

BAR BULLETIN

March 23, 2022 • Volume 61, No. 6

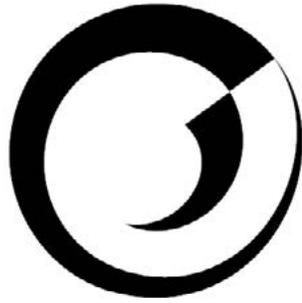


Falling in Love, by Ginna Heiden (see page 4)

www.ginnaheidenart.com

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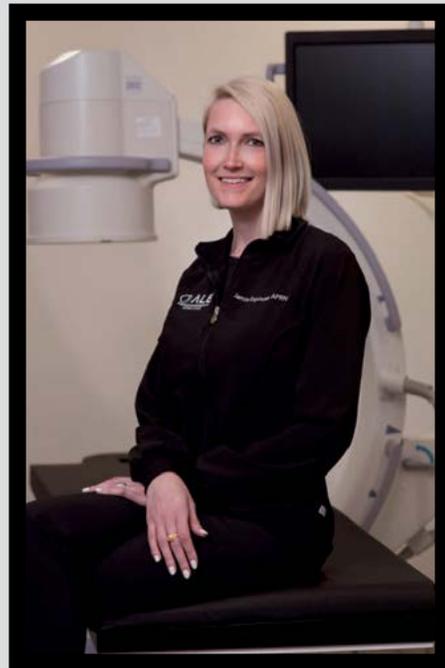
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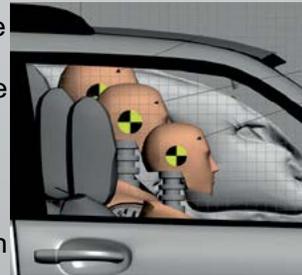
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Meetings

March

23
Intellectual Property Law Section,
noon, JAlbright Law LLC

25
Immigration Law Section
noon, teleconference

31
Trial Practice Section
noon, teleconference

April

1
Elder Law Section
noon, teleconference

1
Legal Services and Programs Committee
10 a.m., teleconference

5
Health Law Section
9 a.m., teleconference

6
Employment and Labor Law Section
noon, teleconference

7
Business Law Section
noon, teleconference

Workshops and Legal Clinics

March

23
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

April

6
Divorce Options Workshops
6-8 p.m., virtual

27
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

May

4
Divorce Options Workshops
6-8 p.m., virtual

25
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

June

1
Divorce Options Workshops
6-8 p.m., virtual

22
Consumer Debt/Bankruptcy Workshop
6-8 p.m., virtual

About Cover Image and Artist: Ginna Heiden is an abstract artist living in Rio Rancho, New Mexico. She works in oils and acrylics, and particularly enjoys using oil and cold wax. The beautiful nature of New Mexico, plus the science of happiness and the field of positive psychology all provide inspiration for her art. Whether whimsical or sophisticated, mysterious or lighthearted, the emphasis in her work is on enjoyment and celebration of the good in one's life. She studied art at UNM, WNMU, and at the Instituto in San Miguel de Allende, Mexico. She also has studied with numerous talented artists in local classes and workshops. For more information, visit www.ginnaheidenart.com.

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>.

New Mexico Judiciary Changing Mask Requirements and Other COVID-Safe Protocols At Courthouses

Members of the public may enter a New Mexico courthouse or judicial building without a mask or protective face covering starting March 21. However, masks will continue to be required for any person inside a courtroom or jury assembly area. For more information, visit www.nmcourts.gov.

Roll of Attorneys : Notice to Attorneys Admitted Between April 2020 and November 2021

The Supreme Court is beginning to schedule attorneys admitted in 2020 and 2021 to sign the Official Roll of Attorneys. On April 1, the Supreme Court will be holding oral argument at the Third Judicial District Court in Las Cruces. In conjunction with oral argument in Las Cruces, representatives from the Supreme Court Clerk's Office will be available for Roll signing on March 31, 2-5 p.m., and April 1, 9 a.m.-noon. Additional dates will be scheduled in Santa Fe and Albuquerque in the future. Attorneys admitted to the State Bar of New Mexico between April 2020 and November 2021 who will be in Las Cruces on March 31 or April 1, 2022 and wish to sign the Roll of Attorneys should send an email, including their phone number, to the Supreme Court Clerk's Office (nmsupremecourtclerk@nmcourts.gov), prior to March 25.

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 1-5 p.m. For more information call: 505-827-4850, email:

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With respect to opposing parties and their counsel:

I will be courteous and civil, both in oral and in written communications.

libref@nmcourts.gov or visit <https://lawlibrary.nmcourts.gov>.

Third Judicial District Court Reconvened Nominating Commission Recommends Applicants

The Third Judicial District Nominating Commission reconvened Feb. 24, in Las Cruces in accordance with the Governor's request that the Commission submit additional names to her. The Commission interviewed three additional applicants at its Feb. 24, meeting and completed a full evaluation of those additional applicants. As a result, the Nominating Commission has recommended **Mickey I. R. Gutierrez** and **Jessica Leigh Streeter** as the two additional applicants.

The Administrative Hearings Office

Driver's License Revocation Hearings Trainings

The Administrative Hearings Office will be conducting free online Zoom trainings covering all aspects of the Driver's License Revocation Hearings under the Implied Consent Act (ICA), including a mock hearing. The trainings are for all hearing participants, including attorneys and law enforcement officers, across New Mexico who participate in ICA License Revocation hearings. For participant scheduling convenience, we are offering two opportunities to attend the training: April 21 from 2-4 p.m. and April 22 from 9:30-11:30 a.m. To attend one of these trainings (you only need to attend one, so pick the time most convenient to you), preregister by sending an email to Scheduling.Unit@state.nm.us stating your role in the hearing process, how many Implied Consent Act license revocation hearings you have participated in, and which date you wish to attend.

Bernalillo County Metropolitan Court

Newly-Appointed Judge Assigned to Felony Division

Bernalillo County Metropolitan Court Chief Judge Maria I. Dominguez announced that, as a result of the recent

appointment of Judge Nina Safier by Governor Lujan Grisham to Division XVII, effective March 14, Judge Safier will be assigned to the Metropolitan Court's Felony Division and will be hearing felony first appearances and preliminary examination hearings and holding dockets Monday through Friday.

STATE BAR NEWS Access to Justice Fund Grant Commission

Request for Proposals Open

The Access to Justice Fund Grant Commission announces the 2022-2023 Request for Proposals. If your organization intends to apply for an Access to Justice Fund Grant, send an email to Maria Tanner at maria.tanner@sbnm.org and provide a statement of intent to apply, the organization contact person and his/her email, telephone number and mailing address. Maria will respond by email acknowledging receipt of the intent to apply and provide the application materials. Upon notification of a statement of intent to apply, prospective applicants will receive application materials and any further instructions, copies of all of the questions asked by potential applicants and the question responses. Submitting an "Intent to Apply" does not obligate your organization to submit an application, but you should notify Maria by email if you decide not to apply.

Equity in Justice Program Have Questions?

Do you have specific questions about equity and inclusion in your workplace or in general? Send in anonymous questions to our Equity in Justice Program Manager, Dr. Amanda Parker. Each month, Dr. Parker will choose one or two questions to answer for the *Bar Bulletin*. Go to www.sbnm.org/eij, click on the Ask Amanda link and submit your question. No question is too big or too small.

Board of Bar Commissioners Appointments to ABA House of Delegates

Pursuant to the American Bar Association Constitution and Bylaws (Rules of the

Procedure House of Delegates) Article 6, Section 6.4, the Board of Bar Commissioners will make one appointment to the American Bar Association (ABA) House of Delegates for a two-year term, which will expire at the conclusion of the 2024 ABA Annual Meeting. The delegate must be a licensed New Mexico attorney and a current ABA member in good standing and be willing to attend meetings or otherwise complete his/her term and responsibilities without reimbursement or compensation from the State Bar; however, the ABA provides reimbursement for expenses to attend the ABA mid-year meetings. Members wishing to serve on the House of Delegates should send a letter of interest and brief resume by May 6 to bbc@sbnm.org.

Appointments to Civil Legal Services Commission

Pursuant to NMSA 1978, § 34-14-1 (2001), the Board of Bar Commissioners will make one appointment to the Civil Legal Services Commission for a three-year term. Applicants must be licensed to practice law in New Mexico and must have experience with civil legal matters affecting low-income persons. Attorneys who wish to apply to serve on the commission should send a letter of interest and brief resume by May 6 to bbc@sbnm.org.

Appointments to Judicial Standards Commission

Pursuant to NMSA 1978, § 34-10-1(B) (1999), the Board of Bar Commissioners will make one appointment to the Judicial Standards Commission for a four-year term. Applicants must be licensed to practice law in New Mexico. The time commitment for service on this Commission is substantial and the workload is voluminous. Receiving, reviewing and analyzing substantial quantities of electronic documents are necessary to prepare for Commission matters. Strict adherence to constitutional, statutory, and regulatory authority governing the Commission is mandatory, expressly including but not limited to confidentiality. Commissioners meet at least six (6) times per year for approximately three hours per meeting. A substantial amount of reading and preparation is required for every meeting. In addition to regular meetings, the Commission schedules at least three (3) weeklong trailing dockets of trials. Additional trials, hearings or other events may be scheduled on special

settings. Additionally, mandatory in-house training sessions may periodically take place. Unless properly recused or excused from a matter, all Commissioners are required to faithfully attend all meetings and participate in all trials and hearings. Appointees should come to the Commission with limited conflicts of interest and must continually avoid, limit or eliminate conflicts of interest with the Commission's cases, Commission members, Commission staff and with all others involved in Commission matters. Attorneys who wish to serve on the Commission should send a letter of interest and brief resume by May 6 bbc@sbnm.org.

New Mexico Judges and Lawyers Assistance Program NMJLAP Committee Meetings

The NMJLAP Committee will meet at 10 a.m. on April 2 and July 9. 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. 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.

The Judicial Wellness Program

The newly established Judicial Wellness Program aids in focusing on the short-term and long-term needs of the New Mexico Judicial Community. The New Mexico Judicial Wellness Program was created to promote health and wellness among New Mexico Judges by creating and facilitating programs (educational or otherwise) and practices that encourage a supportive environment for the restoration and maintenance of overall mental, emotional, physical and spiritual health of judges. As the Judicial Wellness Project Manager, Kelly Shane is a Licensed Professional Clinical Counselor and Certified Clinical Trauma Specialist in Addiction and Crisis Prevention. Shane is highly experienced in working with children, adolescents and adults suffering from anxiety, depression, substance abuse and addiction. Shane also has significant experience working with the Juvenile Drug

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Court in Sandoval County. In addition to coordinating, teaching and supervising programs in the mental health field, Shane is familiar with the legal field and its nuances having been raised in a household wherein her father was a trial lawyer for 40 years. Learn more about the program at www.sbnm.org/nmjwp.

Employee Assistance Program

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. Check out the MyStress Tools which is an online suite of stress management and resilience-building resources. Visit www.sbnm.org/EAP or call 505.254.3555. All resources are available to members, their families and their staff. Every call is completely confidential and free.

Free Well-Being Webinars

The State Bar of New Mexico contracts with The Solutions Group to provide a free employee assistance program to members, their staff and their families. Contact the

Solutions Group for resources, education, and free counseling. Each month in 2022, The Solutions Group will unveil a new webinar on a different topic. Sign up for "Echopsychology: How Nature Heals" to learn about a growing body of research that points to the beneficial effects that exposure to the natural world has on health. The next webinar, "Pain and Our Brain" addresses why the brain links pain with emotions? Find out the answers to this and other questions related to the connection between pain and our brains. The final webinar, "Understanding Anxiety and Depression" explores the differentiation between clinical and "normal" depression, while discussing anxiety and the aftereffects of COVID-19 related to depression and anxiety. View all webinars at www.solutionsbiz.com or call 505-254-3555.

Monday Night Attorney Support Group

The Monday Night Attorney Support Group meets at 5:30 p.m. on Mondays by Zoom. This group will be meeting every Monday night via Zoom. The intention of this support group is the sharing of anything you are feeling, trying to manage or struggling with. It is intended as a way to connect with colleagues, to know you are not in this alone and feel a sense of belonging. We laugh, we cry, we BE together. Email Pam Moore at pmoore@sbnm.org or Briggs Cheney at bcheney@dsc-law.com for the Zoom link.

Defenders in Recovery: Additional Meetings You Can Attend in the Legal Community

Defenders in Recovery meets every Wednesday night at 5:30 p.m. The first Wednesday of the month is an AA meeting and discussion. The second is an NA meeting and discussion. The third is a book study, including the AA Big Book, additional AA and NA literature, including the Blue Book, Living Clean, 12x12 and more. The fourth Wednesday features a recovery speaker and monthly birthday celebration. These meetings are open to all who seek recovery. Who we see in this meeting, what we say in this meeting, stays in this meeting. For the meeting link, send an email to defendersinrecovery@gmail.com or call Jen at 575-288-7958.

The Board Governing the Recording of Judicial Proceedings A Board of the Supreme Court of New Mexico

Expired Court Reporter Certifications

The following list includes the names and certification numbers of those court reporters whose New Mexico certifications expired as of Dec. 31, 2021.

Name	CCR CCM No.	City, State
Amanda Chavez	225	Albuquerque, NM
Steven Clark	227	Logan, NM
John De la Rosa	148	Albuquerque, NM
Joanne Marie Farrell	508	Sandia Park, NM
Danielle Hinesly	128	Odessa, Tx
Gina Hornbeck	43	Lubbock, Tx
Cheryl Martin	501	Rio Rancho, NM
Sarah Padilla	520	El Cajon, Ca
Sally Peters	57	Albuquerque, NM
Elsie Porter	61	Las Cruces, NM
Sally Rubino	296	Las Cruces, NM
Sandra Watson	213	Las Cruces, NM
Jan Williams	14	Santa Fe, NM

The New Mexico 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. Upcoming meetings of the Committee are 3 p.m., March 29, May 31 and July 26.

UNM SCHOOL OF LAW Upcoming CLE Courses Collaborative Family Law Spring Offering

This is an intensive one weekend "learn by doing" course offered by the UNM School of Law to members of the legal profession, community members and current upper class law students. training tools include simulations and debriefings, professional demonstrations, videotapes, small and large group discussions and guest speakers. The program will be held April 22-24: 1-5 p.m., Friday; 9a.m.-3 p.m., Saturday; and 9-11:30 a.m., Sunday, at the UNM School of Law, 1117 Stanford Dr NE,

Albuquerque. The course is instructed by Kathryn Terry and Jessica Roth. Space is limited. It has been approved for CLE credit (10.0 G, 0.5 EP) and the hcost is \$525. Register at <https://lawschool.unm.edu/cle/upcoming.html>.

Judicial Philosophy: Ethics and Professionalism in Appellate Decision Making

Justice Julie Vargas, Justice Richard Bosson (ret.), Judge Jane Yohalem, Judge Michael Bustamonte (ret.), Judge M. Monica Zamora (ret.) and Chief Appellate Attorney Aletheia Allen will present "Judicial Philosophy: Ethics and Professionalism in Appellate Decision-Making from 10 a.m.-noon, March 25, via Zoom. Judicial philosophy often plays a role in judicial appointments and elections. members of the public ask candidates about their approach to the decision-making and law-making functions of the courts. The panel will delve into the ethical implications and challenges of serving on a court whose primary functions are error correction, statutory and regulatory interpretation, determinations of public policy, and development of common law. The cost is \$99. Register at <https://lawschool.unm.edu/cle/upcoming.html>.

