

BAR BULLETIN

December 14, 2022 • Volume 61, No. 23



Reflection, by Jennifer Day (see page 5)

www.jennyday.com

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SPECIAL INSERT

Pro Bono Spotlight 2022



**Volunteer
Attorney Program**

A Program of New Mexico Legal Aid



New Mexico State Bar Foundation
Center for Legal Education

End-of-Year Programming

from the Center for Legal Education



DECEMBER 14

In-Person or Webcast

2022 Tax Law Institute

6.5 G, 1.0 EP
8 a.m.–4:45 p.m.

Teleseminar

2022 Ethics Update, Part 1

1.0 EP
11 a.m.–Noon

DECEMBER 15

In-Person or Webcast

2022 Trial Law Institute

5.5 G, 1.0 EP
8:30 a.m.–4:30 p.m.

Teleseminar

2022 Ethics Update, Part 2

1.0 EP
11 a.m.–Noon

DECEMBER 16

In-Person and Webcast

New Mexico Burning: 2022 Natural Resources Law Institute

5.0 G, 1.0 EP
9 a.m.–4:30 p.m.

DECEMBER 19

Teleseminar

Equity & Diversity in Law Practice: Best Practices for Law Firms

1.0 EP
11 a.m.–Noon

DECEMBER 20

Webinar

REPLAY: Recreational Cannabis and Employment Law (2021)

1.0 G
Noon–1 p.m.

Webinar

Elimination of Bias–Combating Age Bias in the Legal Field

1.0 EP
1–2 p.m.

DECEMBER 21

Teleseminar

Drafting Indemnity Agreements in Business and Commercial Transactions

1.0 G
11 a.m.–Noon

Webinar

REPLAY: 2021 Trial Practice Issues Preserving Issues for Appeal, Discovery Challenges, Practicing in COVID Moving Forward (2021)

1.5 G
12:30–2 p.m.

DECEMBER 22

Webinar

Great Adverse Depositions: Principles & Principal Techniques

2.0 G
11 a.m.–1 p.m.

Teleseminar

Ethics in Negotiations – Boasts, Shading, and Impropriety

1.0 EP
11 a.m.–Noon

Webinar

REPLAY: What's All That Static? Ethics & Professionalism Issues in Appellate Practice (2021)

1.0 EP
1–2 p.m.

DECEMBER 26

Webinar

Battling Gender Bias: How Bill Cosby and Other Sexual Predators Escape Punishment

1.0 EP
11 a.m.–Noon

DECEMBER 27

Teleseminar

Ethics and Virtual Law Offices

1.0 EP
11 a.m.–Noon

Webinar

Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204

1.0 EP
Noon–1 p.m.

Webinar

Bad Review? Bad Response? Bad Idea! - Ethically Managing Your Online Reputation

1.0 EP
1–2 p.m.

DECEMBER 28

Teleseminar

Lawyer Ethics of Email

1.0 EP
11 a.m.–Noon

Webinar

Identifying and Combating Gender Bias: Examining the Roles of Women Attorneys in Movies and TV

1.0 EP
11 a.m.–Noon

Webinar

REPLAY: Mandatory Succession Planning: It Has To Happen, But It Doesn't Have To Be That Difficult a Professional Development Program presentation

1.0 EP
Noon–1 p.m.

DECEMBER 29

Teleseminar

Ethics and Conflicts with Clients, Part 1

1.0 EP
11 a.m.–Noon

Webinar

Ben Franklin on Ethics

1.0 EP
11 a.m.–Noon

DECEMBER 30

Teleseminar

Ethics and Conflicts with Clients, Part 2

1.0 EP
11 a.m.–Noon

Webinar

Practical Tips & Strategies To Combat Implicit Biases In Law Firms and Society

1.0 EP
1–2 p.m.

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

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 Fax: 505-828-3765 • address@sbnm.org

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From the New Mexico Supreme Court

2022-NMSC-016: No. S-1-SC-38977: State, ex rel., Hon. Franchini, Hon. Pederson, Hon. Biedscheid, Hon. Jacquez, The District Metropolitan Judges' Association, Inc., Hon. Rogers, Hon. Cosgrove-Aguilar v. Oliver 19

