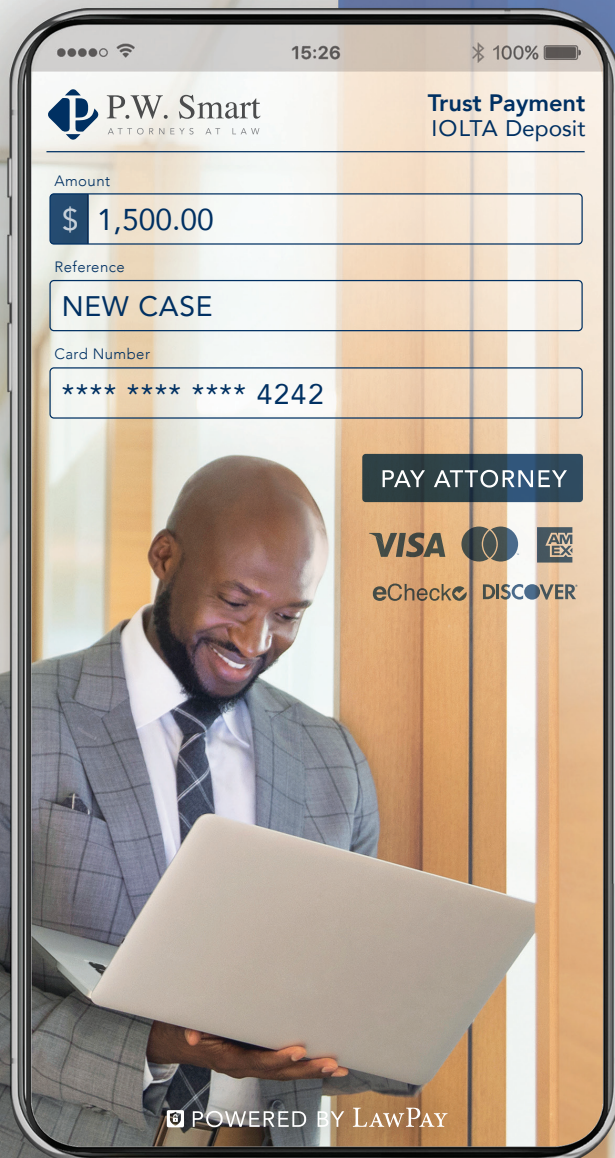
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From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

Opinion Number: 2020-NMCA-026

No. A-1-CA-37577 (filed January 31, 2020)

AUBREY L. DUNN,
Plaintiff-Appellee,
v.

NEW MEXICO DEPARTMENT
OF GAME AND FISH,
Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF TORRANCE COUNTY

MATTHEW G. REYNOLDS, District Judge

Released for Publication June 2, 2020

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Opinion

Linda M. Vanzi, Judge.

{1} The New Mexico Department of Game and Fish (NMDGF) appeals the district court's order of summary judgment compelling NMDGF to produce the names and email addresses of individuals who applied for hunting licenses in 2015 and 2016, pursuant to Plaintiff's request under the Inspection of Public Records Act (IPRA), NMSA 1978, §§ 14-2-1 to -12 (1947, as amended through 2019).¹ NMDGF contends the requested email addresses are not "public records" because they do not "relate to public business," as defined in IPRA, § 14-2-6(G); and therefore they need not fall under any IPRA disclosure exception to justify denial of Plaintiff's request for inspection. We disagree and affirm the district court's order granting summary judgment in favor of Plaintiff.

BACKGROUND

{2} In January 2017 Plaintiff submitted an IPRA request to NMDGF, seeking the names and email addresses given by all applicants for hunting licenses in 2015 and 2016, which NMDGF determined amounted to over 300,000 entries. NMDGF concluded that Plaintiff's request sought personal identifier information that did not constitute a public record subject to disclosure and agreed to produce only the applicants' names. Plaintiff filed suit in district court seeking an order compelling NMDGF to produce the applicants' email addresses. The district court subsequently granted Plaintiff's motion for summary judgment as a matter of law. The court concluded that Plaintiff's request did not fall under any disclosure exception recognized by IPRA. In addition, it held that NMDGF wrongfully withheld the email addresses pursuant to a policy decision to protect the applicants from potential harassment by anti-hunting groups, which runs contrary to IPRA and *Republican Party of New*

Mexico v. New Mexico Taxation & Revenue Department, 2012-NMSC-026, ¶ 16, 283 P.3d 853.

DISCUSSION

{3} On appeal, NMDGF does not oppose summary judgment on the basis of a factual dispute. The parties dispute only whether the email addresses of applicants for hunting licenses are "public records" subject to disclosure under IPRA.² This presents a question of law that requires us to construe the statute and apply the relevant case law to undisputed facts. Our review is de novo. See *N.M. Found. for Open Gov't v. Corizon Health (NMFOG)*, 2019-NMCA-____, ¶ 15, ____ P.3d ____ (No. A-1-CA-35951, Sept. 13, 2019) (explaining that whether documents at issue are public records presents an issue of statutory construction, a legal question we review de novo). "In discerning the Legislature's intent, we are aided by classic canons of statutory construction, and we look first to the plain language of the statute, giving the words their ordinary meaning, unless the Legislature indicates a different one was intended." *Id.* (internal quotation marks and citation omitted). "In so doing, we take care to avoid adopting a construction that would render the statute's application absurd or unreasonable or lead to injustice or contradiction." *Id.* (internal quotation marks and citation omitted). "IPRA must be construed in light of its purpose and statutory provisions under IPRA should be interpreted to mean what the Legislature intended it to mean, and to accomplish the ends sought to be accomplished." *Id.* (internal quotation marks and citation omitted).