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REPORT BY DISCIPLINARY COUNSEL

DISCIPLINARY QUARTERLY REPORT

Reporting Period: October 1, 2021 – December 31, 2021

Final Decisions

Final Decisions of the NM Supreme Court 0

Summary Suspensions

Total number of attorneys summarily suspended 0

Total number of attorneys summarily suspended (reciprocal) 0

Administrative Suspensions

Total number of attorneys administratively suspended..... 1

Matter of Ralph D. Dowden, Esq. (S-1-SC-39032). The New Mexico Supreme Court issued an order on October 29, 2021, administratively suspending Respondent from the practice of law until further order from this Court.

Disability Inactive Status

Total number of attorneys removed from disability inactive states 0

Charges Filed

Charges were filed against an attorney for allegedly failing to provide competent representation, communicating with a person represented by counsel, and/or engaging in conduct that is prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to competently represent to a client, communicating with a person represented by counsel; and/or engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly failing to competently represent a client, failing to diligently represent a client, representing a client when his personal interests materially limit the representation, by filing a frivolous pleading, and engaging in conduct prejudicial to the administration of justice.

Charges were filed against an attorney for allegedly revealing information relating to the representation of a client without the client's informed consent.

Injunctive Relief

Total number of injunctions prohibiting the unauthorized practice of law 0

Reinstatement from Probation

Petitions for reinstatement filed 0

Formal Reprimands

Total number of attorneys formally reprimanded 3

Informal Admonitions

Total number of attorneys admonished 1

Letters of Caution

Total number of attorneys cautioned 12

Attorneys were cautioned for the following conduct: (1) excessive fees; (5) failure to communicate; (4) lack of diligence, (1) dishonesty, deceit, fraud, misrepresentation; (1) ex parte contact with the court, (1) improper withdrawal; (1) lack of candor to tribunal; (1) prosecutorial misconduct; (2) improper statements about judge's integrity.

Complaints Received

Allegations.....	No. of Complaints
Trust Account Violations.....	1
Conflict of Interest.....	12
Neglect and/or Incompetence.....	48
Misrepresentation or Fraud.....	11
Relationship with Client or Court.....	1
Fees.....	11
Improper Communications.....	3
Criminal Activity.....	2
Personal Behavior.....	1
Other.....	39
Total number of complaints received.....	142



ASK AMANDA

Dear Amanda,

I mentor young women attorneys and I am dismayed at the sexism they are experiencing. They do the work on the cases and the male attorney takes the lead in mediations or court and, not infrequently, takes the credit for the win and the women get the blame for the loss. I think it would be helpful to educate on this topic.

Dear Member,

Our 2019 report on the Status of Women in the Legal Profession found many instances of discrimination and bias against women attorneys. The report found discrepancies in pay, promotion, and treatment by judges, colleagues, and opposing council¹. When we add an intersectional lens, meaning a lens that includes race, sexuality, disability, and other factors, we see further disparities in pay and collegial respect.

Data Supports Your Observations

The finding that women lawyers are not asked to argue in court is well-documented. For a report conducted for the New York State Bar Association, judges were asked to keep track of who argued in court. They analyzed 2,800 responses over four months and found women to be the lead lawyer in private parties only 20% of the time and in criminal and commercial cases only 25% of the time².

In our own 2019 Report on Women in the legal profession, 86% of women reported experiencing gender bias³ in the profession, and the report details disparities in treatment and evaluation of work in the courtroom. For example, 68% of women reported they had been mistaken for a paralegal, administrative assistant, or custodial staff⁴. The report points out that it may seem like a minor slight, but in a field where perceived competence is necessary for a successful career, even a slight loss of status can be damaging. Attorneys were also asked whether they believed women's work was evaluated differently by colleagues, judges, and clients. Results showed that 54% of women believe the work of women attorneys is evaluated differently than men's work, and 41% of women believe they have limited access to important assignments.

One obstacle to solving sexism is that men attorneys do not report seeing it. Compared to the 54% of women who believe their work is judged differently than men attorneys, only 27% of men agreed. In a recent Pew Survey on gender equality, most men said that they do not see any barriers to equality for women in general. In the Pew survey, 56% of men said that obstacles inhibiting women's progress are largely gone in contrast to 34% of women⁵. **If men don't see a problem, they are unlikely to get involved in solutions and we need them to. As someone who is invested in these changes, make sure you are letting everyone know where you stand on these issues and see who else you can bring on board.**

We Need Policy

The specific problem you bring up about arguing cases and leading mediations is an example of where we need policy to intervene in this form of bias and discrimination. A policy gives people a roadmap for acceptable practices and a path to enforcement. One of the recommendations from our 2019 report on women attorneys is for courts to put in policy that the person who prepares a brief is the one to argue it, but is there something firms can additionally do? I imagine when you bring this up with your colleagues that you hear a lot of arguments for why individual cases did not include women or personal anecdotes about why individual men were better suited for the task. Instead of arguing about a phenomenon that is widely recognized, move the conversation to policy decisions. Ask what your firm can do to ensure that women are arguing cases, taking depositions, and being mentored to lead.

(continued on next page)

Many organizations make the mistake of focusing on the representation of marginalized and historically underrepresented groups in hiring without committing to shared power and leadership. Simply hiring more women without including them in the most important assignments, such as arguing a case, does not constitute equality.

Women are entering the profession at the same rate as men at this point but being part of the profession is not the end goal. Women and nonbinary individuals need to be in positions of power alongside men to gain true equality.

Dr. Amanda Parker is the new Equity in Justice Manager at the State Bar of New Mexico. To submit a question to Ask Amanda or find out more about the program go to www.sbnm.org/eij.

Endnotes

- ¹ The New Mexico State Bar Association 2019 Gender Diversity Report (American Decisions, 2020).
- ² Shira A. Scheindlin, *Female Lawyers Can Talk, Too*, New York Times, Aug. 8, 2017. <https://www.nytimes.com/2017/08/08/opinion/female-lawyers-women-judges.html>
- ³ Report, pg. 18
- ⁴ Report, pg. 24
- ⁵ Mary Frances Winters, *We Can't Talk About That at Work: How to Talk about Race, Religion, Politics, and Other Polarizing Topics* (2017) p.5.

Ask your questions about diversity, equity, and inclusion issues in the office, courtroom, and larger society at www.sbnm.org/eij

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Upcoming Events UNMSOL Grads Invited to Barrister's Ball

The Student Bar Association at UNM Law invites all 2020 and 2021 UNMSOL graduates to its 2022 Student Bar Association Barrister's Ball, which will be held April 9 at Sandia Casino. For more information, email kwilson2698@unm.edu. Attendees may purchase tickets by visiting https://secure.touchnet.com/C21597_ustores/web/product_detail.jsp?PRODUCTID=3074@SINGLESTORE=true.

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 voice-mail at 505-277-0935. The Law Library's document delivery policy requires specific citation or document titles. Please visit our Library Guide outlining our Limited Operation Policies at: <https://libguides.law.unm.edu/limitedops>.

OTHER NEWS Legal Services Corporation Notice of Grant Funds Available for Calendar Year 2023

The Legal Services Corporation announces the availability of grant funds to provide civil legal services to eligible clients during calendar year 2023.

In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. The list of service areas (and their descriptions) where grant opportunities are open are available at <https://www.lsc.gov/grants/basic-field-grant/lsc-service-areas/2023-service-areas-subject-competition>. The Request for Proposals (RFP), which includes instructions for preparing the grant proposal, will be published at <https://www.lsc.gov/grants-grantee-resources/our-grant-programs/basic-field-grant> on or around April 11. Applicants must file a Pre-Application and the grant application through GrantEase: LSC's grants management system. Visit <https://www.lsc.gov/grants/basic-field-grant> for filing dates, applicant eligibility, submission requirements, and updates regarding the LSC grants process. Email inquiries pertaining to the LSC grants process to LSCGrants@lsc.gov.

EQUITY IN JUSTICE • SPRING 2022 SERIES



The Equity in Justice Program is rolling out our own CLEs that will address many issues that will help lawyers gain new understandings and deepen their learning on issues related to diversity, equity, and inclusion. There are foundational courses and courses with specialized topics for lawyers who want to learn more. Some formats will be webinar and others will require cameras on and participation.

Course prices are fixed regardless of if you want/need CLE credit.
The audit rate (no fee) is only available for law students. Register online at:
www.sbnm.org/eij

We endeavor to be accessible to all our members. Should you need accommodation for effective communication, such as an interpreter, please let us know. Email: Amanda.Parker@sbnm.org

A GUIDE TO EQUITY - ADA DISABILITY RELATED ACCESS FOR INMATES AND VISITORS

Presenters: Julie Ballinger, M.A., Affiliate, Southwest ADA Center;
Torri Jacobus, Director, City of Albuquerque Office of Civil Rights
Date: April 22, noon-1:30
1.5 EP • Cost: \$25

▶ SESSION DESCRIPTION

More than 750,000 people with disabilities are incarcerated across the nation. These inmates can, if the facility does not fully comply with the ADA and implement ADA best practices, serve harder time with less access to positive programming and services resulting in these inmates living in a “prison within a prison.” Facility visitors with disabilities often face hindrances because the facility fails to create access as it relates to their disability. In response, the Southwest ADA Center has developed the extensive free publication “Americans with Disabilities Act - Disability Related Access for Inmates and Visitors Guide.” The Guide is designed to be utilized by corrections, advocates (including legal advocates), and others to bring equity practices in various settings regardless of the correctional circumstances. The session will review the comprehensive Guide and will include how the Guide can be utilized as a tool for progressive change.

▶ 3 LEARNING OBJECTIVES

1. Understanding of disability related access issues using an ADA civil rights lens to focus on discriminatory practices in the correctional system.
2. Bringing awareness of the serious consequences of disability related discriminatory practices regarding inmates and facility visitors.
3. Introducing the ADA Disability Related Access for Inmates and Visitors Guide to workshop participants to utilize to promote equity through ADA compliance.



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

Take Some Little Leaps

(or at least some little steps):

Self-care in a Busy World

By William D. Slease



Several years ago, my spouse gave me what has become one of my favorite coffee mugs. It was a gift, appropriately wrapped in a box. When I opened the box, the first thing I saw on the mug was a large elephant. I wondered if my spouse was commenting on: (a) the speed with which she thinks I process things; (b) my changing physical appearance; or (c) maybe both. But then I turned the mug to the other side and saw its message “One Step at a Time.” It was a good reminder for someone who often tries to take on a major task or project in one giant piece, unnecessarily making it appear overwhelming and impossible to accomplish. Slow down, break it down, and take it “one step at a time.”

Last month, Briggs Cheney talked about the challenges faced by solo and small firm lawyers in

finding time to devote to their own self-care; to their well-being. For a solo or small firm lawyer, trying to take on such an important but undeniably major task in the face of a busy practice and a busy life can seem, well, impossible. But perhaps by taking what he called “little leaps of faith,” or what I call “taking it one step at a time,” the seemingly impossible can become not only possible, but rewarding. Those small leaps, those small steps, can improve our mental health, our physical health, and our overall enjoyment of the practice of law. Indeed, I submit that they can make us a better lawyer; they can result in us “flourishing.”¹

So for the busy solo or small firm lawyer, what little leaps, what small steps are we talking about? Here are a few suggestions, in no particular order of importance (except to say, doing something, anything is important):

- **Spend just 10 minutes out of your week doing something physical.**

A 2018 study revealed that just 10 minutes of any kind of physical activity in a week appeared to make a positive difference in one’s happiness.² Just 10 minutes! So maybe skip the extra check of your smartphone and take a walk around the block. And no surprise here, but if you can devote more time, say 10 minutes a day, your mental and physical health will be that much the better for it.

- **Meditate at your desk.**

We’ve all heard that meditation can be beneficial to our well-being and a 2018 study confirmed that to be true. That study found that meditating for 13 minutes a day for 8 weeks led to a decrease in anxiety and negative moods, and an increase in working and recognition memory, and enhanced attention.³ But we’re talking little leaps and small steps here, and many of you will say “I don’t have 13 minutes each day to spare.” Fair enough but no problem; try a shorter meditation that you can do anywhere, anytime, including at your desk, using a simple five-finger breathing exercise: Hold one hand in front of you with your fingers spread wide. Using the index finger of your other hand, trace the outside of the hand with the spread fingers breathing in when you trace up a finger, breathing out when trace down. Trace your entire hand in one direction, then reverse it and do it again. That will take all of two minutes, if that, and yet will leave you less stressed and more aware in the moment.

- **Take your dog (or cat, or ferret or monitor lizard) to work.**

According to a study published in 2012, employees who brought their dogs to work had lower levels of stress throughout the workday and were more satisfied with their jobs.⁴ Plus, when Fido needs to be taken outside for a bathroom break, you might just be getting a start on those 10 minutes of exercise.

- **Leave your smartphone behind.**

Unsurprisingly, researchers have found that work technology like smartphones, laptops, and tablets, when used at home break down the work-home boundary and allow work stress to intrude on your home life and your much needed downtime.⁵ Unplugging can lead to lower levels of fatigue, less burnout, and greater life satisfaction.⁶ And of course, while it is important to meet your professional obligations to your clients, shutting down your phone before bed, turning off your laptop, and spending some quiet time does not mean you are failing as a lawyer. It means that you are recharging for another day which will make you more effective for those clients.

- **Call a friend.**

We are all social beings. Connections with others, even in the midst of a pandemic, are critical. It doesn't have to be a long conversation, but pick up the phone, or schedule a virtual get together with a friend, and then talk about anything other than the law. That will help not only restore the social connection we all need, but give some perspective on how important and rewarding little things outside the practice of law can be.

- **Give yourself a “compassion” break.**

I saved the big ask for last. Most solo and small firm lawyers that I know work long hours and are loathe to take time away from work; even a day. But hopefully most would not head into the office (or sign into the virtual office) if they were feeling physically ill to the point they could not effectively function. Taking a day off would be expected. So why not allow yourself the same break when you are mentally or emotionally exhausted. Take a “compassion day” for yourself, or perhaps even just an afternoon. Do something unrelated to the law and without your work tools (the smartphone, the laptop, the tablet), even if it's as simple as sitting at the park, hiking in the foothills, fishing with a friend. It's not every day and all your work will be waiting for you tomorrow. But hopefully you'll be more refreshed, more productive, and ready to tackle the next project with a renewed sense of purpose.

This list is not meant to be comprehensive or exclusive. Each of you can find a few minutes in your day, and hopefully more than a few minutes, to find something that resonates; that puts back in your emotional tank. Make it a priority; put it on your calendar so it becomes just as much a commitment as that next client phone call. You owe it to yourself, to your family and friends, and yes, to your clients, to be a healthier lawyer and, therefore, a happier and more effective lawyer. So take that little leap, that one step today; and then take the next one, and the next one, and the next one. Who knew that making a little leap, or walking like an elephant, could be that easy?

Endnotes

¹ The American Psychological Association Dictionary defines “flourishing” as “a condition denoting good mental and physical health: the state of being free from illness and distress but, more important, of being filled with vitality and functioning well in one's personal and social life.”

² See Zhang, Zhanjia & Chen, Weiyun. (2019). *A Systematic Review of the Relationship Between Physical Activity and Happiness*. *Journal of Happiness Studies*. 20. 10.1007/s10902-018-9976-0.

³ See, Basso JC, McHale A, Ende V, Oberlin DJ, Suzuki WA. *Brief, daily meditation enhances attention, memory, mood, and emotional regulation in non-experienced meditators*. *Behav Brain Res*. 2019;356:208-220. doi:10.1016/j.bbr.2018.08.023

⁴ See Barker, Knisely, Barker, Cobb, & Schubert, *Preliminary Investigation of Employee's Dog Presence on Stress and Organizational Perceptions*, *International Journal of Workplace Health Management*, March 23, 2019.

⁵ See Park, Youngah *Mental break: Work-life balance needed for recovery from job stress*, *Kansas State University*, *K-State News* (Feb. 5, 2013).