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Meetings

December

- 14**
Tax Section
 9 a.m., virtual
- 15**
Public Law Section
 noon, virtual
- 20**
Solo and Small Firm Section
 noon, virtual/State Bar Center
- 28**
Intellectual Property Law Section
 noon, JALbright Law LLC
- 29**
Trial Practice Section
 noon, virtual
- 30**
Immigration Law Section
 noon, virtual

Workshops and Legal Clinics

December

- 14**
Consumer Debt/Bankruptcy Workshop
 6-8 p.m., virtual

About Cover Image and Artist: Jenny Day is a painter and sculptor who lives in Santa Fe, New Mexico. Her exhibition record most recently includes Arte Laguna in Venice, Italy, Czong Institute for Contemporary Art in Korea, Museum of Art Fort Collins, Mesa Arts Museum, Phoenix Art Museum, Blue Star Contemporary Museum in San Antonio, Texas, Alabama Contemporary in Mobile, Ala., and Elmhurst Museum in Chicago, Ill. Day's work has been supported by an Elizabeth Greenshields Foundation Grant, a Puffin Foundation Grant, a Contemporary Forum Artist Grant from the Phoenix Art Museum, a Barron Purchase Award and The Process Museum. Day has participated at Greenwich House Pottery, the Ucross Foundation, the Jentel Foundation and the Playa Foundation For The Arts and many other artist residencies. Jenny Day is represented by Jonathan Ferrara Gallery in New Orleans, La., William Havu Gallery in Denver, Colo. and Galerie Bengelstrater in Dusseldorf, Germany.

Notices

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

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

Supreme Court Law Library

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

Bernalillo County Metropolitan Court Notice of Appointment and New Assignment

With Gov. Lujan Grisham's appointment of Shonnetta R. Estrada to Division XI of the Metropolitan Court, effective Nov. 14, Judge Estrada will be assigned to the Felony Division.

Fifth Judicial District Court Notice of Four Mass Case Reassignments

District Judge David Finger was elected to the Fifth Judicial District Court, Eddy County, District Court Division I judgeship. Effective Dec. 30, a mass reassignment of cases will occur pursuant to Rule 23-109 and Rule 1-088.1, NMRA. District Judge David Finger will be assigned all cases previously assigned to District Judge Eileen Riordan and/or Division I of Eddy County District Court. Judge James Mason was elected to the Fifth Judicial District Court, Chaves County, Magistrate Court Division II judgeship. Effective Dec. 30, a mass reassignment of cases will occur pursuant to Rule 23-109 and Rule 1-088.1, NMRA. Judge James Mason will be assigned all cases previously assigned to Magistrate Judge E. J. Fouratt and/or Division II of Chaves County Magistrate Court. Magistrate Judge Megan Bowen was elected to the Fifth Judicial District Court, Eddy

Professionalism Tip

With respect to the courts and other tribunals:

When hearings or depositions are cancelled, I will notify opposing counsel, necessary parties and the court (or other tribunal) as early as possible.

County, Magistrate Court Division II judgeship. Effective Dec. 30, a mass reassignment of cases will occur pursuant to Rule 23-109 and Rule 1-088.1, NMRA. Magistrate Judge Megan Bowen will be assigned all cases previously assigned to Magistrate Judge Richard Van Dyk and/or Division II of Eddy County Magistrate Court. Magistrate Judge Keith Clayton was elected to the Fifth Judicial District Court, Lea County, Magistrate Court Division IV judgeship. Effective Dec. 30, a mass reassignment of cases will occur pursuant to Rule 23-109 and Rule 1-088.1, NMRA. Magistrate Judge Keith Clayton will be assigned all cases previously assigned to Magistrate Judge David Finger and/or Division VI of Lea County Magistrate Court.

Sixth Judicial District & Magistrate Courts Notice of Address Change

The Division I Grant County Magistrate Court in Silver City has moved locations and now has a new address. The courthouse is now located at 214 N. Black St. in Silver City, N.M. 88061. The telephone number and fax number will remain the same.

Third Judicial District Court Notice of Right to Excuse Judge

Third Judicial District Court Chief Judge Manuel Arrieta provides notice that as a result of the election of Robert Lara to Division II of the Third Judicial District Court, the Court is re-assigning all cases previously assigned to Division II to the Honorable Robert Lara effective Jan. 1, 2023. Pursuant to Supreme Court Rule 1.088.1, parties who have not yet exercised a peremptory excusal will have 10 days from Jan. 1, 2023, to excuse Judge Lara.