{4} The purpose of IPRA is "to ensure . . . that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees." Section 14-2-5. In light of this purpose, "[e]ach inquiry starts with the presumption that public policy favors the right of inspection." *Cox v. N.M. Dep't of Pub. Safety*, 2010-NMCA-096, ¶ 17, 148 N.M. 934, 242 P.3d 501 (internal quotation marks and citation omitted).

{5} IPRA defines "public records" as all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials,

¹The version of IPRA in effect at the time Plaintiff made his IPRA request in 2017 was last amended in 2013. Because our analysis remains the same under the previous and the current versions of IPRA, this opinion refers to the 2017 version of the statute, without special designation as such.

²The record before us does not contain an application for a hunting license or a description of the application or the information NMDGF requires applicants to provide as part of its licensing system. Thus, the alleged "public record" at issue is not clearly defined. NMDGF, however, does not dispute that it has kept a record of individuals who applied for hunting licenses in 2015 and 2016, including their email addresses. In the absence of an identified factual dispute, we presume that NMDGF maintains a record of the names and email addresses of individuals who applied for hunting licenses in 2015 and 2016 as a part of its licensing system.

regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business, whether or not the records are required by law to be created or maintained.

Section 14-2-6(G) (emphasis added). NMDGF contends the email addresses of applicants for hunting licenses are not public records because they do not “relate to public business” as defined in Section 14-2-6(G). Noting the absence of a definition for “relate to public business” in IPRA’s provisions, NMDGF relies on three main authorities for its interpretation: (1) the stated purpose of IPRA; (2) the *New Mexico Inspection of Public Records Act Compliance Guide* (IPRA Guide), at 26-27 (8th ed. 2015) and (3) this Court’s opinion in *Cox*, 2010-NMCA-096, ¶¶ 30-31.

{6} NMDGF contends that the email addresses of hunters in New Mexico are not public records subject to IPRA because “[t]heir personal contact information does not provide information pertaining to either the affairs of government or the official acts of public officers and employees.” In other words, the email addresses constitute personal contact information taken for administrative convenience that reveal nothing about the issuance of hunting licenses or other of NMDGF official acts, operations, or activities, and their disclosure implicates the privacy of New Mexico citizens. Plaintiff responds that NMDGF requires applicants to provide an email address as part of the administration of the program, and that those email addresses are gathered, maintained, and used by NMDGF to carry out its official licensing acts. Moreover, he argues, the email addresses relate to the public business of NMDGF because “[h]unting licenses are granted to permit members of the public to use public resources—resources that happen to be scarce, tightly regulated, and often controversial” noting, for example, that the distribution of game tags leads to questions every season raising issues of fairness and transparency. In Plaintiff’s view, NMDGF asks this Court to adopt an overly restrictive definition of public records that would limit disclosure under IPRA to information that impacts a substantive decision by a public body and afford those public bodies wide discretion to deny IPRA requests.

{7} In addressing NMDGF’s argument that the purpose of IPRA is not furthered by construing “public records” to require disclosure of the applicants’ email addresses, we begin by acknowledging that our cases have consistently stated, “[u]nder IPRA, public records are broadly defined.” *NMFOG*, 2019-NMCA-____, ¶ 17 (internal quotation marks and citation omitted). We have held: “IPRA’s broad language defining public records is clear that, absent an express exemption from disclosure, public agencies must produce all records, even those held by or created by a private entity ‘on behalf of’ the public agency.” *State ex rel. Toomey v. City of Truth or Consequences*, 2012-NMCA-104, ¶ 10, 287 P.3d 364 (citing the “public records” definition of Section 14-2-6(G)); see also *Edenburn v. N.M. Dep’t of Health*, 2013-NMCA-045, ¶ 17, 299 P.3d 424 (“IPRA provides for eight exceptions to this definition, which further refine the definition of ‘public record’ and highlight the broadness of the basic definition reflecting the general presumption in favor of public access to records.”).

{8} The relevant provision of IPRA defines “public records” as all materials “used, created, received, maintained or held on or behalf of any public body and relate to public business[.]” Section 14-2-6(G). We emphasize that our case law requires us to construe the plain language in IPRA provisions and give the words their ordinary meaning to accomplish the legislative goal of public access to “public records” which we consistently view as broadly defined. See *NMFOG*, 2019-NMCA-____, ¶¶ 15, 17; *Edenburn*, 2013-NMCA-045, ¶ 17; *Cox*, 2010-NMCA-096, ¶ 17. Within this analytical framework, we observe that the plain language used to define “public records” in the phrase “relate to public business” is itself inexact and unamenable to a narrow construction. Giving the terms their ordinary meaning, “relate to” are expansive words that embrace a wide range of relevance and involvement.³³ More importantly, the terms “public business” are similarly broad words that can embrace a wide range of affairs and actions by or on behalf of public bodies.⁴⁴ See *Pacheco v. Hudson*, 2018-NMSC-022, ¶ 27, 415 P.3d 505 (“IPRA textually makes clear that it is aimed at ‘the affairs of government’ and the ‘official’ acts of public officers and employees.” (quoting Section 14-2-5, stating the purpose of IPRA))). If the Legislature intended to limit the materials subject to