⁶ *Id.*

William D. Slease is the Professional Development Program Director for the State Bar of New Mexico.



Why should you take the upcoming State Bar of New Mexico Member Survey?

We've got five easy reasons for you!

1. YOUR feedback is important to us.
We want to hear from all members. Our organization is here because of and for you!

2. It's short! It will only take 7-10 minutes to complete. That's less than it takes to write some emails!

3. It's not just us! The Supreme Court and Judges and Lawyers Assistance Program have specific questions for you.

4. It's been 18 years! While we've done specific topic surveys since 2004, we haven't reached out to all of you since then!

5. There are prizes! We'll be raffling off prizes as a thank you for setting aside time for us.

Keep an eye on your emails from the State Bar, as we will be providing instructions on how to access your survey!





In Memory of Dean Fred Hart



Please join us for a memorial celebrating the life and achievements of Dean Fred Hart.

Thursday, April 7, 2022
5:30 p.m. - 7:00 p.m. (MT)
UNM School of Law
1117 Stanford Dr. NE

Event will be livestreamed for those unable to attend in person.

RSVP to attend in person by March 21

Share Your Memories & Register at
<https://lawschool.unm.edu/alumni/hart/>

*Please contact mjspratto@law.unm.edu or 505-277-1038
with any questions regarding the memorial event.*

Legal Education

March

- | | | | | | |
|----|---|----|--|----|---|
| 25 | REPLAY: #WeToo: Practical Tools for Improving Gender Dynamics in the Practice of Law (2020)
1.0 EP
Replay Webinar
Center for Legal Education of NMSBF
www.sbnm.org | 25 | Judicial Philosophy: Ethics & Professionalism in Appellate Decision-Making
2.0 EP
Virtual
UNM School of Law
lawschool.unm.edu | 30 | “When there are Nine” - Sexual Bias in the Legal Profession
1.0 EP
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org |
| 25 | How To Stay “Professional” When Videoconferencing: It’s Not As Hard As You Think!
1.0 G
Live Webinar
Center for Legal Education of NMSBF
www.sbnm.org | | | | |

April

- | | | | | | |
|---|---|----|---|----|---|
| 1 | 2022 Health Law Legislative Update
1.0 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org | 8 | Charitable Giving Planning In Trusts and Estates, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org | 13 | How Secondary Trauma Affects Attorney Mental Health
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org |
| 4 | The Law Of Background Checks: What Clients May/May Not “Check”
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org | 8 | 2022 Family Law Spring Institute Managing High-Conflict Personalities and Cases
6.0 G
In-Person and Webcast
Center for Legal Education of NMSBF
www.sbnm.org | 20 | Legal Malpractice Insurance & Claims Avoidance 101
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org |
| 6 | 21 Proven Techniques To Control Difficult Witnesses During Cross-Examination at Trial and at Deposition
1.5 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org | 12 | The Ins-And-Outs of Licensing Technology, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org | 20 | “Boiler-Plate” Provisions In Contracts: Overlooked Traps In Every Agreement
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org |
| 7 | Charitable Giving Planning In Trusts and Estates, Part 1
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org | 13 | The Ins-And-Outs of Licensing Technology, Part 2
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org | 22 | Ethics And New Clients: Inadvertent Clients, Intake, And More
1.0 EP
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org |

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.

Opinions

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

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

Effective February 25, 2022

UNPUBLISHED OPINIONS

A-1-CA-38430	City of Rio Rancho v. W Meierer	Reverse/Remand	02/21/2022
A-1-CA-39085	J Clements v. G Mercantel	Affirm	02/21/2022
A-1-CA-39216	R Brown v. L Oldfield	Reverse	02/21/2022
A-1-CA-39345	Amplify Credit Union v. N Zinn	Affirm	02/21/2022
A-1-CA-39792	State v. J Ambriz	Affirm/Remand	02/21/2022
A-1-CA-37751	State v. A Anderson	Affirm	02/22/2022
A-1-CA-39318	State v. J Maestas	Affirm	02/22/2022
A-1-CA-39856	L Feit v. NM Taxation & Revenue	Reverse/Remand	02/22/2022
A-1-CA-38372	A Szantho v. Casa Maria	Reverse/Remand	02/23/2022
A-1-CA-38872	L Lindquist v. M Boone	Dismiss	02/23/2022
A-1-CA-39695	R Duran v. C Fullerton	Affirm	02/23/2022
A-1-CA-39439	State v. J Devine	Affirm	02/24/2022

Effective March 4, 2022

UNPUBLISHED OPINIONS

A-1-CA-39473	J Hinojos v. V Poulos	Affirm	02/28/2022
A-1-CA-39639	A Trillo Jr. v. Rio Rancho Police Dept	Affirm	02/28/2022
A-1-CA-39829	State v. R Viveros	Affirm	02/28/2022
A-1-CA-40047	C Miller v. A Miller	Affirm	02/28/2022
A-1-CA-38533	State v. K Eltvedt	Affirm/Reverse	03/01/2022
A-1-CA-38564	State v. R Quinn	Affirm	03/01/2022
A-1-CA-38775	State v. R Stallings	Affirm/Vacate/Remand	03/01/2022
A-1-CA-38784	State v. R Stallings	Affirm/Reverse/Remand	03/01/2022
A-1-CA-38939	County Commissioners v. M Perez	Affirm	03/01/2022
A-1-CA-39675	CYFD v. Jacleen H	Affirm	03/01/2022
A-1-CA-38207	P Pena, Executor v. St. Theresa Healthcare	Reverse/Remand	03/02/2022
A-1-CA-38744	State v. A May	Affirm/Vacate/Remand	03/02/2022
A-1-CA-38651	State v. E Ruffin	Affirm	03/04/2022
A-1-CA-38685	State v. M Encinias	Affirm	03/04/2022
A-1-CA-39456	Rio Grande Foundation v. L Sanchez	Reverse	03/04/2022
A-1-CA-39689	M Sanchez v. C Martinez Sanchez	Affirm	03/04/2022
A-1-CA-39860	State v. L Rivera	Affirm	03/04/2022

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

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

Advance Opinions

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

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Supreme Court

Opinion Number: 2022-NMSC-006

No: S-1-SC-37489 (filed November 15, 2021)

AMADO CHAVEZ, RAMONA HERNANDEZ, TODD LOPEZ, as Personal Representative of the Estate of EDGAR CHAVEZ, Deceased, and VICTOR CHAVEZ, Plaintiffs-Respondents,

v.

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC, a foreign company which is the successor to BRIDGESTONE/FIRESTONE NORTH AMERICAN TIRE, LLC, Defendant-Petitioner,

and

CRECENCIO JARAMILLO, MAGDALENA JARAMILLO, and TIRE CLUB U.S.A., INC., Defendants.

ORIGINAL PROCEEDING ON CERTIORARI

Francis J. Mathew, District Judge

Keleher & McLeod, P.A.
Thomas C. Bird
Albuquerque, NM
for Petitioner

Liles White PLLC
Kevin W. Liles
Corpus Christi, TX

UNM School of Law
David J. Stout
Michael B. Browde
Albuquerque, NM

Jaramillo Law Firm, P.C.
David Joseph Jaramillo
Albuquerque, NM

The Ammons Law Firm
John B. Gsanger
Houston, TX
for Respondents

for Amicus Curiae New Mexico Trial
Lawyers Association

and

No: S-1-SC-37490

GABRIEL ARTURO RASCON RODRIGUEZ; RAYITO DEL CARMEN GUTIERREZ DE RASCON; JAVIER ORTIZ TARANGO, Deceased; LEE HUNT, Representative of the Estate of JAVIER ORTIZ TARANGO; BERTA EBILA RAMIREZ; LORENZA SUSANA ORTIZ; MARITZA BERENICE ORTIZ RAMIREZ; CARMEN TARANGO CASTRO; CRISTIAN ANTONIO ROMERO GARCIA, Deceased; LEE HUNT, Representative of the Estate of CRISTIAN ANTONIO ROMERO GARCIA; ROBERTO ROMERO and HILDA TELLEZ, Next Friends of C.D.R. and C.D.R., Minors; ROBERTO ROMERO, Individually; LAURO CRUZ, Deceased; LEE HUNT, Representative of the Estate of LAURO CRUZ; ORALIA NAJERA; MARIA CONCEPTION CRUZ NAJERA, Individually and as Next Friend of L.M.A.C., a Minor; CARLOS CRUZ; OLGALIDIA CRUZ; EUFEMIO CRUZ; MIGUEL CRUZ; PERLA ALEJANDRA CRUZ; MAYRA PAMELA CRUZ; MARIA ESTHER CRUZ; AGUSTINA CRUZ; JAVIER ACOSTA RAMIREZ; BERENICE ACOSTA; JOSE JAVIER ACOSTA; JAVIER ACOSTA; ADRIAN RAMOS, Individually and as Next Friend of R.A.R.R., A.R.R., Y.A.R.R., and A.R.R., Minors; YADIRA RUVALCABA DE RAMOS; LUIS CANSECO VAZQUEZ, Individually and as Next Friend of G.C. and S.A.C., Minors; GUADALUPE LOPEZ; JULIA CANSECO; LUIS RAUL ORTEGA GABALDON; JESUS ALEJANDRO JIMENEZ ORTEGA; and ERNESTO VARGAS LOPEZ, Plaintiffs-Respondents,

v.

FORD MOTOR COMPANY and COOPER TIRE AND RUBBER COMPANY, Defendants-Petitioners,

and

FERNANDO GAYTAN BUSTOS, Defendant-Respondent,

and

FERNANDO GAYTAN BUSTOS, Cross-Plaintiff-Respondent,

v.

FORD MOTOR COMPANY and COOPER TIRE AND RUBBER COMPANY, Cross-Defendants-Petitioners.

ORIGINAL PROCEEDING ON CERTIORARI

Francis J. Mathew, District Judge

continued on next page

continued from previous page

Snell & Wilmer LLP Todd E. Rinner Albuquerque, NM	for Petitioner Cooper Tire and Rubber Company	Law Offices of James B. Ragan James B. Ragan Corpus Christi, TX
Hogan Lovells US LLP Sean Marotta Washington, DC	Jaramillo Law Firm, PC David Joseph Jaramillo Albuquerque, NM	for Respondents
for Petitioner Ford Motor Company Brownstein Hyatt Farber Schreck, LLP Eric R. Burris Albuquerque, NM	Touchet Law Firm, PC Maria E. Touchet Albuquerque, NM	UNM School of Law David J. Stout Michael B. Browde Albuquerque, NM
Norton Rose Fulbright US LLP Troy L. Vancil San Antonio, TX	The Ammons Law Firm John B. Gsanger Houston, TX	for Amicus Curiae New Mexico Trial Lawyers Association

and

No: S-1-SC-37491		
MANUEL EDEL NAVARRETE RODRIGUEZ, Individually and as Personal Representative of the Estate of EDGAR NAVARRETE RODRIGUEZ, Deceased, Plaintiff-Respondent, v. FORD MOTOR COMPANY, Defendant-Petitioner, and LUIS A. PONCE, Defendant.		
ORIGINAL PROCEEDING ON CERTIORARI David K. Thomson, District Judge		
Snell & Wilmer LLP Todd E. Rinner Albuquerque, NM	Arrazolo Law, P.C. Gilbert Arrazolo Albuquerque, NM	UNM School of Law David J. Stout Michael B. Browde Albuquerque, NM
Hogan Lovells US LLP Sean Marotta Washington, DC	Law Offices of James B. Ragan James B. Ragan Corpus Christi, TX	for Amicus Curiae New Mexico Trial Lawyers Association
for Petitioner Ford Motor Company	for Respondent	

continued on next page

and

TODD FURMAN; LEON HUNT, as the Personal Representative of the Estate of RENEE FURMAN; TODD LOPEZ, as the Personal Representative of the Estate of SHYANNE WILBUR and NICOLE WILBUR; MELISSA WILT, Individually and as Legal Guardian for MEGAN WILBUR, an individual/minor; and KRISTEN WILBUR, Plaintiffs-Respondents,
 and
 PATRICK A. CASEY, as the Personal Representative of the Estate of MICHELLE L. BATES; TRICIA BATES; and CHRISTOPHER BATES, Intervenor/Plaintiffs-Respondents,
 v.
 THE GOODYEAR TIRE & RUBBER COMPANY, Defendant-Petitioner
 and
 WALTER JAMES BYERS and THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, Defendants.

ORIGINAL PROCEEDING ON CERTIORARI

Bryan P. Biedscheid, District Judge

Modrall, Sperling, Roehl, Harris & Sisk, P.A.
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 Emil John Kiehne
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 Christine Spagnoli
 Alan Van Gelder
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Esner, Chang & Boyer
 Stuart B. Esner
 Shea S. Murphy
 Pasadena, CA

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 Newsome Melton, PA

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 William C. Ourand
 R. Frank Melton, II
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Marks & Harrison
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 McGinn, Montoya, Love & Curry, PA
 Kathleen J. Love
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American Association for Justice
 Jeffrey R. White
 Washington, DC
 for Amicus Curiae American Association for Justice
 UNM School of Law
 David J. Stout
 Michael B. Browde
 Albuquerque, NM

for Amicus Curiae New Mexico Trial Lawyers Association

OPINION

BACON, Justice.

{1} This consolidated appeal involves important considerations about fairness to litigants and the sovereign limits of New Mexico. Herein, we consider whether a foreign corporation that registers to transact business and appoints a registered agent under Article 17 of New Mexico’s Business Corporation Act (BCA), NMSA 1978 §§ 53-17-1 to -20 (1967, as amended through 2021), thereby consents to the exercise of general personal jurisdiction in

New Mexico. If adhered to, this “consent by registration” basis for general personal jurisdiction would allow New Mexico courts to adjudicate all claims filed against a foreign corporation registered under the BCA, regardless of the nature or extent of any connection between our state and the claims asserted. Nearly thirty years ago, our Court of Appeals in *Werner v. Wal-Mart Stores, Inc.*, 1993-NMCA-112, ¶ 10, 116 N.M. 229, 861 P.2d 270, construed the BCA to require consent by registration. Confronted with the same issue now, we conclude that *Werner’s* reasoning is unmoderated and hold that the BCA does not

compel a foreign corporation to consent to general personal jurisdiction.

{2} This question comes to us in the context of four interlocutory appeals upon orders denying the petitioners’ motions to dismiss the claims against them for lack of general or specific personal jurisdiction. In three of the separate proceedings below, the Court of Appeals followed *Werner* and concluded that general personal jurisdiction was proper over the petitioners Ford Motor Company, Bridgestone Americas Tire Operations, and Cooper Tire & Rubber Company. *Navarrete Rodriguez v. Ford Motor Co.*, 2019-NMCA-023, ¶¶ 31-32,

458 P.3d 569; *Chavez v. Bridgestone Americas Tire Operations, LLC*, A-1-CA-36442, mem. op. ¶ 13 (Ct. App. Dec. 21, 2018) (nonprecedential); *Rascon Rodriguez v. Ford Motor Co.*, A-1-CA-35910, mem. op. ¶ 13 (Ct. App. Dec. 21, 2018) (nonprecedential). In the fourth proceeding, the Court of Appeals denied petitioner Goodyear Tire & Rubber Company's application for interlocutory appeal on a similar issue. *Furman v. Goodyear Tire & Rubber Co.*, A-1-CA-37818 (Ct. App. Jan 18, 2019). For ease of reference, we refer collectively to these four petitioning foreign corporations—all of whom are manufacturers of automobiles or automobile components and registered to transact business under the BCA—as “the Manufacturers.”