STATE BAR NEWS

2023 Budget Disclosure Deadline to Challenge Expenditures

The State Bar of New Mexico Board of Bar Commissioners has completed its budgeting process and finalized the 2023 Budget Disclosure, pursuant to the State Bar Bylaws, Article VII, Section 7.2, Budget Procedures. Starting Nov. 1, 2022,

the budget disclosure will be available in its entirety on the State Bar website at www.sbnm.org on the financial information page under the About Us tab. The deadline for submitting a budget challenge is on or before 5 p.m., Nov. 30, 2022, and the form is provided on the last page of the disclosure document. The BBC will consider any challenges received by the deadline at its Dec. 14, 2022, meeting. Address challenges to: Executive Director Richard Spinello, State Bar of New Mexico, PO Box 92860, Albuquerque, N.M. 87199; or info@sbnm.org. Challenges may also be delivered in person to the State Bar Center, 5121 Masthead NE, Albuquerque, N.M. 87109.

License Renewal and MCLE Compliance—Due Feb. 1, 2023

State Bar of New Mexico annual license renewal and Minimum Continuing Legal Education requirements are due Feb. 1, 2023. For more information, visit www.sbnm.org/compliance. To complete your annual license renewal and verify your MCLE compliance, visit www.sbnm.org and click "My Dashboard" in the top right corner. For questions about license renewal and MCLE compliance, email mcle@sbnm.org. For technical assistance accessing your account, email techsupport@sbnm.org.

Client Protection Fund Notice of Commissioner Vacancy

In accordance with Rule 17A-005 (B), the State Bar of New Mexico is seeking a Commissioner appointment to the Client Protection Fund. The new commissioner would fulfill the remainder of the current commissioner's term. The term will begin Jan. 1, 2023 and conclude Dec. 31, 2023. The attorney selected for the vacancy will be eligible for up to two more three-year terms. Applicants must be active members of the State Bar of New Mexico. Members can forward their applications to kate.kennedy@sbnm.org.

Employee Assistance Program Lifelines: Information for Your Life

The Solutions Group and EAP invite you to read its Fall 2022 issue of Lifelines, which includes articles from various

authors regarding stress relief and overall well-being. You can find the issue by visiting www.solutionsbiz.com.

Holiday Stress Management

The holidays can be a difficult time for anybody, which is why members are encouraged to follow tips laid out in the Holiday Stress Handout found at www.sbnm.org/Member-Services/New-Mexico-Lawyer-Program/Employee-Assistance-Program.

Q4 Webinars

The Solutions Group will be running four webinars in the fourth quarter of 2022. Visit www.solutionsbiz.com to view the following webinars.

- The Joys and Responsibilities of Pet Ownership
- Supporting your Mental Health with Self-Care
- Being Civil in an Uncertain World
- Secrets to Having More Fun and Less Stress During the Holidays

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. Visit www.sbnm.org/eij, click on the Ask Amanda link and submit your question. No question is too big or too small.

New Mexico Lawyer Assistance Program NM LAP Committee Meetings

The NM LAP Committee will meet at 4 p.m. on Jan. 12, 2023. The NM LAP 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 NM LAP 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 Lawyer Assistance Program and is a network of more than 30 New Mexico judges, attorneys and law students.

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.

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.

New Mexico Medical Review Committee Notice of Commissioner Vacancy

In accordance with Section 41-5-14 of the New Mexico Medical Malpractice Act, the State Bar of New Mexico is accepting applications for Chair of the State Bar Medical Malpractice Review Committee. This position will select available members of the Committee to serve on Medical Malpractice Review panels. The position will start Dec. 1, and applicants must maintain membership with the State Bar of New Mexico. Members can send applications to kate.kennedy@sbnm.org.

UNM SCHOOL OF LAW Law Library Hours

The Law Library is happy to assist attorneys via chat, email, or in person by appointment from 8 a.m. - 8 p.m. Monday through Thursday and 8 a.m. - 6 p.m. on Fridays. Though the Library no longer has community computers for visitors to use, if you bring your own device when you visit, you will be able to access many of our online resources. For more information, please see lawlibrary.unm.edu.