disclosure as NMDGF suggests, then the Legislature could have qualified “public business” in a manner that used language requiring the materials to relate to a public body’s substantive decisions, rather than material that is kept for purely administrative purposes. See *NMFOG*, 2019-NMCA-____, ¶ 15 (stating that in determining legislative intent behind IPRA provisions, “we look first to the plain language of the statute, giving the words their ordinary meaning, unless the Legislature indicates a different one was intended” (internal quotation marks and citation omitted)). Such a narrow interpretation is belied by the expansive language, “relate to public business,” the otherwise broadly worded definition of “public records,” and the absence of any limiting language. See *Edenburn*, 2013-NMCA-045, ¶ 17 (holding that the Department of Health’s position that draft documents are not public records within IPRA’s reach “is belied by the broad language of the statute” and the lack of an exclusion for draft documents in the definition); cf. § 14-2-8(C) (“No person requesting records shall be required to state the reason for inspecting the records.”).

{9} Giving the words their ordinary meaning, we conclude that IPRA’s definition of “relat[ing] to public business” means simply that the requested records are connected to governmental affairs or official actions by or on behalf of public bodies. See, e.g., *NMFOG*, 2019-NMCA-____, ¶ 18 (relying on the plain language of Section 14-2-6(G) to determine that the settlement agreements at issue are public records held in relation to a public business because they “were plainly created and maintained in relation to a public business, here, the medical care and personal safety of the inmates held by the New Mexico Correction Department.” The Legislature has done nothing to narrow the ordinary meaning of these terms, and the ordinary meaning comports with the goal of IPRA “to ensure . . . that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of public officers and employees.” Section 14-2-5; see *NMFOG*, 2019-NMCA-____, ¶ 15 (stating that we look to the plain language in IPRA, give its words “their ordinary meaning, unless the Legislature indicates a different one was intended[.]” and construe IPRA provisions to achieve its legislative goal (internal quotation marks and citation omitted)).

³³See *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/relate%20to> (last visited on Jan. 9, 2020) (defining “relate to” in relevant part as “to connect (something) with (something else)[.]” “to be connected with (someone or something): to be about (someone or something)”).

⁴⁴See *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/public> (last visited on Jan. 9, 2020) (defining “public” in relevant part as “of or relating to a government” and “of or relating to people in general”); *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/dictionary/business> (last visited on Jan. 9, 2020) (defining “business” in relevant part as “role, function,” “an immediate task or objective[.]” “a particular field of endeavor[.]” and “affair, matter”).

{10} We further note that public agencies, like NMDGF, by their very nature, engage in the administration of governmental affairs, programs, and responsibilities. And the Legislature is clearly aware that some public records generated, received, or kept in connection with those affairs may contain personal identifier information. Indeed, the Legislature has made provisions for the protection of such information. See § 14-2-1(B) (permitting the redaction of “protected personal identifier information” contained in public records and explaining that the presence of such “information on a record does not exempt the record from inspection”); § 14-2-6(E) (defining “protected personal identifier information”). The Legislature did not, however, include email addresses or generally reference personal information kept for administrative purposes among the precisely defined “protected personal identifier information.” See § 14-2-6(E). Thus, we are not persuaded that the Legislature intended to endow public bodies with discretion to identify and withhold records that are generated or kept for administrative purposes, do not impact substantive decisions, and that may otherwise contain personal information.

{11} Applying our broad construction of records that “relate to public business,” we turn to the email addresses at issue. The statute governing licenses for game and fish requires NMDGF to create and provide blank and electronic applications for game and fish licenses, and it requires NMDGF to keep a record of all licenses issued and money received therefrom. NMSA 1978, § 17-3-5(A), (E) (2011); NMSA 1978, § 17-3-13 (2015). Undoubtedly, creating and collecting applications for game and fish licensing is done in connection with the governmental affairs of NMDGF. In regard to this process there does not appear to be a dispute. NMDGF also does not dispute that email addresses are collected from applicants to carry out its licensing program. Our case law provides that, as a general matter, information collected from the public by a governmental agency in connection with the administration of its public duties falls within the meaning of “public records.”⁵⁵

Accordingly, we conclude the email addresses NMDGF collected in connection with its licensing system constitute “public records” that are subject to disclosure under IPRA in the absence of an applicable exception. See *Republican Party of N.M.*, 2012-NMSC-026, ¶ 16 (“[C]ourts now should restrict their analysis to whether disclosure under IPRA may be withheld because of a specific exception contained within IPRA, or statutory or regulatory exceptions, or privileges adopted by [our Supreme] Court or grounded in the constitution.”).