{3} The Manufacturers challenge the reasoning of *Werner* and the three Court of Appeals opinions. The Manufacturers argue that the BCA does not require them to consent to general personal jurisdiction in New Mexico. They further argue that any exercise of jurisdiction premised on consent by registration would (a) violate their 14th Amendment due process rights under the United States Constitution, (b) create an unconstitutional condition by requiring the Manufacturers to waive their due process rights as a condition of transacting business in New Mexico, and (c) violate the Dormant Commerce Clause, U.S. Const. art. 1, § 8, cl. 3. The Manufacturers contend that the United States Supreme Court's personal jurisdiction jurisprudence following *International Shoe Co. v. Washington Office of Unemployment Compensation & Placement*, 326 U.S. 310 (1945), and most notably the opinion in *Daimler AG v. Bauman*, 571 U.S. 117 (2014), has limited the appropriate settings for general personal jurisdiction to those of a corporation's “at home” state of incorporation and principal place of business. *Daimler*, 571 U.S. at 138-39. The Manufacturers thus assert that contemporary personal jurisdiction jurisprudence has overruled, *sub silentio*, the pre-*International Shoe* case of *Pennsylvania Fire Insurance Co. of Philadelphia v. Gold Issue Mining & Milling Co.*, 243 U.S. 93, 95-96 (1917), which upheld the constitutionality of consent by registration.

{4} We acknowledge that the continuing viability of *Pennsylvania Fire* and consent by registration remains unsettled. See, e.g., *Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, ___ U.S. ___, ___, 141 S. Ct. 1017, 1037 n.3 (2021) (Gorsuch, J., specially concurring) (“It is unclear what remains of the old ‘consent’ theory after *International Shoe*'s criticism. Some courts read *International Shoe* and the cases that follow as effectively foreclosing it, while others insist it remains viable” (citing *Lanham v. BNSF Ry. Co.*, 939 N.W.2d 363, 368-71 (Neb. 2020), *op. modi-*

fied on other grounds on denial of reh'g, 944 N.W.2d 514 (Neb. 2020), and *Navarrete Rodriguez*, 2019-NMCA-023, ¶¶ 12-14)). However, we decline to reach the constitutional challenges presented because we hold, as a matter of statutory construction, that the BCA does not require a foreign corporation to consent to general personal jurisdiction in New Mexico. We therefore reject the construction accorded to the BCA by *Werner* and reverse the decisions of the Court of Appeals.

{5} In so holding, we note that the United States Supreme Court's opinion in *Montana Eighth*, 141 S. Ct. at 1022-32, issued during the pendency of this appeal, may bear on questions of specific personal jurisdiction preserved in each of the underlying proceedings but not reached by the Court of Appeals. See, e.g., *Navarrete Rodriguez*, 2019-NMCA-023, ¶¶ 2, 7. We remand to the Court of Appeals with instructions to consider whether the district court may exercise specific personal jurisdiction over each of the Manufacturers in the four cases on appeal.

I. BACKGROUND

{6} These appeals from the First Judicial District Court involve claims asserted by Plaintiffs against the Manufacturers for personal injury and/or wrongful death allegedly caused by defects in the Manufacturers' automobiles or automobile components. As the question we address here is one of law, we only briefly summarize the underlying factual circumstances.

{7} In *Chavez*, S-1-SC-37489, a New Mexico resident was killed, and another was injured, in a single vehicle rollover collision in Texas. The collision was allegedly caused by tire tread separation on the vehicle's Bridgestone tire. In *Rascon Rodriguez*, S-1-SC-37490, eleven passengers of a Ford Super Club Wagon were either injured or killed in a single vehicle accident allegedly caused by tread separation on the vehicle's Cooper tire. The passengers, all nonresidents, were driving through New Mexico when the accident occurred. In *Navarrete Rodriguez*, S-1-SC-37491, a New Mexican resident was found dead at the scene of a single vehicle collision. The collision was apparently caused when the decedent drove too fast around a curve on a New Mexico highway and lost control of his Ford F-250. The vehicle left the roadway and rolled over multiple times, collapsing the vehicle's roof structure, which allegedly killed the decedent. And in *Furman*, S-1-SC-37536, several nonresidents were killed and several other nonresidents were injured in a multiple vehicle collision on I-40 in New Mexico. The collision allegedly occurred when yet another nonresident lost control of his vehicle after the tread separated on the vehicle's Goodyear tire.

{8} None of the specific products involved in these lawsuits was designed or manufactured in New Mexico. The Manufacturers also did not directly sell the products to Plaintiffs in New Mexico. It does appear, however, that the Manufacturers have actively marketed and distributed identical or nearly identical products in our state.

{9} Each of the Manufacturers filed motions to dismiss in the district court, asserting that general personal jurisdiction was improper because the Manufacturers were not at home in New Mexico and specific personal jurisdiction was improper because Plaintiffs' claims were not caused by the Manufacturers' New Mexico contacts. Each of the district judges denied these motions and certified the issues for interlocutory appeal.

{10} The proceedings below thus were presented to the Court of Appeals as interlocutory appeals from orders denying the Manufacturers' respective motions to dismiss for lack of general or specific personal jurisdiction. The Court of Appeals affirmed the district court's denial of Ford's motion to dismiss in the *Navarrete Rodriguez* appeal. *Navarrete Rodriguez*, 2019-NMCA-023, ¶¶ 31-32. In so ruling, the Court of Appeals affirmed the order of the district court under the “right for any reason” doctrine, finding that Ford was subject to general personal jurisdiction in New Mexico. *Id.* ¶ 7. The Court of Appeals did not reach the issue of specific personal jurisdiction that the district court had found dispositive. *Id.*

{11} More particularly, the Court of Appeals concluded that Ford had consented to general personal jurisdiction by registering to transact business under the BCA, basing its decision on the holding in *Werner*, 1993-NMCA-112, ¶ 11, that the BCA required consent by registration. *Navarrete Rodriguez*, 2019-NMCA-023, ¶¶ 25, 32. The Court of Appeals further declined to overturn *Werner*, indicating that the decision remained controlling until overruled by this Court. *Id.* ¶ 27.

{12} The Court of Appeals also rejected Ford's various constitutional challenges to consent by registration. *Id.* ¶¶ 15-16, 19-20. For example, in response to Ford's due process challenges to the continuing authority of *Pennsylvania Fire*, 243 U.S. at 95-96, the Court of Appeals explained that, while “[m]uch has changed in the jurisprudence of personal jurisdiction” since *Pennsylvania Fire*, “the [United States] Supreme Court has not expressly overturned it.” *Navarrete Rodriguez*, 2019-NMCA-023, ¶ 13. In response to Ford's assertion that the BCA did not provide sufficient notice of its consent to jurisdiction, the court explained that “the *Werner* decision gives companies notice that registration under the Act and continued compliance with its

reporting requirements, indicates consent to general jurisdiction.” *Id.* ¶ 28.

{13} The Court of Appeals issued non-precedential opinions in *Chavez* and *Rascon Rodriguez* which largely echoed its precedential opinion in *Navarrete Rodriguez*, 2019-NMCA-023, and asserted general personal jurisdiction against Bridgestone, Ford, and Cooper in each respective suit. *See Chavez*, A-1-CA-36442, mem. op. ¶ 2; *Rascon Rodriguez*, A-1-CA-35910, mem. op. ¶ 2. We granted certiorari to review these three decisions. The Court of Appeals denied Goodyear’s application for interlocutory appeal in *Furman*. We granted review of that denial on the issues of consent by registration and specific personal jurisdiction. However, in this opinion we only address consent by registration, and we remand to the Court of Appeals for further review on specific personal jurisdiction.

II. STANDARD OF REVIEW

{14} The question we address here is whether a foreign corporation that registers to transact business in New Mexico and appoints a registered agent for service of process should be deemed to have waived its due process rights and impliedly consented to the exercise of general personal jurisdiction. This is a question of law that we review de novo. *Tercero v. Roman Cath. Diocese of Norwich*, 2002-NMSC-018, ¶ 5, 132 N.M. 312, 48 P.3d 50.

III. DISCUSSION

{15} The Due Process Clause of the Fourteenth Amendment “constrains a [s]tate’s authority to bind a nonresident defendant to a judgment of its courts.” *Walden v. Fiore*, 571 U.S. 277, 283 (2014). A judgment issued without personal jurisdiction over a nonresident defendant “is void in the rendering [s]tate and is not entitled to full faith and credit elsewhere.” *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 (1980). “But to the extent a [nonresident defendant] exercises the privilege of conducting activities within a state, it enjoys the benefits and protection of the laws of that state,” and “[t]he exercise of that privilege may give rise to obligations.” *Int’l Shoe*, 326 U.S. at 319. Accordingly, “a [s]tate may authorize its courts to exercise personal jurisdiction over an out-of-state defendant if the defendant has certain minimum contacts with [the state] such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.” *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 923 (2011) (internal quotation marks omitted) (quoting *Int’l Shoe*, 326 U.S. at 316).

{16} At its core, the due process requirement of personal jurisdiction is a constitutional right assured to a defendant.

Walden, 571 U.S. at 284 (“Due process limits on the [s]tate’s adjudicative authority principally protect the liberty of the nonresident defendant.”); *Ins. Corp. of Ir. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702 (1982) (“The personal jurisdiction requirement recognizes and protects an individual liberty interest. It represents a restriction on judicial power not as a matter of sovereignty, but as a matter of individual liberty.”). “Because the requirement of personal jurisdiction represents first of all an individual right, it can, like other such rights, be waived.” *Ins. Corp. of Ir.*, 456 U.S. at 703. Consent by registration is one method by which this right has been waived. *See Pennsylvania Fire*, 243 U.S. at 96.

{17} The consent by registration theory of personal jurisdiction we address here is a relic of the now-discarded *Pennoyer v. Neff* era of personal jurisdiction jurisprudence. *See* 95 U.S. 714 (1877), *overruled in part by Shaffer v. Heitner*, 433 U.S. 186, 212 (1977). As our decision today is informed by the history of this jurisprudence, we begin by briefly reviewing this history as it relates to consent by registration. We next turn to the threshold question presented in this consolidated appeal: whether the BCA requires a registering foreign corporation to consent to general personal jurisdiction. Because we find that the BCA does not require this consent, we decline to reach any of the arguments the Manufacturers raise against the constitutionality of consent by registration.

A. The Law of Personal Jurisdiction and Consent by Registration

1. Review of personal jurisdiction jurisprudence

{18} We begin our review of personal jurisdiction jurisprudence in 1877 with *Pennoyer*, 95 U.S. at 734-36. In *Pennoyer*, the United States Supreme Court decided that a state lacked jurisdiction to enter a personal judgment against a nonresident defendant that had not been personally served with process in the state. *Id.* The Court’s decision was based on the understanding that a state possesses “jurisdiction and sovereignty over persons and property within its territory,” but none “without its territory.” *Id.* at 722. The *Pennoyer* decision thus created a presence-based test for personal jurisdiction, reasoning that a defendant “must be brought within [a state’s] jurisdiction by service of process within the [s]tate, or his voluntary appearance.” *Id.* at 733.

{19} Business registration statutes were viewed as one mechanism for perfecting in-state service on a foreign corporation doing business within a territory. *See, e.g., Silva v. Crombie & Co.*, 1935-NMSC-041, ¶¶ 9-21, 39 N.M. 240, 44 P.2d 719 (discussing a statutory mechanism for

obtaining jurisdiction over a foreign corporation, withdrawn from transacting business within the state, through service on the New Mexico Secretary of State); *Lafayette Ins. Co. v. French*, 59 U.S. 404, 407-08 (1855) (holding that full faith and credit applied to a state’s judgment against a foreign corporation where service was made on that corporation’s registered agent pursuant to the state’s business registration statute). Jurisdiction under these registration statutes was premised on varying legal fictions, including the fiction that the corporation was present through its registered agent, and the fiction that the corporation had impliedly consented to jurisdiction in exchange for the privilege of doing business in the state. *See, e.g., Ex parte Schollenberger*, 96 U.S. 369, 376 (1877) (explaining that a foreign corporation registering to do business “ha[s] in express terms, in consideration of a grant of the privilege of doing business within the [s]tate, agreed that [it] may be sued there; that is to say, that [it] may be found there for the purposes of the service of process.”).

{20} The United States Supreme Court decided *Pennsylvania Fire* within *Pennoyer*’s presence-based jurisdictional framework. *Pennsylvania Fire*, 243 U.S. at 95. In *Pennsylvania Fire*, the Supreme Court concluded that a state may construe a business registration statute to imply consent to personal jurisdiction for a suit with no underlying connection to the state and that such a construction “did not deprive the [corporation] of due process of law even if it took the [corporation] by surprise.” *Id.* While acknowledging that the consent to jurisdiction so acquired was a “mere fiction, justified by holding the corporation estopped to set up its own wrong as a defense,” the Supreme Court explained that the fiction was accepted under existing jurisprudence. *Id.* at 96; *see also Brown v. Lockheed Martin Corp.*, 814 F.3d 619, 633 (2d Cir. 2016) (“A corporation’s ‘consent’ through registration has thus always been something of a fiction, born of the necessity of exercising jurisdiction over corporations outside of their state of incorporation.”). The Court explained that the corporation had voluntarily chosen to register and had “take[n] the risk” that the state courts would interpret the state’s business registration statute to imply consent. *Pennsylvania Fire*, 243 U.S. at 96. *Pennsylvania Fire* thus stands for the proposition that a state may validly exercise general personal jurisdiction over a registered foreign corporation under a theory of consent by registration.

{21} The Supreme Court reaffirmed *Pennsylvania Fire* in subsequent *Pennoyer*-era cases. *See, e.g., Neirbo Co. v. Bethlehem Shipbuilding Corp.*, 308 U.S. 165, 170, 175

(1939) (citing *Pennsylvania Fire* for the proposition that “[a] statute calling for such a designation [of a corporate agent] is constitutional, and the designation of the agent ‘a voluntary act’”); *Robert Mitchell Furniture Co. v. Selden Breck Constr. Co.*, 257 U.S. 213, 215-16 (1921) (“Of course when a foreign corporation appoints one as required by statute it takes the risk of the construction that will be put upon the statute and the scope of the agency by the State Court.”); *Louisville & N.R. Co. v. Chatters*, 279 U.S. 320, 325, 329 (1929) (“Even when present and amenable to suit it may not, unless it has consented, be sued on transitory causes of action arising elsewhere which are unconnected with any corporate action by it within the jurisdiction.” (citations omitted)).

{22} In 1945, the United States Supreme Court’s pivotal decision in *International Shoe*, 326 U.S. at 318-19, cast doubt on the continuing authority of *Pennsylvania Fire*. In *International Shoe*, the Court overruled *Pennoyer*’s presence-based jurisdictional framework and transitioned to a relationship-based framework. *International Shoe*, 326 U.S. at 318-19 (holding that certain “acts, because of their nature and quality and the circumstances of their commission, may be deemed sufficient to render the corporation liable to suit” (emphasis added)). Criticizing *Pennoyer*’s framework as too “mechanical or quantitative,” the *International Shoe* Court held that the jurisdictional inquiry should instead weigh “the quality and nature of the [defendant’s forum-related] activity in relation to the fair and orderly administration of the laws which it was the purpose of the due process clause to insure.” 326 U.S. at 319. The *International Shoe* Court likewise cast doubt upon the continuing viability of fictional tests for jurisdiction. See *id.* at 318 (“True, some of the decisions holding the corporation amenable to suit have been supported by resort to the legal fiction that it has given its consent to service and suit, consent being implied from its presence But more realistically it may be said that those authorized acts were of such a nature as to justify the fiction.”). However, the Supreme Court did not specifically reference *Pennsylvania Fire* or expressly overrule that decision.