— *Featured* —

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OTHER NEWS

The Center for Civic Values Judges Needed for Gene Franchini New Mexico High School Mock Trial Competition

The Gene Franchini New Mexico High School Mock Trial Competition, open to any and all high school students, needs judges for its next event. The qualifier competitions will be held Feb. 17-18, 2023 at the Bernalillo County Metropolitan Court in Albuquerque and the Third Judicial District Court in Las Cruces. Those interested in attending the event may sign up at <https://civicvalues.org/mock-trial/registration/judge-volunteer-registration/> by Feb. 4, 2023. Please email any questions to Kristen Leeds at Kristen@civicvalues.org or by phone at 505-764-9417.

New Mexico Workers' Compensation Administration Notice of Judicial Vacancy in Albuquerque

The Director of the New Mexico Workers' Compensation Administration hereby announces a vacancy for a Workers' Compensation Judge, effective Nov. 24. The primary location of the position is in Albuquerque, with periodic travel throughout the state. This position is an exempt position with an initial one-year term and a possible

appointment to a subsequent five-year term. Interested individuals may obtain a Judicial Application at www.workerscomp.nm.gov. The completed Judicial Application and supporting documentation must be received by the WCA at the Albuquerque office of the New Mexico Workers' Compensation Administration, attention Director Robert E. Doucette, Jr., no later than close of business Jan. 13, 2023. A background check will be conducted prior to hiring. WCA judicial salaries are set by statute; please see NMSA sec. 52-5-2(B).

Notice of Judicial Vacancy in Las Cruces

The Director of the New Mexico Workers' Compensation Administration hereby announces the creation of a new Workers' Compensation Judge position, effective Nov. 24. The primary location of the position is in Las Cruces, with periodic travel throughout the state. This position is an exempt position with an initial one-year term and a possible appointment to a subsequent five-year term. Interested individuals may ob-

tain a Judicial Application at www.workerscomp.nm.gov. The completed Judicial Application and supporting documentation must be received by the WCA at the Albuquerque office of the New Mexico Workers' Compensation Administration, attention Director Robert E. Doucette, Jr., no later than close of business Jan. 13, 2023. A background check will be conducted prior to hiring. WCA judicial salaries are set by statute; please see NMSA sec. 52-5-2(B).

FREE SERVICE FOR MEMBERS!

Employee Assistance Program

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State Bar of New Mexico
Lawyer Assistance
Program



The
Solutions
Group

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

To access this service call 855-231-7737 and identify with NMLAP. All calls are **CONFIDENTIAL**.

Brought to you by the New Mexico Lawyer Assistance Program

www.sbnm.org/JLAP

Mandatory Succession Planning Rule - effective October 1, 2022

- On the 2023 Annual Registration Statement, New Mexico Attorneys will be required to certify their compliance with Rule 16-119 NMRA.
- Rule 16-119 requires every attorney practicing law in New Mexico to have a written succession plan.
- Find out more regarding the Rule and its requirements by:
 - Listening to a succession planning podcast on *SBNM is Hear*
 - Attending a CLE webinar on Succession Planning on October 12, 2022

Contact the State Bar Professional Development Program at 505-797-6079 or the State Bar Regulatory Programs at 505-797-6059. Visit www.sbnm.org/successionplanning for sample plans and resources.



Official Publication of the State Bar of New Mexico

BAR BULLETIN

Call for Cover Art

Make your artwork visible to more than 8,000 attorneys, judges, paralegals and other members of the legal community!

We are soliciting for artists and galleries to submit artwork to be displayed on future covers of the *Bar Bulletin*. A variety of artwork types, mediums, and subjects will be accepted. We welcome new and repeat artists! Please pass this information to any interested artists you know.

For more information and submission guidelines, visit www.sbnm.org/coverart

*Have questions? Contact State Bar Communications Coordinator
Brandon McIntyre at brandon.mcintyre@sbnm.org*

THANK

You

The State Bar of New Mexico would like to express its appreciation and gratitude to the following attorneys that participate in the **CONSUMER DEBT BANKRUPTCY WORKSHOP.**

Thank you for your professionalism, time and service to the community in New Mexico.