{12} NMDGF does not contend that there is an applicable exception contemplated by our Supreme Court’s opinion in *Republican Party of N.M.*, 2012-NMSC-026, ¶ 16, and we, too, cannot identify one. To the extent that NMDGF relies on the IPRA Guide, at 26-27, and on this Court’s language in *Cox*, 2010-NMCA-096, ¶¶ 30-31, these are not among the exceptions listed or recognized by our Supreme Court in *Republican Party of N.M.*, 2012-NMSC-026, ¶ 16. The Attorney General’s IPRA Guide is not binding on courts. See *Edenburn*, 2013-NMCA-045, ¶ 21. Further, NMDGF’s reliance on this Court’s language in *Cox* is misplaced. In *Cox*, we determined that the citizen complaints against a police officer were public records subject to disclosure and did not fall under any exception, and we reversed the order of summary judgment entered in favor of the Department of Public Safety (DPS). 2010-NMCA-096, ¶¶ 11, 19, 29, 32. In requiring DPS to disclose the citizen complaints, we encouraged DPS to *consider* redacting personal information about the citizen complainant that was not relevant to the IPRA request at issue. *Id.* ¶¶ 30-31. We were not making a declaration of law, construing the meaning of “public records” that “relate to public business,” identifying an exception, or further considering the merits of an IPRA request. In contrast, the IPRA request at issue in this case is for email addresses, and we are tasked with determining whether that personal information itself falls under the definition of “public records.” The IPRA request for the email addresses themselves was rightfully granted in this case, and *Cox*

is not relevant to our analysis.

{13} To the extent NMDGF relies on out-of-state case law for support of its interpretation of our IPRA provision, NMDGF does not demonstrate that the other states have similar statutes or are otherwise bound by similar law in construing the meaning of “public records” and its narrow exceptions. Thus, we find no guidance in the cases upon which NMDGF relies from other jurisdictions. See *In re N.M. Indirect Purchasers Microsoft Corp.*, 2007-NMCA-007, ¶ 11, 140 N.M. 879, 149 P.3d 976 (stating that where New Mexico law is not instructive, we may find guidance in the decisions of other jurisdictions where those decisions are based on similar statutes; and even then it is only persuasive, not binding).

{14} Lastly, we agree with Plaintiff that accepting NMDGF’s position—narrowly defining “public records” to exclude personal information kept for administrative purposes—is tantamount to creating an additional policy-based exception not identified in IPRA or in other statutes and regulations or in privileges adopted by our Supreme Court, nor mandated by our constitution. See *Republican Party of N.M.*, 2012-NMSC-026, ¶ 16 (listing the exclusive sources for exceptions to IPRA’s mandated disclosure of public records). The creation of such a policy-based exception is not permitted by *Republican Party of N.M.* See *id.* (overruling cases that apply the “rule of reason” to create public policy exceptions not specifically identified in IPRA because the Legislature has since enumerated specific exceptions to disclosure).

CONCLUSION

{15} Based on the foregoing, we affirm the district court’s order of summary judgment in favor of Plaintiff.

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

WE CONCUR:
JULIE J. VARGAS Judge
JACQUELINE R. MEDINA, Judge

⁵⁵See *ACLU of N.M. v. Duran*, 2016-NMCA-063, ¶¶ 5, 31, 40, 392 P.3d 181 (concluding that the defendant was wrongfully non-responsive when it withheld emails related to ACLU’s IPRA request for records involving information gathered by the Secretary of State’s Office in the course of its internal investigation of foreign nationals registering to vote in New Mexico and actually voting in New Mexico); cf. *Republican Pty. of N.M. v. N.M. Taxation & Revenue Dep’t*, 2010-NMCA-080, ¶ 16, 148 N.M. 877, 242 P.3d 444 (involving no dispute that the New Mexico Motor Vehicle Division collected and kept public records containing drivers’ personal information related to issuing drivers’ licenses that would have been subject to disclosure provided there was no applicable exception; namely, the federal and state privacy acts that protect the private information related to drivers and list a number of exceptions that may apply to the redacted personal information), *rev’d on other grounds*, 2012-NMSC-026, ¶¶ 4, 11, 13, 283 P.3d 853 (indicating that the federal and state privacy acts constitute statutory bars to disclosure under the “catch-all” IPRA exception, but refusing to address the withholding of information under the federal and state privacy acts under the mootness doctrine). See generally *San Juan Agric. Water Users Ass’n v. KNME-TV*, 2011-NMSC-011, ¶ 16, 150 N.M. 64, 257 P.3d 884 (“Writings coming into the hands of public officers in connection with their official functions should generally be accessible to members of the public to determine whether those who have been entrusted with the affairs of government are honestly, faithfully and competently performing their function.” (omission, internal quotation marks, and citation omitted)).



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We are happy to announce that
Luke Pierpont
has become a partner of the firm

We congratulate Luke on his many accomplishments as a lawyer and member of our firm.

Luke will continue to represent clients in the areas of water & real estate law.



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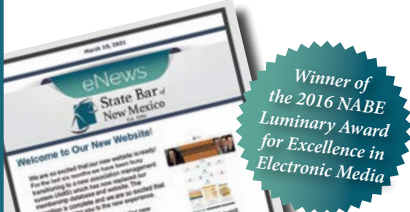
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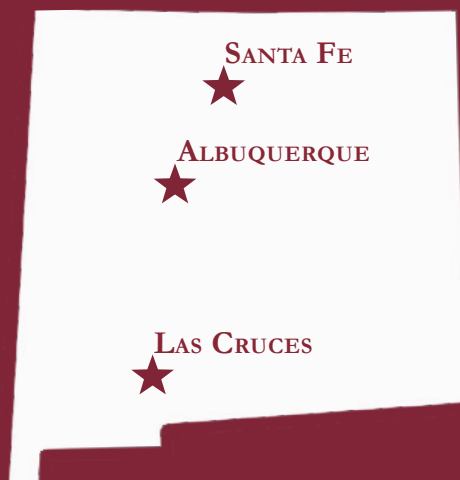


We will miss an invaluable member of our
BTB Family, Raymond A. Baehr.