{23} In the time since the Supreme Court decided *International Shoe*, “[t]he primary focus of [the Court’s] personal jurisdiction inquiry [has been] the defendant’s relationship to the forum [s]tate.” *Bristol-Myers Squibb Co. v. Super. Ct. of Cal., S.F. Cnty.*, ___ U.S. ___, ___ 137 S. Ct. 1773, 1779 (2017). Subsequent opinions of the Supreme Court have refined and expanded the reach of *International Shoe*’s relationship-based framework. See *Shaffer*, 433 U.S. at 212 & n.39 (concluding that “all

assertions of state-court jurisdiction must be evaluated according to the standards set forth in *International Shoe* and its progeny” and overruling prior decisions to the extent that they are “inconsistent with” that precedent). The United States Supreme Court recognizes two types of personal jurisdiction under this framework: (1) general personal jurisdiction, which is “all-purpose” and extends to all claims, including those with no underlying connection to a forum, and (2) specific personal jurisdiction, which is “case-linked” and extends only to claims that “arise out of or relate to the defendant’s contacts with the forum.” *Bristol-Myers Squibb*, 137 S. Ct. at 1780 (brackets, internal quotation marks, and citation omitted); see also *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 nn.8-9 (1984); *Goodyear*, 564 U.S. at 923-24; *Daimler*, 571 U.S. at 127-29. Consent by registration provides a basis for general personal jurisdiction. *Pennsylvania Fire*, 243 U.S. at 95 (allowing a registered foreign corporation to be sued on non-forum related litigation); *Navarrete Rodriguez*, 2019-NMCA-023, ¶ 31 (asserting general personal jurisdiction against the Manufacturers).

{24} “Since *International Shoe*, [the United States Supreme] Court’s decisions have elaborated primarily on circumstances that warrant the exercise of specific jurisdiction.” *Goodyear*, 564 U.S. at 924. The Supreme Court’s “post-*International Shoe* opinions on general jurisdiction, by comparison, are few.” *Daimler*, 571 U.S. at 129. Notwithstanding their scarcity, these rulings have significantly curtailed the recognized bases for general personal jurisdiction, see *Goodyear*, 564 U.S. at 919-20, casting further doubt on the efficacy of *Pennsylvania Fire* and the continued viability of consent by registration. Most recently, in *Daimler*, the Supreme Court explained that

only a limited set of affiliations with a forum will render a defendant amenable to all-purpose jurisdiction there. . . . With respect to a corporation, the place of incorporation and principal place of business are “paradigm . . . bases for general jurisdiction.” Those affiliations have the virtue of being unique—that is, each ordinarily indicates only one place—as well as easily ascertainable. These bases afford plaintiffs recourse to at least one clear and certain forum in which a corporate defendant may be sued on any and all claims.

Daimler, 571 U.S. at 137 (second ellipsis in original) (brackets and citations omitted). Accordingly, the test for general personal jurisdiction “is whether that cor-

poration’s affiliations with the State are so continuous and systematic as to render it essentially at home in the forum State.” *Id.* at 139 (emphasis added) (brackets, internal quotation marks, and citation omitted); see also *Mont. Eighth*, 141 S. Ct. at 1024 (“A state court may exercise general jurisdiction only when a defendant is ‘essentially at home’ in the [Forum] State.” (citation omitted)). The *Daimler* Court explained that these constraints promote the due process concerns of foreseeability of litigation, see 571 U.S. at 139, as well as concerns of comity and sovereign limits, *id.* at 141-42.

2. Manufacturers’ challenge to *Pennsylvania Fire* and consent by registration

{25} In this consolidated appeal, the Manufacturers argue that *Pennsylvania Fire* is incompatible with post-*International Shoe* jurisprudence. We likewise note an apparent contradiction. If *Pennsylvania Fire* remains good law, then a foreign corporation would be subject to general personal jurisdiction in any state that demands consent as a condition of transacting business. Such an expansive view of general personal jurisdiction would appear inconsistent with the “at home” standard of *Daimler*. Cf. *Lockheed Martin*, 814 F.3d at 640 (“If mere registration and the accompanying appointment of an in-state agent—without an express consent to general jurisdiction—nonetheless sufficed to confer general jurisdiction by implicit consent, every corporation would be subject to general jurisdiction in every state in which it registered, and *Daimler*’s ruling would be robbed of meaning by a backdoor thief.”). A foreign corporation’s compliance with a business registration statute, by itself, likely would not fall among the “limited set of affiliations” that will subject a foreign corporation to general personal jurisdiction, *Daimler*, 571 U.S. at 137, as it appears that every state in the union has adopted a registration statute. See *Mont. Eighth*, 141 S. Ct. at 1024 (asserting that the “breadth” of general personal jurisdiction “imposes a correlative limit: [o]nly a select set of affiliations with a forum will expose a defendant to such sweeping jurisdiction” (internal quotation marks and citation omitted)); Tanya J. Monestier, *Registration Statutes, General Jurisdiction, and the Fallacy of Consent*, 36 *Cardozo L. Rev.* 1343, 1363 (2015) (“Every state has a registration statute that requires corporations doing business in the state to register with the state and appoint an agent for service of process.” (footnote omitted)). Similarly, “the Court has made plain that legal fictions, notably ‘presence’ and ‘implied consent,’ should be discarded, for they conceal the actual bases on which jurisdiction rests.” *J. McIntyre Mach., Ltd.*

v. Nicastro, 564 U.S. 873, 900 (2011) (Ginsburg, J., dissenting) (citation omitted); see also *BNSF Ry. Co. v. Tyrell*, ___ U.S. ___, ___ 137 S. Ct. 1549, 1557, 1558-59 (2017) (rejecting presence and “doing business” bases of personal jurisdiction and reaffirming that the “Fourteenth Amendment due process constraint described in *Daimler* . . . applies to all state-court assertions of general jurisdiction over nonresident defendants; the constraint does not vary with the type of claim asserted or business enterprise sued”).

{26} An infirmity thus lurks within *Pennsylvania Fire*’s foundations; an infirmity that is evinced by the litany of conflicting authorities the parties here cite in support of their respective positions.

{27} The Manufacturers cite several decisions either concluding that *Pennsylvania Fire* is inconsistent with the *International Shoe* framework or declining to require consent by registration. See, e.g., *Lockheed Martin*, 814 F.3d at 639; *Fidrych v. Marriott Int’l, Inc.*, 952 F.3d 124, 135-36 (4th Cir. 2020); *State ex rel. Norfolk S. Ry. Co. v. Dolan*, 512 S.W.3d 41, 52-53 & n.11 (Mo. 2017) (en banc); *Aspen Am. Ins. Co. v. Interstate Warehousing, Inc.*, 90 N.E.3d 440, 447 (Ill. 2017); *Segregated Acct. of Ambac Assurance Corp. v. Countrywide Home Loans, Inc.*, 898 N.W.2d 70, 82 (Wis. 2017); *Lanham*, 939 N.W.2d at 370-71. The reasoning of these opinions is persuasive; *Pennsylvania Fire* is at odds with the current approach to personal jurisdiction and the expectations created by the expansion of interstate and global commerce.

{28} Plaintiffs, in response, cite the opinions of the relatively few states that continue to recognize consent by registration. See, e.g., *Merriman v. Crompton Corp.*, 146 P.3d 162, 170-71 (Kan. 2006); *Rykoff-Sexton, Inc. v. Am. Appraisal Assocs., Inc.*, 469 N.W.2d 88, 90-91 (Minn. 1991). Unlike New Mexico’s BCA, however, several of these states have business registration statutes that contain explicit language of a foreign corporation’s consent to jurisdiction. See, e.g., *Merriman*, 146 P.3d at 170 (construing Kansas registration statute, later repealed, that required a foreign corporation to issue “an irrevocable written consent . . . that actions may be commenced against it”); see also 42 Pa. Cons. Stat. Ann. § 5301(a)(2) (1978) (providing that “qualification as a foreign corporation” in the state “shall constitute . . . general personal jurisdiction”), *constitutionality questioned by In Re Asbestos Prods. Liab. Litig. (No. VI)*, 384 F. Supp. 3d 532, 534-36 (E.D. Pa. 2019). In contrast to these other states’ statutes, New Mexico’s BCA speaks only of consent in the limited context of a withdrawing foreign corporation’s consent to service on the Secretary of State. Section 53-17-15(A)(4).

{29} We further note that several courts that applied consent by registration either arrived at their decision by following binding pre-*Daimler* precedent or were later disagreed with or overruled by other opinions. See e.g., *Brieno v. Paccar*, 17-CV-867, 2018 WL 3675234, *3-4 (D.N.M. Aug. 2, 2018) (memorandum opinion and order) (following the holding in *Werner*); *Ally Bank v. Lenox Fin. Mortg. Corp.*, CV 16-2387, 2017 WL 830391 *2-3 (D. Minn. Mar. 2, 2017) (order) (following *Knowlton v. Allied Van Lines, Inc.*, 900 F.2d 1196, 1199-1200 (8th Cir. 1990) and distinguishing *Daimler*); *Otsuka Pharm. Co., Ltd. v. Mylan Inc.*, 106 F. Supp. 3d 456, 469-70 (D.N.J. 2015) (following *Litton Indus. Sys. Inc. v. Kennedy Van Saun Corp.*, 283 A.2d 551, 556 (1971)), *disagreed with by Display Works, LLC v. Bartley*, 182 F. Supp. 3d 166, 176-77 (D.N.J. 2016); *Forest Labs., Inc. v. Amneal Pharms. LLC*, CV 14-508, 2015 WL 880599 *3-4, 10-11 (D. Del. Feb. 26, 2015) (report and recommendation) (following *Sternberg v. O’Neil*, 550 A.2d 1105, 1116 (Del. 1988)), *abrogated by Genuine Parts Co. v. Cepec*, 137 A.3d 123, 145-48 & n.120 (Del. 2016). We thus question the applicability and weight of these decisions.

{30} Some Plaintiffs in the present appeal also reference statutes adopted by other states that expressly disclaim consent by registration. See, e.g., *DeLeon v. BNSF Ry. Co.*, 426 P.3d 1, 7 & n.1 (Mont. 2018) (explaining that the Montana registration statute “explicitly tells corporations that they are *not* subject to personal jurisdiction in Montana based solely on their appointment of a registered agent” and lists similar statutes adopted in ten other states). These Plaintiffs argue that the existence of these disclamatory statutes, combined with the BCA’s silence on the issue, evinces an intent by our Legislature to adopt consent by registration. But our Legislature’s silence on this issue should not be construed as its affirmation. See *Torrance Cnty. Mental Health Program, Inc. v. N.M. Health & Env’t Dep’t*, 1992-NMSC-026, ¶ 18, 113 N.M. 593, 830 P.2d 145 (“[G]iving positive legal effect to bare legislative silences is to be assiduously avoided because insofar as a law’s claim to obedience hinges on that law’s promulgation pursuant to agreed-upon processes for the making of laws . . . those processes do not include failing to enact a legal measure.” (omission in original) (internal quotation marks and citation omitted)). It is more likely that our Legislature has “simply failed to express its will” on whether to adopt this disclamatory statutory language. *Id.* ¶ 19.

{31} Despite these considerations, we join our Court of Appeals in recognizing that the United States Supreme Court has not expressly overruled *Pennsylvania Fire* or directly revisited the issue of consent

by registration since *International Shoe*. *Navarrete Rodriguez*, 2019-NMCA-023, ¶ 13 (“Much has changed in the jurisprudence of personal jurisdiction since 1917. However, in the 100-plus years since *Pennsylvania Fire* was decided, the Supreme Court has not expressly overturned it.”). Familiar principles of stare decisis instruct that *Pennsylvania Fire* should be followed if the circumstances so demand. See, e.g., *Rodriguez de Quijas v. Shearson/Am. Express, Inc.*, 490 U.S. 477, 484 (1989) (“If a precedent of [the United States Supreme] Court has direct application in a case, yet appears to rest on reasons rejected in some other line of decisions, the [lower court] should follow the case which directly controls, leaving to [the Supreme] Court the prerogative of overruling its own decisions.”).

{32} It likewise appears that express consent remains an appropriate basis for specific personal jurisdiction. See *Nat’l Equip. Rental, Ltd. v. Szukhent*, 375 U.S. 311, 316 (1964). Additionally, a nonresident defendant can impliedly consent to specific personal jurisdiction through action or inaction. See *Ins. Corp. of Ir.*, 456 U.S. at 704-05; Rule 1-012(H)(1) NMRA. Neither *International Shoe* nor *Daimler* addressed the issue of consent, but both opinions acknowledged that consent presents a distinct avenue for personal jurisdiction. See, e.g., *Daimler*, 134 S. Ct. at 755-56 (identifying *Perkins v. Benguet Consol. Mining Co.*, 342 U.S. 437 (1952), as “the textbook case of general jurisdiction appropriately exercised over a foreign corporation *that has not consented to suit in the forum*” (emphasis added) (internal quotation marks and citation omitted)); *Int’l Shoe*, 326 U.S. at 317 (“‘Presence’ . . . has never been doubted when the activities of the corporation there have not only been continuous and systematic, but also give rise to the liabilities sued on, *even though no consent to be sued . . . has been given.*” (emphasis added)). It thus appears that a nonresident defendant’s consent remains an appropriate basis for an exercise of personal jurisdiction. Yet, considering the infirmities of *Pennsylvania Fire*, we are reluctant to “resort to the legal fiction that [a foreign corporation] has given its consent to service and suit” through mere compliance with a business registration statute. *Int’l Shoe*, 326 U.S. at 318.

{33} Nevertheless, we need not resolve these doubts about *Pennsylvania Fire* in our opinion here, as whether a registration statute requires consent by registration is first a matter of local statutory construction. See *Robert Mitchell Furniture Co.*, 257 U.S. at 216. *Pennsylvania Fire* is only controlling if our local statute requires a foreign corporation to consent to general personal jurisdiction. *Id.* As discussed

next, we hold that the BCA does not so require. As such, we need not and do not resolve any of the constitutional challenges raised by the Manufacturers.

B. New Mexico's BCA and Consent by Registration

{34} With this understanding of the history and present posture of consent by registration, we turn to the threshold question presented in this consolidated appeal: whether the BCA requires a registered foreign corporation to consent to general personal jurisdiction in New Mexico. Our Court of Appeals first construed the BCA to require this consent in *Werner*, 1993-NMCA-112. As explained herein, we conclude that the BCA does not require consent by registration. Although the *Werner* Court engaged in proper principles of statutory construction in concluding that the BCA expresses a legislative intent to equalize domestic and foreign corporations under New Mexico law, we do not agree that consent by registration would promote this equalizing intent. Further, we decline to construe the BCA to require consent by registration in the absence of clear statutory language to that effect. We therefore hold that the BCA does not compel a registered foreign corporation to consent to general personal jurisdiction in New Mexico.

1. The *Werner* opinion

{35} We briefly outline the *Werner* opinion to provide context to our holding. In *Werner*, a New Mexico plaintiff asserted claims against a registered foreign corporation for injuries arising from an accident in Georgia. *Werner*, 1993-NMCA-112, ¶ 2. The Court of Appeals reasoned that specific personal jurisdiction was improper under New Mexico's long-arm statute, NMSA 1978, § 38-1-16 (1971), because the episode-in-suit occurred out of state. *Werner*, 1993-NMCA-112, ¶¶ 4, 7. But the Court went on to consider whether the BCA would support general personal jurisdiction over the defendant through consent by registration. *Id.* ¶ 7.