Mike Daniels
Matthew Gandert

Ron Holmes
Mike Lash

Wayne McCook
Arun Melwani

THANK

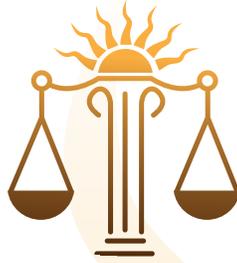
You

The State Bar of New Mexico would like to express its appreciation and gratitude to the following attorneys that participate in the **DIVORCE OPTIONS WORKSHOP.** Thank you for your professionalism, time and service to the community in New Mexico.

Helen Bennett
Maria Montoya-Chavez

Tiffany Oliver Leigh
Gretchen Walther
Meredith Johnstone

Allison Pieroni
Lucy Sinkular



ARTURO L. JARAMILLO

Summer Law Clerk Program

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

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

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



DENISE CHANEZ
dchanez@rodey.com



LEON HOWARD
lhoward@aclu-nm.org



State Bar of New Mexico
Committee on Diversity
in the Legal Profession

Access to Justice and Civil Legal Services in New Mexico

History of Civil Legal Services in New Mexico

By Stephanie Wilson, State Law Librarian

According to the New Mexico Access to Justice Commission's 2014 *State Plan for the Provision of Civil Legal Services to Low Income New Mexicans*, New Mexico's state-level planning for civil legal services began in 1995 with a seminar held by the New Mexico State Bar. Between 1995 and 1997, the State Bar created a task force on civil legal services in New Mexico and in 1997, the State Board of Bar Commissioners created the Legal Services and Programs Committee, which effectively replaced the State Bar's task force. The need for civil legal services in New Mexico was partially addressed by the passage of the Civil Legal Services Act in 2001, which created the Civil Legal Services Commission to assist with the coordination, provision, access, and other matters related to civil legal services in New Mexico. The New Mexico Supreme Court created the Commission on Access to Justice in 2004, with Supreme Court Order No. 04-8300.

Civil legal services in New Mexico historically have been provided by a variety of organizations. In 2005, the Civil Legal Services Commission provided funding to civil legal services organizations or civil legal services divisions of legal organizations. These organizations included Advocacy Inc. (uncontested guardianships), Catholic Charities (immigration law), DNA People's Legal Services, the Fair Lending Coordinator at the Institute of Public Law (University of New Mexico), Law Access New Mexico, Legal FACS, New Mexico Legal Aid, and New Mexico Center on Law and Poverty. Other organizations funded through the Civil Legal Services Commission in 2005 were Pegasus Legal Services, now Pegasus Legal Services for Children (children's civil law), Protection and Advocacy Inc., now Disability Rights New Mexico (disability law), Senior Citizens Law Office, and the State Bar of New Mexico through the Lawyer Referral for the Elderly Lawyers Care programs. The New Mexico Supreme Court Fund for Access to Justice (ATJ Fund) also provides funding for civil legal services in New Mexico. Ten organizations were awarded funding during the 2022-2023 ATJ Fund grant cycle, including the Access to Justice Commission, Disability Rights New Mexico, DNA People's Legal Services, El Calvario United Methodist Church, Enlace Comunitario, New Mexico Center on Law and Poverty, New Mexico Immigrant Law Center, New Mexico Legal Aid, Pegasus Legal Services for Children, and the Santa Fe Dreamers Project.

► Civil Legal Needs in New Mexico

Nationwide disparities in population and income distribution leave New Mexico residents with a lack of resources to help them manage their legal problems. One-fourth of all the lawyers in the nation are in two states: New York (187,246 lawyers) and California (170,306 lawyers), for a combined total of 27% of the nation's lawyers. There are only 2.7 lawyers per 1,000 residents of New Mexico, and three counties lack a practicing attorney. Access to justice necessarily includes access to legal information and to legal counsel. The relatively low number of practicing attorneys in New Mexico makes it less likely that residents will be able to find representation. It also makes it less likely that they can find legal information because national legal publishers tend to focus on the laws of more populous states where there are both more residents and more practicing lawyers.

Finding New Mexico-specific legal materials is challenging, and it is even more difficult for people who are not educated about the law and legal procedure. Ample research indicates that the first place people look for help with a legal problem is the Internet. Although New Mexicans have free online access to our state's official primary law through NMOneSource.com, many cannot find and understand this information without help. New Mexico is one of the poorest and largest states in the country. According to *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, 23% of New Mexican families are below 125% of the national poverty threshold, the second highest proportion in the country. Outside of the Albuquerque metropolitan area, New Mexicans have limited access to legal services and information. Not only are there fewer practicing lawyers in rural areas, there is also inconsistent and unreliable Internet access for people to find legal information. In New Mexico, the digital divide creates barriers to the courts, legal assistance, and access to justice.