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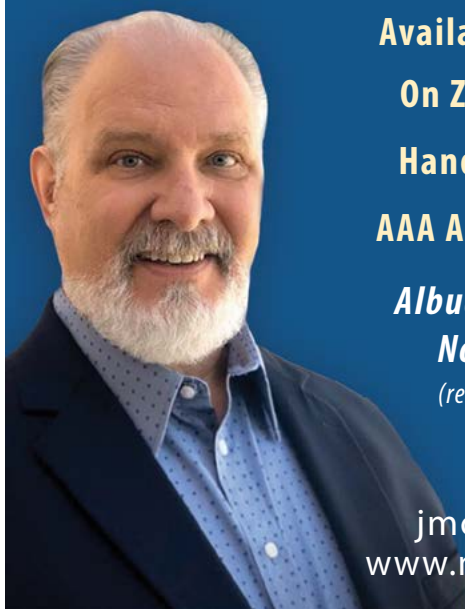
State Bar of New Mexico
Senior Lawyers Division

2021 Attorney In Memoriam Recognition

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

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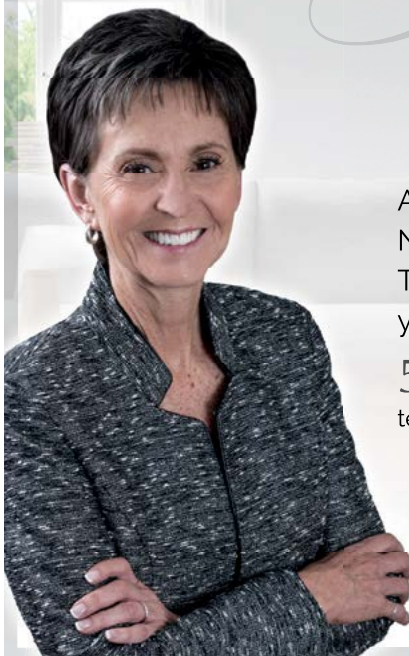
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Positions

Assistant City Attorney

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

Entry Level And Experienced Trial Attorneys

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

Associate Attorney

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

Assistant District Attorney

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

Lawyers – 2-6 Years Experience

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

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.

Full-Time and Part-Time Attorney

Jay Goodman and Associates Law Firm, PC is seeking one full-time and one part-time attorney, licensed/good standing in NM with at least 3 years of experience in Family Law, Probate, and Civil Litigation. If you are looking for meaningful professional opportunities that provide a healthy balance between your personal and work life, JGA is a great choice. If you are seeking an attorney position at a firm that is committed to your standard of living, and professional development, JGA can provide excellent upward mobile opportunities commensurate with your hopes and ideals. As we are committed to your health, safety, and security during the current health crisis, our offices are fully integrated with cloud based resources and remote access is available during the current Corona Virus Pandemic. Office space and conference facilities are also available at our Albuquerque and Santa Fe Offices. Our ideal candidate must be able to thrive in dynamic team based environment, be highly organized/reliable, possess good judgement/people/communication skills, and have consistent time management abilities. Compensation DOE. We are an equal opportunity employer and do not tolerate discrimination against anyone. All replies will be maintained as confidential. Please send cover letter, resume, and a references to: jay@jaygoodman.com. All replies will be kept confidential.

Attorney

Opening for Associate Attorney at law firm in Silver City, New Mexico with focus on criminal defense, civil litigation, family law, and transactional work. Call (575) 538-2925 or send resume to Lopez, Dietzel & Perkins, P. C., david@ldplawfirm.com, Fax (575) 388-9228, P. O. Box 1289, Silver City, New Mexico 88062.

Associate Attorney

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Assistant District Attorney

The 6th Judicial District Attorney's Office has an opening for an Assistant District Attorney Position in Silver City. Must have experience in criminal prosecution. Salary DOE. Letter of interest, resume, and three current professional references to MRenteria@da.state.nm.us.

Managing City Attorney

The City of Albuquerque Legal Department is hiring a Managing City Attorney for the Property and Finance Division. The work includes management, oversight and development of Assistant City Attorneys, paralegals and staff. Other duties include but are not limited to: contract drafting, review, analysis, and negotiations; drafting ordinances; regulatory law; Inspection of Public Records Act; procurement; public works and construction law; real property; municipal finance; risk management; advising City Council, boards and commissions; intergovernmental agreements; dispute resolution; municipal ordinance enforcement; condemnation; and civil litigation. Attention to timelines, detail and strong writing skills are essential. Five (5)+ years' experience including (1)+ years of management experience is preferred. Applicants 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

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

Litigation Attorney

Robles, Rael & Anaya, P.C. is seeking an attorney with experience (5-7 years) in civil litigation. The successful candidate should be familiar with the law regarding governmental liability and be able to advise insurance and risk management agencies. Candidates are expected to have excellent communication skills (written and oral), be a self-starter who takes ownership of executing tasks, have an ability to manage and prioritize assigned case-load and be an effective team player. We offer a competitive compensation and benefits package, 401k plan, professional development, CLE credits and more. We also offer a defined bonus incentive program. Please submit a resume and writing sample to chelsea@roblesrael.com.