{36} The *Werner* Court began by noting that, historically, the "designation of an agent for service of process may confer power on a state to exercise its jurisdiction." *Id.* ¶ 9. However, the Court acknowledged that such designation "does not automatically do so." *Id.* The *Werner* Court thus proceeded to "look to the legislative intent underlying the adoption of Section 53-17-11 to see if such exercise of jurisdiction over foreign corporations was intended by enactment of the statute." *Werner*, 1993-NMCA-112, ¶ 9. The Court reasoned that Section 53-17-2, which "defines the power of a registered foreign corporation as the same but no greater than that of a domestic corporation," reflected a legislative intent "to equalize

foreign and domestic corporations operating within New Mexico with respect to rights and privileges, as well as duties, restrictions, penalties and liabilities." *Id.* ¶ 10 (internal quotation marks and citation omitted). The Court understood this equalizing intent to "support the reading of the service-of-process statute as conferring state-court jurisdiction." *Id.*

{37} The *Werner* Court also concluded that Section 53-17-15, which addresses service upon a withdrawing corporation for specific jurisdiction purposes, showed that a currently registered corporation's consent was "without an express limitation" and thus extended to non-forum related litigation. *Werner*, 1993-NMCA-112, ¶ 11. With respect to due process considerations, the Court concluded that the record was "too scant . . . to make a determination" and suggested that the defendant "recognize[d] that it ha[d] sufficient presence in New Mexico to satisfy due process" because the defendant did not press the issue at oral argument. *Id.* ¶ 14. The Court thus held that New Mexico courts had jurisdiction over the defendant in that suit. *Id.*

{38} The Manufacturers challenge *Werner* in the present appeal. They argue that the BCA does not require consent by registration. Plaintiffs, on the other hand, argue that the BCA does compel a registered foreign corporation to consent to general personal jurisdiction and that *Werner* promotes the Legislature's overall intent to equalize foreign and domestic corporations by subjecting foreign corporations to general personal jurisdiction in New Mexico. For the reasons set forth below, we agree with the Manufacturers and overrule *Werner*.

2. Principles of statutory construction

{39} Our decision today rests on well-settled principles of statutory construction. Generally, "[i]n construing the language of a statute, our goal and guiding principle is to give effect to the intent of the Legislature." *Lujan Grisham v. Romero*, 2021-NMSC-009, ¶ 23, 483 P.3d 545. "We use the plain language of the statute as the primary indicator of legislative intent." *Baker v. Hedstrom*, 2013-NMSC-043, ¶ 11, 309 P.3d 1047 (brackets, internal quotation marks, and citation omitted). "When a statute contains language which is clear and unambiguous, we must give effect to that language and refrain from further statutory interpretation." *State v. Chakerian*, 2018-NMSC-019, ¶ 10, 458 P.3d 372 (internal quotation marks and citation omitted). "But courts must exercise caution in applying the plain meaning rule. Its beguiling simplicity may mask a host of reasons why a statute, apparently clear and unambiguous on its face, may for one reason or another give rise to legitimate

(i.e., nonfrivolous) differences of opinion concerning the statute's meaning." *State ex rel. Helman v. Gallegos*, 1994-NMSC-023, ¶ 23, 117 N.M. 346, 871 P.2d 1352. "In such a case, it is part of the essence of judicial responsibility to search for and effectuate the legislative intent—the purpose or object—underlying the statute." *Id.*

{40} Moreover, "[t]he language of a statute may not be considered in a vacuum, but must be considered in reference to the statute as a whole and in reference to statutes dealing with the same general subject matter." *State v. Montano*, 2020-NMSC-009, ¶ 13, 468 P.3d 838 (internal quotation marks and citation omitted). "When possible, we must read different legislative enactments as harmonious instead of as contradicting one another." *Id.* (internal quotation marks and citation omitted). We will "take care to avoid adoption of a construction that would render [a] statute's application absurd or unreasonable or lead to injustice or contradiction." *State v. Radosevich*, 2018-NMSC-028, ¶ 8, 419 P.3d 176 (internal quotation marks and citation omitted). "And we must be guided by the well-established principle of statutory construction that statutes should be construed, if possible, to avoid constitutional questions." *Id.* (internal quotation marks and citation omitted). Applying these principles of statutory construction to the BCA, we conclude that the BCA does not require a registering foreign corporation to consent to general personal jurisdiction.

3. The BCA and consent by registration

{41} Foremost to our decision, we conclude that the plain language of the BCA does not require a foreign corporation to consent to jurisdiction. At no point does the BCA state that a foreign corporation consents to general personal jurisdiction by registering and appointing a registered agent under the Act. We will not graft a requirement of this consent onto the language of the statute, as we conclude that the Legislature has not clearly expressed an intent to require foreign corporations to so consent. *Cf. State v. Maestas*, 2007-NMSC-001, ¶ 15, 140 N.M. 836, 149 P.3d 933 ("We may only add words to a statute where it is necessary to make the statute conform to the [L]egislature's clear intent, or to prevent the statute from being absurd."); *State v. Trujillo*, 2009-NMSC-012, ¶ 11, 146 N.M. 14, 206 P.3d 125 ("We will not read into a statute any words that are not there, particularly when the statute is complete and makes sense as written.").

{42} The BCA defines the term *foreign corporation* as "a corporation for profit organized under laws other than the laws of this state." NMSA 1978, § 53-11-2(B) (2001). A foreign corporation is prohibited from "transact[ing] business in this state until it has procured a

certificate of authority to do so from the [Secretary of State].” Section 53-17-1. A foreign corporation is further barred from “maintain[ing] any action, suit or proceeding in any court of this state, until [it] has obtained a certificate of authority,” § 53-17-20(A), and is exposed to liability for fees, taxes, and penalties if it transacts business in our state without a certificate of authority, § 53-17-20(C).

{43} A foreign corporation that seeks to obtain a certificate of authority to transact business in New Mexico must designate a proposed registered agent, § 53-17-5(A) (5), and then “have and continuously maintain” a registered agent in the state, § 53-17-9. A registered agent

shall be an agent of the corporation upon whom any process, notice or demand required or permitted by law to be served upon the corporation may be served. Nothing in this section limits or affects the right to serve any process, notice or demand, required or permitted by law to be served upon a corporation in any other manner now or hereafter permitted by law.

Section 53-17-11. We emphasize that Section 53-17-11 speaks only in terms of a registered agent’s authority to accept service of process as “required or permitted by law.” *Id.* Implicit within this language is a requirement that service upon a foreign corporation’s registered agent must satisfy due process, including the due process requirement of personal jurisdiction.

{44} Although the BCA does not explicitly require a registering foreign corporation to consent to personal jurisdiction, the *Werner* Court reasoned that Section 53-17-2 evinced a legislative intent “to equalize foreign and domestic corporations,” *Werner*, 1993-NMCA-112, ¶ 10, “including being subject to state court jurisdiction.” *Navarrete Rodriguez*, 2019-NMCA-023, ¶ 26 (citing *Werner*, 1993-NMCA-112, ¶ 10). Section 53-17-2 provides that a foreign corporation obtaining a certificate of authority shall

enjoy the same, but no greater, rights and privileges as a domestic corporation organized for the purposes set forth in the application pursuant to which the certificate of authority is issued; and, except as otherwise provided in the [BCA], is subject to the same duties, restrictions, penalties and liabilities now or hereafter imposed upon a domestic corporation of like character.

Id. We agree that this statute expresses a legislative intent to equalize domestic and foreign corporations under New Mexico law. See *El Paso Elec. Co. v. Real Est. Mart,*

Inc., 1979-NMSC-023, ¶¶ 10-14, 92 N.M. 581, 592 P.2d 181 (discussing the legislative intent underlying Section 53-17-2 and explaining that a foreign public utility possesses equal rights to eminent domain under New Mexico law because “[i]t would be inconsistent to subject a foreign public utility to our laws and then to deny [it] the same rights and protections as those corporations originally domiciled in our state”). However, we do not agree that consent by registration would promote this equalizing intent.

{45} Consent by registration would require a foreign corporation to waive any due process objections to personal jurisdiction as a condition of transacting business in New Mexico. *Cf. Pennsylvania Fire*, 243 U.S. at 95. But a similarly situated domestic corporation is not required to waive its due process rights by its own appointment of a registered agent, NMSA 1978, §§ 53-11-11, -14 (1967), because jurisdiction over a domestic corporation is based on its domestic relationship with our state. *Daimler*, 571 U.S. at 137. It cannot fairly be said that a foreign corporation, by obtaining a certificate of authority under the BCA, creates a domestic relationship with New Mexico. Section 53-17-1 (“[N]othing in the [BCA] authorizes this state to regulate the organization or the internal affairs of [a foreign] corporation.”). If construed to require consent by registration, the BCA would not grant the foreign and domestic corporations the “same . . . rights,” § 53-17-2, to due process in New Mexico.

{46} Nor is consent by registration necessary to effect Section 53-17-2’s purpose. Our long-arm statute, § 38-1-16, extends specific personal jurisdiction to any “duties, restrictions, penalties and liabilities,” § 53-17-2, arising from or relating to the corporation’s activities in our state, thus ensuring that our state courts may enforce a foreign corporation’s forum-related obligations. *Mont. Eighth*, 141 S. Ct. at 1024-26 (recognizing that specific jurisdiction may be exercised when a defendant “purposefully avails itself of the privilege of conducting activities within the forum [s]tate” and the plaintiff’s claims “arise out of or relate to the defendant’s contacts with the forum” (internal quotation marks and citation omitted)); see also *Winward v. Holly Creek Mills, Inc.*, 1972-NMSC-009, ¶ 10, 83 N.M. 469, 493 P.2d 954 (extending specific personal jurisdiction under New Mexico’s long arm statute to claims that “lie[] in the wake” of the defendant’s forum-related conduct).

{47} We also conclude that the provisions of the BCA relating to a foreign corporation’s registered agent, § 53-17-5(A)(5) and § 53-17-9, -10, -11, do not express an intent to require consent by registration. Rather,

we read these provisions as effectively harmonizing with our long-arm statute, § 38-1-16, and with other provisions regarding service of process against foreign corporations, NMSA 1978, §§ 38-1-5 to -6.1 (1905, as amended through 1993), by providing a convenient means of identifying a corporate agent with authority to accept service. *Cf. Thomas L. Bonham, The Entry and Regulation of Foreign Corporations Under New Mexico Law and Under the Model Business Corporation Act*, 6 Nat. Resources J. 617, 635-40 (1966) (reviewing the Model Business Corporation Act in relation to New Mexico service of process statutes and suggesting that the model act “renders it easier for New Mexico citizens to secure a remedy in their domestic forum” because “[t]he process server must only attempt to seek the corporation’s agent at the corporation’s registered office”). But the BCA itself does not confer state court jurisdiction over a registered foreign corporation. Rather, the BCA “establish[es] requirements for corporations should they desire to resort to the courts of this state in seeking remedies,” while “the long arm statute submits a corporation to the jurisdiction of the courts through its acts, regardless of the corporation’s intention to use the courts.” *Winward*, 1972-NMSC-009, ¶ 7; see also § 53-17-20(A) (prohibiting a foreign corporation from “maintain[ing] any action, suit or proceeding in any court of this state, until [it] has obtained a certificate of authority”).

{48} We acknowledge, however, that Section 53-17-15 contains some language of a foreign corporation’s consent. A foreign corporation wishing to withdraw from New Mexico must submit an application to the Secretary of State with, among other statements and information,

a statement that the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in an action, suit or proceeding based upon a cause of action arising in this state during the time the corporation was authorized to transact business in this state may thereafter be made on the corporation by service thereof on the [S]ecretary of [S]tate.

Section 53-17-15(A)(4) (emphasis added). Thus, the BCA requires a withdrawing foreign corporation to consent that service against the corporation may be made upon the Secretary of State for a “proceeding based upon a cause of action arising in this state,” or, in other words, for specific jurisdiction purposes. *Id.*

{49} The *Werner* Court reasoned that Section 53-17-15(A)(4)’s language requiring a withdrawing corporation’s consent to

service for specific jurisdiction purposes suggested that a currently registered foreign corporation's consent to jurisdiction under Section 53-17-11 was intended to be general and "without an express limitation." *Werner*, 1993-NMCA-112, ¶ 11. We do not agree. Section 53-17-15 does not provide that a registered foreign corporation consents to personal jurisdiction in New Mexico "without an express limitation." *Id.* Section 53-17-15 refers only to a withdrawing corporation's consent to service of process on the Secretary of State in lieu of service on its withdrawn agent. The statute does not refer to a currently registered foreign corporation's consent to general personal jurisdiction in New Mexico.

{50} Considering the constitutional constraints involved, we conclude that it would be particularly inappropriate to infer a foreign corporation's consent to general personal jurisdiction in the absence of clear statutory language expressing a requirement of this consent. In *Telephonic, Inc. v. Rosenblum*, 1975-NMSC-067, ¶ 19, 88 N.M. 532, 543 P.2d 825, we held that a nonresident defendant that consents to personal jurisdiction under a choice-of-law provision in a private contract must receive clear notice of its consent. "An agreement to waive [personal jurisdiction] must be deliberately and understandingly made, and language relied upon to constitute such a waiver must clearly, unequivocally[,] and unambiguously express a waiver of this right." *Id.*; see also *Monks Own Ltd. v. Monastery of Christ in Desert*, 2006-NMCA-116, ¶ 10, 140 N.M. 367, 142 P.3d 955 ("It is clear that a choice of law clause in a contract, without more, is insufficient to establish that one has agreed in advance to submit to the jurisdiction of the courts in any forum."), *aff'd*, 2007-NMSC-054, ¶¶ 1, 9, 142 N.M. 549, 168 P.3d 121. A registering foreign corporation is at least entitled to the same notice of its consent to personal jurisdiction as that of a party to a private contract. *Telephonic*, 1975-NMSC-067, ¶ 19.

{51} We find the clear notice requirements of *Telephonic* to be persuasive in resolving the question presented. Of course, we recognize that consent by registration is distinguishable from the express consent at issue in *Telephonic*, as consent by registration would be implied from "the actions of the defendant" which "may amount to a legal submission to the jurisdiction of the court, whether voluntary or not." *Ins. Corp. of Ir.*, 456 U.S. at 704-05. Yet notice and foreseeability remain among the

central concerns of personal jurisdiction jurisprudence, as due process requires "that individuals have fair warning that a particular activity may subject them to the jurisdiction of a foreign sovereign." *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985) (brackets, internal quotation marks, and citation omitted).

{52} Thus, we conclude that any legislative intent to require a foreign corporation to consent to general personal jurisdiction should be "clearly, unequivocally[,] and unambiguously express[ed]" in the statutory text. *Cf. Telephonic*, 1975-NMSC-067, ¶ 19. The language of the BCA relating to a foreign corporation's equal rights and responsibilities under New Mexico law, § 53-17-2, appointment and maintenance of a registered agent with authority to accept service of process, §§ 53-17-9, -11, and a withdrawing corporation's consent to service on the Secretary of State, § 53-17-15(A)(4), does not clearly, unequivocally, and unambiguously express an intent to require a foreign corporation to consent to general personal jurisdiction in New Mexico. Based on these same notice and foreseeability considerations, *Telephonic*, 1975-NMSC-067, ¶ 19, we further disagree with the Court of Appeals to the extent it held that the *Werner* decision, by itself, provides sufficient notice of a foreign corporation's consent to jurisdiction. *Navarrete Rodriguez*, 2019-NMCA-023, ¶ 28, 31.