► How the Supreme Court Law Library Helps

The Supreme Court Law Library is a statewide judicial program operated by the New Mexico Supreme Court and managed by the State Law Librarian. It serves a critical role as New Mexico's official public law library for the state's approximately 2,115,877 residents. Originally created in 1851 as the territorial library and archives, the New Mexico Legislature established it in 1915 as the Supreme Court Law Library. Our mission is to provide legal information

to the judicial, legislative, and executive branches of state government, the legal community, and the general public, so they may have equal access to justice under the law, effectively address the courts, make laws and write regulations, better understand the legal system, and conduct their affairs in accordance with principles of law. One of our core goals is to acquire, house, maintain, and provide access to legal materials needed by the judiciary, the government, and the people of New Mexico. Another core goal is to provide research assistance, instruction, and legal reference services to all. The library is free and open to anyone.

A significant amount of our work involves providing legal reference services and information to the public, and we also respond to hundreds of letters from prisoners. We have self-help books and guides, statutes, constitutions, bills, regulations, court rules, municipal codes and charters, digests, reporters, legislative summaries, treatises, and tribal codes. In addition to providing reliable legal information to self-represented litigants, we act as trustworthy guides for evaluating the often overwhelming and misleading sea of information online. We provide free legal services and assistance, charging only for copies and postage, thus reducing access barriers for people who are unable to afford an attorney or who may not qualify for civil legal services provided by income-based legal aid organizations.

The Supreme Court Law Library specializes in New Mexico law, and the majority of people we help are New Mexicans. Although our library is in Santa Fe, we answer questions from people throughout the state by phone, mail, and email. We provide books, some written specifically for pro se litigants, and plain-language sample forms and instructions to help people create court documents and navigate complicated court systems and legal processes. Being located in the same building as the New Mexico Supreme Court and the Court of Appeals, and close to the First Judicial District Court, makes us a convenient resource for attorneys and self-represented litigants. Many people are referred by other courts or find us while filing their court cases.

Poverty is not the only reason that people try to handle civil legal issues without the assistance of an attorney. Many people who fall within the upper- and middle-income ranges also choose to handle their own cases. The reasons for this may have less to do with not being able to afford legal representation than people not realizing their problem is legal in nature or not understanding the amount of time and learning that are required to move their own cases through the legal system. Our library freely distributes the self-help guides that were created by the Judiciary to help pro se litigants navigate the state's district courts. Available in English and Spanish, they provide information about laws, cases, forms, and procedures for common civil legal topics like divorce, name change, domestic violence, kinship guardianship,

probate, and appeals. In addition to our 270,000+ books, our public law library provides free Wi-Fi and public access computers, a safe workspace, and low-cost copiers and printers. Anyone can use our public computers and free online research databases such as Westlaw, Lexis Advance, and HeinOnline. Our website is a centralized place to find 24/7 legal information, referral services for civil legal clinics, self-help guides, court forms, statutes, cases, legal resource guides, the library's catalog, and more.

After COVID-19 was declared a public health emergency in March 2020, many public and academic libraries in New Mexico closed their doors or restricted access. But the New Mexico Supreme Court's commitment to access to justice allowed us to keep our doors open. We protect and provide public access to information in person to anyone who walks in, and virtually via phone, email, and mail services. During the 2022 fiscal year, we saw a 16.94% increase in requests for reference assistance, a 59% increase in the number of new library cards issued, and a 13.89% increase in book circulation. The increased number of people using the law library's services indicates that the need for legal assistance is growing. We have the knowledge and skills to reliably help people with their civil legal needs and to provide referrals to legal aid services. Learn more at <https://lawlibrary.nmcourts.gov/>.

► Selected Sources

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Scott Sandlin, *Legal Assistance for Poor Stretched Thin*, Albuquerque Journal, June 27, 2005, at A1.

About the Author: Stephanie Wilson is the State Law Librarian for the State of New Mexico at the Supreme Court Law Library in Santa Fe. She manages the statewide Law Library operations of the Supreme Court for the New Mexico Judicial Branch. As the State Law Librarian, she serves as a Commissioner on the Public Records Commission. She is also a member of the First Judicial District Court's Access to Justice Committee, and she represents the Law Library as an ex-officio participant in the work of the New Mexico Supreme Court Commission on Equity and Justice.