Senior Attorney

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 Senior Attorney (State Licensed). The Senior Attorney must be a graduate of an accredited law school and a member of the Arizona, New Mexico, or Utah bar association, or if licensed in another jurisdiction, able to gain admission to one of these jurisdictions within one year by motion or reciprocity. Must have at least five (5) years of experience as an attorney in a legal aid organization or similar non-profit law firm with strong litigation skills; strong oral and written communication skills; the ability to travel and work throughout the DNA service area; competence in working with diverse individuals and communities, especially with Native Americans, persons of color, and other marginalized communities; a commitment to providing legal services to the poor; the ability to identify and successfully pursue strategic, systemic, and affirmative advocacy; good judgment, ability to handle stress, initiative, and willingness to work as a team; and ability to manage and supervise others, including the ability to mentor other students and law students. Senior Attorneys are supervised by the Director of Litigation and Executive Director. 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.

Deputy City Attorney

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. Out-side 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 Life & Health Attorney, Office of Superintendent of Insurance ("OSI")

The OSI is seeking an experienced attorney for its Life and Health Division team. This position will help administer and coordinate all legal, policy-related, and legislative objectives of the Superintendent of Insurance on complex matters of life, health and long-term care insurance laws and the associated regulatory policies. The position will serve as an assistant attorney to the primary expert legal counsel and will be a key team member in assisting the Superintendent of Insurance to comply with direction from the Governor and Legislature. The Life and Health Division is responsible for administering the complex, ever-changing and intertwining federal and state laws, which will make this position interesting, challenging, and rewarding. The attorney can choose to office in either Albuquerque or Santa Fe. Salary range is from the low \$70s to \$113,000 per year, commensurate with experience. Benefits include the state's retirement system, healthcare plans, and paid holidays, sick leave, and annual leave. For more information and to apply, please visit the New Mexico State Personnel Office website at: https://careers.share.state.nm.us/psp/hprdcg/EMPLOYEE/HRMS/c/HRS_HRAM_FL.HRS.CG_SEARCH_FL.GBL?Page=HRS_APP_JBPST_FL&Action=U&SiteId=1&FOCUS=Applicant&JobOpeningId=117361&PostingSeq=1

Associate Attorneys

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

Attorney

YLA, P.C. seeks an attorney with 3-5 years' experience to join its busy civil litigation practice. YLA's associates can expect a diverse practice ranging from worker's compensation to trucking liability, from civil rights to medical malpractice. In addition to having strong research and writing skills, applicants must exhibit willingness to manage and advance their own case files. YLA is proud of its collegial environment and the opportunities it provides for mentorship and practice development. Prior experience in all aspects of litigation case management strongly preferred. Please send cover letter, resume, writing sample and salary requirements to mkuhlmann@ylawfirm.com. All inquiries kept strictly confidential.

Associate Attorney

Modrall Sperling is seeking an associate attorney to join our general litigation practice in Albuquerque. Candidates should have a minimum of 2 to 3 years of civil litigation experience with excellent research, writing, and oral skills. Experience working on large cases, including conducting legal research, drafting briefs, taking and defending depositions, and arguing in court preferred. Strong academic credentials required. Candidates must be admitted to, or eligible for admission to, the New Mexico Bar. As one of New Mexico's largest firms, we are able to offer associates high-quality, challenging work and outstanding career opportunities. Please send a letter of interest and resume to attyapplicant@modrall.com. All inquiries will be kept confidential.

Associates and Mid-Career Lawyers Sought

Our top-rated regional litigation defense firm is expanding in Albuquerque and we are looking for additional lawyers to join our busy practice, whether you have been practicing for a year or two, or more than a couple of decades. We have opportunities for associates who want to hit the ground running with interesting cases and strong mentors. Our growth also means that there are positions for more senior lawyers interested in a lateral shareholder move such as by joining their practice to our infrastructure and building on an existing client base. Salaries for either role are competitive with a full benefits package, straightforward partner/shareholder track and a casual work environment. All resumes and cover letters can be sent directly to Cristina at cray@raylaw.com.

County Attorney

Otero County Administration, Alamogordo, New Mexico is seeking a County Attorney. This position serves as in-house counsel, legal advisor to the Board of County Commissioners and to the County Manager. Represents the County in all matters not assigned to insurance counsel; investigates, prepares and negotiates contracts and civil cases; conducts administrative hearings and represents the County in administrative proceedings. Please see the full position description along with instructions on how to apply on our website <https://www.co.otero.nm.us/Jobs.aspx>. Please contact Cassie Green, HR Director at 575-437-7427 or cgreen@co.otero.nm.us for any questions.

Attorney and Paralegal Openings

New Mexico Legal Aid currently has opening for a Pro Bono Coordinator and other attorney, paralegal, and non-legal positions. Positions work closely with the courts and State Bar Leaders. Full job advertisements available on our website. Send resume and cover letter to jobs@nmlegalaid.org or apply online at www.NewMexicoLegalAid.org. Deadline July 9, 2021, or until filled.

Attorney

Albuquerque law office is seeking a motivated attorney with at least of five years of experience in Indian law, including housing and contracting. Intimate familiarity with Indian related federal statutes and regulations a must, as are strong research, litigation, and writing skills. Must be a member of the New Mexico State Bar. Please submit resume to tjh@stetsonlaw.com. Compensation is flexible, with six figure potential. Indian preference will apply.