{53} In so ruling, we acknowledge that business registration statutes historically provided a mechanism for perfecting in-state service on foreign corporations transacting business within a state, thus conferring jurisdiction under *Pennoyer's* presence-based framework. See, e.g., *Pennoyer*, 95 U.S. at 735 (suggesting that a state may require a nonresident entering into an association in the state to appoint an agent for service of process for the association as a means of enforcing obligations). The *Werner* Court premised its construction of the BCA, in part, upon an understanding of this historical purpose. *Cf. Werner*, 1993-NMCA-112, ¶¶ 9-11 ("[D]esignation of an agent for service of process may confer power on a state to exercise its jurisdiction."). But the law of personal jurisdiction transformed in 1945 with *International Shoe*, 326 U.S. at 320. Since then, the "primary focus of our personal jurisdiction inquiry [has been] the defendant's relationship to the forum [s]tate." *Bristol-Myers Squibb*, 137 S. Ct. at 1779. Our Legislature first adopted the BCA in 1967, twenty-two years after the

International Shoe decision. N.M. Laws 1967, ch. 81, §§ 1-136. Given this timeline, we will not presume that our Legislature intended to embrace *Pennoyer*-era fictions discarded long before the BCA's enactment. Reliance upon outdated legal fictions in construing the language of the BCA would be absurd and, as explained above, inconsistent with contemporary understandings of due process. See NMSA 1978, § 12-2A-18(A)(3) (1997) ("A statute or rule is construed, if possible, . . . to avoid an unconstitutional, absurd or unachievable result").

{54} We thus hold that a foreign corporation is not compelled to consent to general personal jurisdiction by either the language, intent, or purpose of the BCA. The decisions of the Court of Appeals in the proceedings below followed the applicable and directly controlling precedent of *Werner*. See, e.g., *Navarrete Rodriguez*, 2019-NMCA-023, ¶ 27. However, for the reasons stated above, we conclude that the reasoning of *Werner* is outmoded and unsupported by the BCA. Accordingly, we overrule *Werner* on statutory construction grounds and reverse the Court of Appeals in its upholding of consent by registration in the four cases on appeal.

C. Specific Personal Jurisdiction

{55} In holding that the Manufacturers did not consent to general personal jurisdiction under the BCA, we leave open the separate question of whether specific personal jurisdiction can be properly exercised in the cases at hand. Although apparently preserved in each of the district court proceedings, the question of specific personal jurisdiction was not reached by the Court of Appeals. *Navarrete Rodriguez*, 2019-NMCA-023, ¶¶ 2, 7; *Chavez*, A-1-CA-36442, mem. op., ¶ 8; *Rascon Rodriguez*, A-1-CA-35910, mem. op., ¶ 8. We therefore remand to the Court of Appeals with instructions to consider the questions of specific personal jurisdiction presented in each of the proceedings below.

IV. CONCLUSION

{56} In light of the foregoing, we reverse the Court of Appeals decisions with respect to general personal jurisdiction and remand to the Court of Appeals with instructions to consider specific personal jurisdiction over each of the Manufacturers.

{57} **IT IS SO ORDERED.**

C. SHANNON BACON, Justice

WE CONCUR:

MICHAEL E. VIGIL, Chief Justice

JULIE J. VARGAS, Justice

MICHAEL D. BUSTAMANTE, Judge Retired, sitting by designation



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Sign-in		7:45 – 8:15 a.m.
Introductory Remarks		8:15 – 8:30 a.m.
Federal and State Estate and Gift Tax Update 2022	Vickie R. Wilcox, J.D., LL.M.	8:30 – 9:30 a.m.
Overview of Charitable Vehicles and Recommendations for 2022	Madison R. Jones, J.D., M.B.A.	9:30 – 10:30 a.m.
Break		10:30 – 10:45 a.m.
Protecting Your Estate Planning Practice from Litigation	Seth L. Sparks, J.D.	10:45 – 11:45 a.m.
Lunch: Pizza, Beverages, and Networking in the Charity Exhibit Hall		11:45 – 12:45 p.m.
From Able to the Grave: Advising Clients on Need Based Aid in New Mexico	Susan K. Tomita, J.D.	12:45 – 1:45 p.m.
My RULONA: New Mexico’s New Notary Laws	Jeffrey D. Myers, M.S., J.D.	1:45 – 2:15 p.m.
Break		2:15 – 2:30 p.m.
The “Life” of a Basic Probate Administration	Jeffrey D. Myers, M.S., J.D.	2:30 – 3:00 p.m.
Ethics: Following a Complaint Against an Estate Planner Through the DBoard Process	Anne Taylor, J.D.	3:00 – 4:00 p.m.

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Assistant Trial Attorney wanted for immediate employment with the Ninth Judicial District Attorney's Office, which includes Curry and Roosevelt counties. Employment will be based primarily in Curry County (Clovis). Must be admitted to the New Mexico State Bar. Salary will be based on the NM District Attorneys' Personnel & Compensation Plan and commensurate with experience and budget availability. Email resume, cover letter, and references to: Steve North, snorth@da.state.nm.us.

Attorney

Madison, Mroz, Steinman, Kenny & Olexy, P.A., an AV-rated civil litigation firm, seeks an attorney with five or more years' experience to join our practice. We offer a collegial environment with mentorship and opportunity to grow within the profession. Salary is competitive and commensurate with experience, along with excellent benefits. All inquiries are kept confidential. Please forward CVs to: Hiring Director, P.O. Box 25467, Albuquerque, NM 87125-5467.

Deputy District Attorney

The Ninth Judicial District Attorney's Office is seeking an experienced trial attorney for our Clovis office. Preferred Qualifications: Career prosecutor, licensed attorney to practice law in New Mexico, plus eight (8) or more years of relevant prosecution experience. Come join an office that is offering jury trial experience. In addition, we offer in depth mentoring and an excellent work environment. Salary commensurate with experience between \$75k-90k per year. Send resume and references to Steve North, snorth@da.state.nm.us.

Associate Attorney

Giddens + Gatton Law, P.C., has served New Mexicans since 1997. Our firm practices primarily in bankruptcy law and represents individuals, couples, farmers, business owners and creditors in solving issues related to debt and credit matters. We are focused on providing excellent client service and high-quality legal representation. Giddens + Gatton Law has been recognized by U.S. News & World Report and Best Lawyers as a Best Law Firm for 5 consecutive years. We are also proud to support family-friendly policies in the workplace and have received Gold recognition for three consecutive years in the New Mexico Family Friendly Business Awards program. Our firm operates with these core values: Customer Focus; Accountability; Integrity; Community; Respect. Position Summary: An ideal candidate for Associate Attorney has 5-plus years of experience working with bankruptcy law (debtor, as well as creditor rights and representation) and commercial litigation. Experience in commercial real estate law is a plus. Candidate must: Have excellent writing and editing skills (writing samples will be required); Be motivated to learn, meet deadlines and work hard; Handle a client caseload independently; Enjoy supervising younger attorneys and support staff; Have the desire to build a portfolio of business. Interested candidates should email a cover letter, resume, references, and writing samples to giddens@giddenslaw.com.

Entry Level and Experienced Trial Attorneys

The Thirteenth Judicial District Attorney's Office is seeking both entry level and experienced trial attorneys. Positions available in Sandoval, Valencia, and Cibola Counties. Enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, providing 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 visit our website for an application @ <https://www.13th.nmdas.com/> Apply as soon as possible. These positions will fill up fast!

Request For Proposal – Pro Tem Judge

Pueblo of Laguna seeks proposals from any individual licensed attorney to relieve the full-time judge on an as-needed basis when there is conflict of interest or unavailability. The Laguna Pueblo Court presides over criminal and civil cases arising within the Pueblo's jurisdiction. Reply by March 30, 2022. RFP details at: <https://www.lagunapueblo-nsn.gov/resources/rfp-rfq/>

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

Associate Attorney

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

Assistant District Attorney

The Fifth Judicial District Attorney's office has immediate positions open in Eddy County for new and/or experienced attorneys. Salary will be based upon the New Mexico District Attorney's Salary Schedule with salary range of an Assistant Trial Attorney to a Senior Trial Attorney (\$58,000 to \$79,679). There is also an opening for a prosecutor with at least 2 years of Trial Experience for the HIDTA Attorney position in the Eddy County office, with salary of (\$70,000). Please send resume to Dianna Luce, District Attorney, 100 N. Love Street suite 2, Lovington, NM 88260 or email to 5thDA@da.state.nm.us

Various Attorney Positions

The New Mexico Office of Attorney General is recruiting various attorney positions. The NMOAG is committed to attracting and retaining the best and brightest in the workforce. NMOAG attorneys provide a broad range of legal services for the State of New Mexico. Interested applicants may find listed positions by copying the URL address to the State Personnel website listed below and filter the data to pull all positions for Office of Attorney General. <https://www.spo.state.nm.us/view-job-opportunities-and-apply/applicationguide/>

Attorneys and Paralegals

New Mexico Legal Aid has positions open for both new and experienced attorneys and paralegals in various locations throughout the state. The organization represents low income New Mexico residents in a variety of civil legal matters including housing issues, public benefits, consumer debt relief, and legal issues facing survivors of domestic and sexual violence. NMLA is the home of the successful volunteer attorney program that has drawn on the experiences of the New Mexico bar to assist countless New Mexicans. NMLA's assistance ranges from phone advice all the way up to complex litigation and appeals. NMLA offers a collaborative work environment with excellent benefits, and an opportunity to make a real difference in people's lives. NMLA has paid holidays, generous leave and employer financed benefits. NMLA is unionized. Salary is competitive and based on experience. To learn more about available positions, please visit our website at www.newmexicolegalaid.org

Attorney

Conklin, Woodcock & Ziegler, P.C. is seeking a full-time experienced attorney with at least three years litigation experience for an associate position with prospects of becoming a shareholder. We are a well-respected eight-attorney civil defense firm that practices in among other areas: labor and employment, construction, personal injury, medical malpractice, commercial litigation, civil rights, professional liability, insurance defense and insurance coverage. We are looking for a team player with a solid work record and a strong work ethic. Our firm is AV-rated by Martindale-Hubbell. Excellent pay and benefits. All replies will be kept confidential. Interested individuals should e-mail a letter of interest and resumes to: jobs@conklinfirm.com.

Associate Attorneys

Mynatt Martínez Springer P.C., an AV-rated law firm in Las Cruces, New Mexico is seeking two associate attorneys to join our team. The firm's practice areas include insurance defense, civil rights defense, commercial litigation, and government representation. Applicants with 0-5 years of experience will be considered for full-time employment. If it is the right fit, the firm will also consider applications for part-time employment from attorneys with more than 5 years of experience. Associates are a critical component of the firm's practice and are required to conduct legal research; provide legal analysis; advise clients; draft legal reviews, pleadings, and motions; propound and review pretrial discovery; and prepare for, attend, and participate in client meetings, depositions, administrative and judicial hearings, civil jury trials, and appeals. Successful candidates must have strong organizational and writing skills, exceptional communication skills, and the ability to interact and develop collaborative relationships. The firm will consider applicants who desire to work remotely. Offers of employment will include salary commensurate with experience and a generous benefits package. Please send your cover letter, resume, law school transcript, writing sample, and references to rd@mmslawpc.com.

Children's Court Attorney II and I Position Job ID: Various

The Children, Youth and Families Department is seeking to fill multiple vacancies in the Legal Team. We are currently filling Children's Court Attorney II and Children's Court Attorney I positions housed in Las Vegas NM, Albuquerque NM, Las Cruces NM, and Alamogordo NM. Salary range for Attorney II is \$60,738- \$97,181 annually and Salary for Attorney I is \$56,035.20- \$89,668.80 depending on experience and qualifications. Incumbents will provide professional legal services for protective services cases (child welfare abuse and neglect matters under the Children's Code) in litigation, counsel, interpretation of law, research, analysis, and mediation. Minimum qualifications for Attorney I: Juris Doctorate from an accredited school of law, be licensed as an attorney by the Supreme Court of New Mexico or qualified to apply for limited practice license and for Attorney II must also have at least two (2) years of experience in the practice of law. Executive Order 2021-046 requires all employees with the State of New Mexico to provide either proof of COVID-19 vaccination or proof of a COVID -19 Viral test every week. Benefits include medical, dental, vision, paid vacation, and a retirement package. For information, please contact: Marisa Salazar (505) 659-8952. To apply for this position, go to www.spo.state.nm.us The State of New Mexico is an EOE.

Family Law Associate Attorney

The Law Office of Jill V. Johnson Vigil LLC., a Las Cruces based family law firm, is seeking an associate attorney. Applicants should have 2-5 years of experience in family law litigation, be client focused, and able to manage a full caseload with minimal oversight. The Law Office of Jill V. Johnson Vigil LLC. offers a comfortable and friendly work environment with benefits and competitive salary commensurate with qualifications and experience. Applicants must be in good standing with NM Bar and willing to relocate to Las Cruces. Spanish speaking is preferred, but not required. If you are ready for the next step in your career, please send your cover letter, resume, writing sample, and three references via email to careers@jvjlw.com before April 29, 2022. Please visit us online at www.jvjlw.com.

Request for Letter of Interest

Notice is hereby given that the City of Albuquerque, The Legal Department calls for Proposals for Request For Letters of Interest for Legal Services. Interested parties may secure a copy of the Proposal Packet, by accessing the City's website at <https://www.cabq.gov/legal/documents/rfli-legal-services.pdf>.

Litigation Attorney

Robles, Rael & Anaya, P.C. is seeking an attorney with experience in civil litigation. A judicial clerkship will be considered in lieu of experience. 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 as-signed case-load and be an effective team player. We offer a competitive compensation and bene-fits 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.

Municipal Attorney

Robles Rael & Anaya, P.C. is seeking an attorney with experience in the area of state and/or local government law. A judicial clerkship will be considered in lieu of experience. Applicant must be motivated and have strong research and writing skills. Associates will have a great opportunity to gain courtroom experience and/or appear before state and local governing bodies. 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.

Supervisory City Attorneys

The City of Albuquerque Legal Department is hiring Supervisory City Attorneys for a number of positions. The work includes management, oversight and development of Assistant City Attorneys, paralegals and staff. Roles may require legal expertise in areas of municipal law such as: administrative and civil litigation; contract law; ordinance drafting; regulatory law; Inspection of Public Records Act; procurement; public works and construction law; real property; finance; labor law; and risk management. Attention to details, timelines and strong writing skills are essential. Five years' experience including at least one year of management experience is preferred. Applicants must be an active member of the State Bar of New Mexico in good standing. Please apply online at www.cabq.gov/jobs and include a resume and writing sample with your application. Current open positions include: Deputy Director of Policy; Deputy City Attorney of Operations; Managing City Attorney of Property and Finance; Managing City Attorney of Labor and Employment.

Compliance Manager

The UNM Office of compliance, Ethics & Equal Opportunity (CEEEO) seeks a highly qualified, collaborative professional committed to diversity for the role of Compliance Manager. This role manages civil rights issues in the UNM Health Sciences Center (HSC) and will report dually to CEEEO and the Health Sciences VP for Academic Affairs. The position will investigate Title IX, Title VII, ADA, and other civil rights reports; conduct training for HSC faculty and staff; work with the UNM Title IX, Clery, and ADA Coordinators to ensure compliance for HSC; develop processes and protocols for HSC civil rights compliance. This is a JD preferred position. For a complete position description, please visit <https://unm.csod.com/ux/ats/careersite/18/home/requisition/19325?c=unm>. UNM is an affirmative action and equal opportunity employer, making decisions without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, veteran status, disability, or any other protected class.

Associate Attorney

Experienced 5-10 year attorney for mid-sized defense firm. Salary range \$80,000-120,000 depending on qualifications and experience. Looking for candidates who can handle cases from beginning to end. Excellent benefits. Nice work environment. Send resume to jstiff@stiffllaw.com

Alternative Dispute Resolution Mediators and Facilitators

The New Mexico Department of Education Special Education Division is seeking Mediators and IEP Facilitators to conduct mediation or IEP Facilitation to resolve special education disputes between parents and school districts under the Individuals with Disabilities Education Act (IDEA) and New Mexico state special education laws and rules. Contracts will be awarded for a one-year period, from July 1, 2022 through June 30, 2023, renewable annually for up to four years. Applicants must be experienced Mediators and Facilitators with knowledge of federal and state special education laws, regulations and rules. The Request for Applications for both Mediators and Facilitators is available on the Special Education website at: <https://webnew.ped.state.nm.us/information/rfps-rfis-rfas>. The deadline to submit separate applications for Mediator and/or Facilitator is April 23, 2022.

Assistant City Attorney Positions

The City of Albuquerque Legal Department is hiring for various Assistant City Attorney positions. The Legal Department's team of attorneys provides a broad range of legal services to the City, as well as represent the City in legal proceedings before state, federal and administrative bodies. The legal services provided may include, but will not be limited to, legal research, drafting legal opinions, reviewing and drafting policies, ordinances, and executive/administrative instructions, reviewing and negotiating contracts, litigating matters, 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. Candidates must be an active member of the State Bar of New Mexico in good standing. Salary will be based upon experience. Current open positions include: Assistant City Attorney - APD Compliance; Assistant City Attorney - Litigation (Tort/Civil Rights); Assistant City Attorney - Employment/Labor. For more information or to apply please go to www.cabq.gov/jobs. Please include a resume and writing sample with your application.

Staff Attorneys

Staff Attorneys, NMLA Native American Program. We handles cases and matters involving federal Indian law and tribal law issues, including representation of low-income individuals in Pueblo and tribal courts and other forums, including family, consumer, and criminal law matters and outreach to tribal communities. <https://newmexicolegalaid.isolvedhire.com/jobs/512400.html>.

Supreme Court Of New Mexico Deputy Clerk of Court (Attorney Supervisor)

Come work in the historic Supreme Court Building in Santa Fe, New Mexico! The Supreme Court is accepting applications for an attorney who will serve as Deputy Clerk of Court. The attorney will support the Chief Clerk of Court in the oversight and management of the Supreme Court Clerk's Office. The attorney will advise the Court on administrative and policy matters, provide reports and analyses, and draft memoranda. The attorney will assist the Chief Clerk with case management duties and attorney regulation matters. The attorney will train, supervise, mentor, and evaluate two or more Supreme Court employees and assist management on personnel issues. The attorney will work collaboratively with justices, judges, court personnel, the State Bar, the Administrative Office of the Courts, and members of the Court's committees, boards, and commissions to implement policies, procedures, and initiatives at the direction of the Chief Clerk. The attorney will assist the Supreme Court with the exercise of its constitutional rule-making authority and manage staff support for the Court's rulemaking committees, boards, and commissions. The attorney will manage Court communications with the Bench, Bar, and public, including responses to requests for inspection of public records and other inquiries. The attorney will also assist with Supreme Court fiscal matters and oversee Supreme Court Building construction projects as needed. Minimum Qualifications: Education: Must be a graduate of a law school meeting the standards of accreditation of the American Bar Association and possess and maintain a license to practice law in the State of New Mexico. Education substitution: None; Experience: Seven (7) years of experience in the practice of applicable law, of which two (2) years must have been as a supervisor. Supervisory substitution: Leadworker duties may be considered on a prorated basis for supervisory experience as follows: one (1) year of performing leadworker duties equals six (6) months of supervisory experience. Assigned leadworker duties include but are not limited to the following: Training, mentoring, and developing employees; directing, planning, scheduling, assigning, and reviewing the work of others; developing or assisting in the development of employee performance plans and appraisals; and addressing concerns and troubleshooting problems. To Apply: To apply for this position interested applicants should submit a letter of interest, resume, proof of education/transcripts, writing sample, and New Mexico Judicial Branch Application for Employment to Administrative Office of the Courts, Attn: AOC Human Resources Division, 237 Don

Gaspar, Room 25, Santa Fe, New Mexico 87501; Fax: 505-827-8091; Email: jobs@nmcourts.gov PROOF OF EDUCATION IS REQUIRED. Applications may be emailed, faxed, or mailed. Target Salary: \$33,152 - \$53,872 hourly depending upon experience. Application Deadline: 4/4/2022

Assistant City Attorney City of Santa Fe

The Santa Fe City Attorney's Office seeks a full-time lawyer to advise and represent the City in a variety of matters, including, but not limited to Inspection of Public Records Act compliance and litigation, nuisance abatement, and general advice and counsel to the City's departments, boards, and commissions. The City Attorney's Office seeks applicants who are dedicated to public service and have good people skills, strong academic credentials, and excellent written and verbal communication. Experience in government general counsel work, litigation, appellate practice, and related law, particularly in the public context, is preferred. Evening meetings may be required up to a few times a month. The pay and benefits package are excellent and are partially dependent on experience. The position is based in downtown Santa Fe at City Hall and reports to the City Attorney. The position is exempt and open until filled. Qualified applicants are invited to apply online at https://www.santafenm.gov/job_opportunities.

Staff Attorney (Remote position) - Legal Resources for the Elderly Program

The New Mexico State Bar Foundation Legal Resources for the Elderly Program (LREP) seeks a full-time Staff Attorney to provide legal advice and brief legal services over the phone to New Mexico Seniors. This position also conducts legal workshops throughout New Mexico (travel and some overnight stays required). The successful applicant must be able to work as part of a busy team in a fast-paced environment and will have a deep interest in issues affecting the senior community. Current licensure to practice law in New Mexico required. Fluency in Spanish is a plus. Generous benefits package and competitive salary for legal work in the non-profit sector. 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.

Senior Assistant City Attorney

Two (2) fulltime professional positions, involving primarily civil law practice. Under the administrative direction of the City Attorney, represents and advises the City on legal matters pertaining to municipal government and other related duties, including misdemeanor prosecution, civil litigation and self-insurance matters. Juris Doctor Degree AND three year's experience in a civil law practice; at least one year of public law experience preferred. Must be a member of the New Mexico State Bar Association, licensed to practice law in the state of New Mexico, and remain active with all New Mexico Bar annual requirements. Valid driver's license may be required or preferred. If applicable, position requires an acceptable driving record in accordance with City of Las Cruces policy. Individuals should apply online through the Employment Opportunities link on the City of Las Cruces website at www.las-cruces.org. Resumes and paper applications will not be accepted in lieu of an application submitted via this online process. This will be a continuous posting until filled. Applications may be reviewed every two weeks or as needed. SALARY: \$82,278.14 - \$100,767.47 / Annually CLOSING DATE: Continuous

Experienced Attorneys

Gallagher, Casados & Mann, P.C. an established and respected A-V rated law firm in the Albuquerque area for over 45 years is searching for one or two experienced insurance defense attorneys with trial experience to join their office. Potential to become a shareholder. Send letter of interest and resume to Nathan H. Mann at nmann@gcmlegal.com.

Attorney Senior

The Eleventh Judicial District & Magistrate Courts has an immediate career opportunity for an Attorney Senior (Staff Attorney). This position, located at Aztec District Court, provides highly complex and diverse legal work and support for judges and staff in San Juan and McKinley Counties, with occasional travel to Gallup. Salary for this position will be based upon the New Mexico Judicial Branch Salary Schedule with a target starting pay rate of \$76,556.48 annually \$36,806 p/hr. For a full job description and to download the required forms or application, please visit the Judicial Branch Career page at <https://www.nmcourts.gov/careers.aspx>. Resumes, with the required Resume Supplemental Form or Application, and supporting documentation may be emailed to 11thjdchr@nmcourts.gov, faxed to 505-334-7762, or mailed to Human Resources, 103 S. Oliver Drive, Aztec NM 87410. This position is open until filled.

Supreme Court Of New Mexico Clerk's Office Administrative Assistant 2

Come work in the historic Supreme Court Building in Santa Fe, New Mexico! The Supreme Court is accepting applications for an Administrative Assistant 2 to serve in the Clerk's Office. The administrative assistant will support the Chief Clerk of Court and one or more Deputy Clerks of Court with case management duties, fiscal responsibilities, attorney regulation matters, human resources tasks and initiatives, the Court's rulemaking process, and Court communications with the Bench, Bar, and public, including responses to requests for public records and other inquiries, as well as other tasks as assigned. Minimum Qualifications: Education: A High School Diploma or GED; Education substitution: None; Experience: Four (4) years of experience in a secretarial, clerical, or related field; Experience substitution: Additional post-secondary education in a related field may substitute for up to one (1) year of experience. Thirty (30) semester hours equals one (1) year of experience. To Apply: To apply for this position interested applicants should submit a letter of interest, resume, proof of education/transcripts, and New Mexico Judicial Branch Application for Employment to: Administrative Office of the Courts; Attn: AOC Human Resources Division; 237 Don Gaspar, Room 25; Santa Fe, New Mexico 87501. Fax: 505-827-8091. Email: jobs@nmcourts.gov. PROOF OF EDUCATION IS REQUIRED. Applications may be emailed, faxed, or mailed. Target Salary: \$17,407 - \$28,287 hourly depending upon experience. Application Deadline: 4/4/2022

Paralegal/Legal Assistant

Peak Legal Group, LLC has immediate openings for an experienced Paralegal and Legal Assistant for our growing family law formation and reformation legal practice. Our Westside law firm practices in all areas of Family Law, in addition to adoptions, assisted reproductive technology and foster parent representation. Experience in family law litigation or related field required for Paralegal position. Experience or a defined interest in these areas for Legal Assistant is preferable, but not mandatory. We are looking for hard working, dedicated team members who would enjoy working in a family-oriented law firm that works hard and plays hard. We offer a great work environment, a competitive salary and a generous benefits package. Send your resume, cover letter and list of references to sheryl@pklegalgrp.com

Full-time Legal Assistant/ Receptionist

RMH Lawyers, PA, a Martindale AV rated small practice law firm, is seeking a full-time legal assistant/receptionist. Applicant should have strong organizational skills, effective communication skills and experience with calendaring litigation deadlines. Knowledge of Office 365, billing software and electronic court filing systems is required. Experience with using a document management software or is willing to learn a new program is highly preferred. Applicant will assist with covering the front desk, on an as needed basis, and provide basic reception duties such as greeting guests and answering phones. Comfortable work environment, competitive salary and excellent benefits provided. Please submit a cover letter and resume to offmgr@rmhlawyers.com.

Legal Secretary

The City of Albuquerque Legal Department (Litigation Division) is seeking a Legal Secretary to assist assigned attorneys in performing a variety of legal secretarial/administrative duties, which include but are not limited to: preparing and reviewing legal documents; creating and maintaining case files; calendaring; provide information and assistance, within an area of assignment, to the general public, other departments and governmental agencies. Please apply at <https://www.governmentjobs.com/careers/cabq>.

Legal Assistant

Legal Secretary/Assistant with minimum of 3- 5 years' experience, including current working knowledge of State and Federal District Court rules and filing procedures, trial preparation, document and case management, calendaring, is technologically adept and familiar with use of electronic databases and legal-use software. Seeking organized and detail-oriented professional with excellent clerical, computer, and word processing skills for established commercial civil litigation firm. Benefits. If you are highly skilled, pay attention to detail & enjoy working with a team, email resume to e_info@abrfirm.com or Fax to 505-764-8374.

Part-time Judicial Assistant

U.S. District Court, District of New Mexico, Albuquerque, Judge James O. Browning is seeking a Part-time Judicial Assistant, 20 hours/week (40 hours/pay period). Salary is \$22,551 to \$33,375 annual DOQ. See full announcement and application instructions at www.nmd.uscourts.gov/employment.

Full-Time Legal Assistant

Madison, Mroz, Steinman, Kenny & Olexy, P.A., a well-established civil litigation firm, seeks a full-time Legal Assistant. The ideal candidate should have a minimum of 2 years civil litigation experience, be highly motivated, detail oriented, well-organized, strong work ethic, knowledge of State and Federal court rules, and proficient in Odyssey and CM/ECF e-filing. We offer an excellent fully funded health insurance plan, 401(K) and Profit Sharing Plan, paid designated holidays and PTO, and a professional and team-oriented environment. Please submit your resume to: becky@madisonlaw.com, or mail to Human Resources Manager, P.O. Box 25467, Albuquerque, NM 87125-5467.

Legal Assistant

Well established Santa Fe personal injury law firm is in search of an experienced paralegal/legal assistant. Candidate should be honest, highly motivated, detail oriented, organized, proficient with computers & excellent writing skills. Duties include requesting and reviewing medical records and bills, meeting with clients, opening claims with insurance companies and preparing demand packages. We offer a very competitive salary, a retirement plan funded by the firm, full health insurance benefits, paid vacation and sick leave, bonuses and opportunities to move up. We are a very busy law firm and are looking for an exceptional assistant who can work efficiently. Please submit your resume to personalinjury2020@gmail.com

Paralegal

The City of Albuquerque Legal Department is seeking a Paralegal to assist an assigned attorney or attorneys in performing substantive administrative legal work from time of inception through resolution and perform a variety of paralegal duties, including, but not limited to, performing legal research, managing legal documents, assisting in the preparation of matters for hearing or trial, preparing discovery, drafting pleadings, setting up and maintaining a calendar with deadlines, and other matters as assigned. Excellent organization skills and the ability to multitask are necessary. Must be a team player with the willingness and ability to share responsibilities or work independently. Starting salary is \$21.31 per hour during an initial, proscribed probationary period. Upon successful completion of the proscribed probationary period, the salary will increase to \$22.36 per hour. Competitive benefits provided and available on first day of employment. Please apply at <https://www.governmentjobs.com/careers/cabq>.

Office Space

Two Santa Fe Offices Available April 1, 2022

Two adjacent offices in a conveniently located professional office complex. The building has six offices, large reception area, kitchenette, and ample parking for clients and professionals. Four offices are currently occupied by two attorneys. Rent includes alarm, utilities, and janitorial services. \$950/mo Basement storage available. Call Donna 505-795-0077

For Lease – Remodeled Office Space

Remodeled 1,926+/- square feet office space, 4 large offices, 2 baths, 1 conference room, 1 breakroom/kitchen, 2 covered parking spaces, controlled access, an alarm, and great monument signage on the corner of Louisiana & Candelaria. Owner/broker will consider leasing executive office suites. Call Mike Contreras at 505-263-7334 Sentinel Real Estate & Investment

Law Offices/Suites for Lease

Multiple spaces for legal offices available for lease in the beautiful historic Bond-Lovelace House. Spaces range from single attorney offices to multi-office suites with attorney offices and staff are-as. Amenities include front-desk receptionist to assist with greeting clients, incoming calls, and in-coming mail, large conference room, kitchen, and ample parking. Secure, gated office complex located at 201 12th Street NW, Albuquerque. E-mail inquiries to jhernandez@kennedyhernandez.com.

Office Space For Rent

Newly renovated office space for rent. Two large offices and reception area available at 12th and Lomas. Please call Lisa for more information 505-979-7080.

Purpose-Built Law Office For Lease

Modern office. 6 professional offices and 10 staff workstations. Stunning conference room, reception, kitchen. Fully furnished. Lots of file storage. Phones and copier available. 1011 Las Lomas Road NE, Albuquerque. Available immediately. Inquiries: admin@kienzlelaw.com

Miscellaneous

Want To Purchase

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

For Roswell Attorney's - Search for Will

I am searching for a recent will made sometime in 2021 for Jose A. Gallegos (aka Andy) for probate. For more info – contact Gene at 505-699-3710.

Search for Will – Albuquerque attorneys

Searching for any Will executed by Alan Ringshall, deceased for probate. Please contact Jeffrey Johnson, Esq. via Jeff@JeffreyDJohnson.com or call 505-269-8626.

Sale of Law Library

Retirement after 44 years forces sale of my law library: Pacific Reporter 1 to 500 (complete). NM Reports 83 to 130 complete and NM Digest 1 to 13 with supplements (Complete); obsolete CJS-1 to 101 complete with indexes. Books have my tears, otherwise in excellent condition. Price negotiable for all. Will consider charitable donation---purchaser or donee must pick up books at my office 323 W. Mermod St. Carlsbad, NM

2022 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. Ulbarri at 505-797-6058 or email marcia.ulbarri@sbnm.org

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