Assistant City Attorney for Office of Civil Rights

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Office of Civil Rights. The Legal Department's team of attorneys provides a broad range of general counsel legal services to the City. This specific position will focus on receiving, documenting, investigating, and addressing reported civil rights and human rights violations. The position will be responsible for interaction with the Albuquerque Human Rights Board, various other City departments, boards, commissions, and agencies. The legal services provided will include, but will not be limited to, legal research, drafting legal opinions, reviewing and drafting policies, ordinances, and executive/administrative instructions, providing advice on City ordinances and State/Federal statutes and regulations, providing general advice and counsel on day-to-day operations, and participate in court proceedings regarding enforcement as needed. Attention to detail and strong writing and interpersonal skills are essential. Preferences include: Three (3)+ years' experience as licensed attorney; experience with government agencies, policy writing, civil rights enforcement; strong commitment to social justice, policy advocacy and research. Candidates 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.

Assistant City Attorney for Municipal Affairs Division

The City of Albuquerque Legal Department is hiring an Assistant City Attorney for the Municipal Affairs Division. The department's team of attorneys provides a broad range of general counsel legal services to the Mayor's Office, City Council, various City departments, boards, commissions, and agencies. The legal services provided by the division includes, but are not limited to, drafting legal opinions, reviewing and drafting ordinances and executive/administrative instructions, reviewing and drafting contracts, providing counsel on Inspection of Public Records Act requests and other open government issues, providing advice on City ordinances and State/Federal statutes and regulations, and providing general advice and counsel on day-to-day operations. Attention to detail and strong writing skills are essential. Five (5)+ years' experience is preferred and 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.

Associates and Mid-Career Lawyers Sought

Our top-rated regional litigation defense firm is expanding in Albuquerque and we are looking for additional lawyers to join our busy practice, whether you have been practicing for a year or two, or more than a couple of decades. We have opportunities for associates who want to hit the ground running with interesting cases and strong mentors. Our growth also means that there are positions for more senior lawyers interested in a lateral shareholder move such as by joining their practice to our infrastructure and building on an existing client base. Salaries for either role are competitive with a full benefits package, straightforward partner/shareholder track and a casual work environment. All resumes and cover letters can be sent directly to Cristina at cray@raylaw.com.

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Associate Attorney

deGrauw Law Firm, PC, an AV rated civil litigation firm, is looking to add an associate attorney. Please visit our website at dglaw-firmmpc.com to learn more about our practice. We are looking for well-rounded, self-starters that have good writing and communications skills and are ready for depositions, hearings and trial. A repertoire of (good) jokes is a plus. We offer competitive pay and benefits, as well as flexibility. Please email your resume (and sample jokes) to drew@dglawfirmmpc.com.

New Mexico Judicial Branch Judicial Standards Commission Executive Director (At Will) Position Announcement

The Judicial Standards Commission (JSC) is currently accepting resumes from prospective candidates for the position of Executive Director. The position is exempt (not classified) and reports directly to the Judicial Standards Commission. The salary range for this position is \$120,000 to \$130,000 annually and will be commensurate with experience. The JSC's Executive Director acts as the chief executive officer of the agency. In that capacity, the Executive Director is responsible for all aspects of agency operations including all investigations, prosecutions, and trials as may be deemed necessary by the Commission; the preparation, management, and administration of agency appropriations, contracts, and funds; the hiring and supervision of agency staff; and the development of policies and procedures for the effective management of the agency and other additional duties as assigned by the Commission. The position also requires supervision of all matters requiring prosecution of formal disciplinary charges as approved by the Commission; the supervision and preparation of all aspects of litigation before the Commission and before the New Mexico Supreme Court in hearings or other matters involving the Commission's recommendation of discipline, retirement, or removal of a judge in accordance with the New Mexico Constitution Article VI Section 32. Admission to the New Mexico State Bar is required at the time of hire. The position requires strong legal research, writing and communication skills, as well as experience in managing professional staff. A minimum of ten (10) years of experience in the practice of law is required, of which five (5) years must have been in a staff supervisory role. A high level of trustworthiness, discretion, and sound judgment is required for the position. Resume with cover letter, writing sample, and three (3) professional references must be received at the offices of the JSC by 4:00 p.m., on August 31, 2021. Position start date is set for November 29, 2021. Materials should be sent to the attention of Joyce Bustos, Chair-Hiring Committee, at 6200 Uptown Blvd. NE, Suite 320 Albuquerque, NM 87110-4159.

Trial Attorney 1st Judicial District Attorney

The First Judicial District Attorney's Office is seeking an experienced attorney for the Santa Fe Office. Salary is based on experience and the District Attorney Personnel and Compensation Plan. Please send resume and letter of interest to: "DA Employment," PO Box 2041, Santa Fe, NM 87504, or via e-mail to 1stDA@da.state.nm.us.

Assistant City Attorney

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.

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

Ortiz & Zamora, LLC, is growing and seeks a motivated New Mexico licensed attorney for an associate or senior associate position stationed in its Santa Fe office. Education law experience is preferred and civil litigation experience is a plus. The attorney will field daily school client inquiries, will manage an active civil litigation docket, will work directly with partners and other attorneys to develop and implement response and litigation strategies. Experience with presentations to clients, discovery, motion practice, hearings, and trial preparation desired. Salary D.O.E. Please email your resume to nadine@ortiz-zamora.com.

Legal Assistant

Childress Law Firm, LLC, a long established civil litigation defense firm, is seeking a legal assistant to join our firm. The applicant must have excellent organizational, grammar and typing skills. Fluency in Spanish is a plus but not a requirement. The pay is dependent on experience. Please provide a resume with references to ron@childresslawfirm.com.

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.

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.

CLE Program Coordinator

New Mexico State Bar Foundation Center for Legal Education seeks a full-time, Continuing Legal Education (CLE) Program Coordinator. The State Bar Foundation is a non-profit New Mexico accredited CLE course provider dedicated to providing high quality, affordable educational programs to the legal community. The Center for Legal Education offers a full range of educational services including live seminars, live webcasts, live replays, national series teleseminars and online self-study videos. Visit <http://www.sbnm.org/CLE-Events>. The successful applicant must have excellent project administration, customer service, computer, and communication skills. Must be able to manage multiple projects and deadlines. Minimum high school diploma plus 1 year of related work experience required. Generous benefits package. \$16 per hour, depending on experience and qualifications. EOE. To be considered, submit a cover letter and resume to HR@sbnm.org. Visit <https://www.sbnm.org/About-Us/Career-Center/State-Bar-Jobs> for full details and application instructions.

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

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

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

Regulatory Programs Licensing Coordinator

The State Bar of New Mexico seeks outgoing, detail oriented applicants to join our team as a full-time Regulatory Programs Licensing Coordinator. This position works closely with other staff to provide clerical and administrative support to the Regulatory Programs Department in all aspects of attorney licensing. Attorney licensing includes collection of annual licensing fees, recording of annual attorney registrations including certifications, tracking Minimum Continuing Legal Education (MCLE) compliance, Pro Hac Vice registration, member status changes, new admittee processing, and other projects as assigned. The position reports to the Director of Licensing and works as part of the Regulatory Programs Department. \$15-18/hour, depending on experience and qualifications. EOE. Qualified applicants should submit a cover letter and resume to HR@sbnm.org. Visit <https://www.sbnm.org/News-Publications/Career-Center/State-Bar-Jobs> for full details and application instructions.

Service

Forensic Genealogist

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

Legal Writer/Consultant

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

Legal Researcher & Writer

A licensed attorney available to GHOST-WRITE for your law firm! Email lucyriverlaw.com for contract legal RESEARCH and WRITING services.

Office Space

110 12th Street NW

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

2025 Rio Grande Boulevard NW

Located in the historic Rio Grande corridor, furnished law office available with separate paralegal/legal assistant space. Includes receptionist; Wifi; two large conference rooms; shared kitchen space; and on-site parking. Referral of cases is possible. Lease amount is \$1,000.00 per month. Please contact Kathy at either (505) 243-3500 or ksmith@branchlawfirm.com to schedule a tour.

Office for Rent

820 Second Street NW, office for rent, two blocks from courthouses, all amenities including copier, fax, telephone system, conference room, high-speed internet, phone service, receptionist, call Ramona at 243-7170

Oso Del Rio

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

Miscellaneous

Want To Purchase

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

Search for Will

Carolyn Chazdon, from Placitas, has passed away. Her will and trust were created between 2001 and 2010. No will has been found after thorough search. Contact Elissa Chazdon, daughter, at 505-710-0236 regarding her will, trust, codicils or other amendments.

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.

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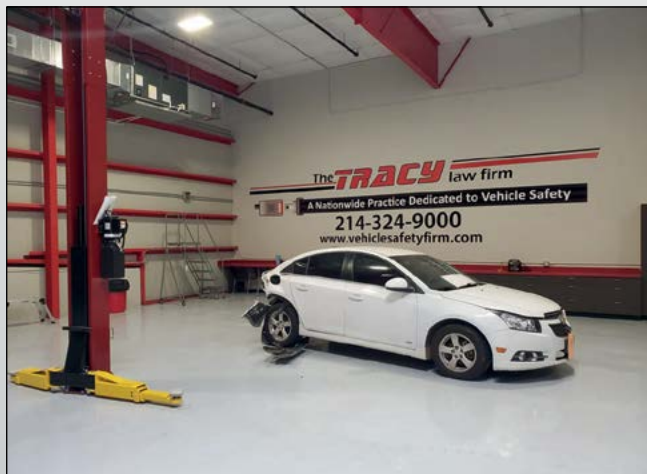
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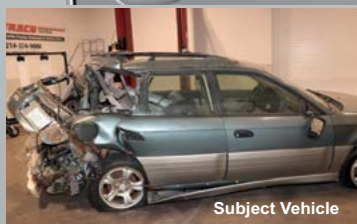
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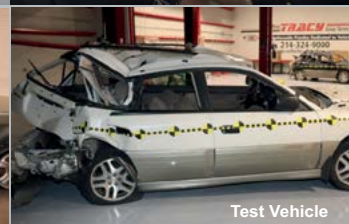


Every vehicle accident case you handle has the potential to be on one of the 235 racks or in one of our six inspection bays at the firm's Forensic Research Facility. We continually study vehicle safety through the use of engineering, biomechanics, physics and innovation.

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