Legal Education

December

- | | | |
|---|---|--|
| <p>14 2022 Ethics Update, Part 1 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>19 Equity & Diversity in Law Practice: Best Practices for Law Firms 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>22 Ethics in Negotiations - Boasts, Shading, and Impropriety 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org</p> |
| <p>14 2022 New Mexico Tax Conference 6.5 G, 1.0 EP In-Person and Webcast Center for Legal Education of NMSBF www.sbnm.org</p> | <p>20 REPLAY: Recreational Cannabis in the Workplace (2021) 1.0 G Webinar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>26 Battling Gender Bias: How Bill Cosby and Other Sexual Predators Escape Punishment 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org</p> |
| <p>14 Civil Rights 5.0 G, 1.0 EP Live Program New Mexico Defense Lawyers Association www.nmdla.org</p> | <p>20 Elimination of Bias—Combating Age Bias in the Legal Field 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>27 Bad Review? Bad Response? Bad Idea! - Ethically Managing Your Online Reputation 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org</p> |
| <p>15 2022 Ethics Update, Part 2 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>21 REPLAY: Trial Practice Issues - Preserving Issues for Appeal, Discovery Challenges, & Practicing in COVID Moving Forward (2021) 1.5 G Webinar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>27 Ethics and Virtual Law Offices 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org</p> |
| <p>15 2022 Trial Law Institute 5.5 G, 1.0 EP In-Person and Webcast Center for Legal Education of NMSBF www.sbnm.org</p> | <p>21 Drafting Indemnity Agreements in Business and Commercial Transactions 1.0 G Teleseminar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>27 Basics of Trust Accounting: How to Comply with Disciplinary Board Rule 17-204 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org</p> |
| <p>16 New Mexico Burning: 2022 Annual Natural Resources, Energy and Environmental Law Institute 5.0 G, 1.0 EP In-Person and Webcast Center for Legal Education of NMSBF www.sbnm.org</p> | <p>21 Storytelling for Lawyers: How to Engage Clients, Judges, and Juries, and Move Them to Action 1.0 G Webinar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>28 REPLAY: Mandatory Succession Planning: It Has To Happen, But It Doesn't Have To Be That Difficult 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org</p> |
| <p>16 Last Chance: Best of the Best 5.5 G, 0.7 EP Video Replay W/Moderator (Live Credits) New Mexico Trial Lawyers Association & Foundation www.nmtla.org</p> | <p>21 Great Adverse Depositions: Principles & Principal Techniques 2.0 G Webinar Center for Legal Education of NMSBF www.sbnm.org</p> | <p>28 Lawyer Ethics of Email 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org</p> |

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

December (cont.)

- | | | | | | |
|----|---|----|--|----|---|
| 28 | Identifying and Combating Gender Bias: Examining the Roles of Women Attorneys in Movies and TV 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org | 29 | Ben Franklin on Ethics 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org | 30 | Ethics and Conflicts with Clients, Part 2 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org |
| 29 | REPLAY: Indian Water Law (2021) 0.5 G, 0.5 EP Webinar Center for Legal Education of NMSBF www.sbnm.org | 29 | Ethics and Conflicts with Clients, Part 1 1.0 EP Teleseminar Center for Legal Education of NMSBF www.sbnm.org | 30 | Practical Tips & Strategies To Combat Implicit Biases in Law Firms and Society 1.0 EP Webinar Center for Legal Education of NMSBF www.sbnm.org |

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

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Pro Bono Spotlight

Volunteer Attorney Program



From left: Jaime Mayfield, Yolanda Hernandez, Becky O'Gawa, Marissa Gonzalez, Meryl Sutton

This year brought significant changes to the VAP. In March, the program became fully staffed when Becky O'Gawa stepped in as Director and Yolanda Hernandez came on as intake paralegal. Jaime Mayfield continued as Statewide Pro Bono Coordinator. Meryl Sutton continued as paralegal for the Direct Representation Program and Marissa Gonzalez continued as legal assistant to both programs.

In response to continued health restrictions in 2022, VAP implemented its own monthly statewide legal teleclinics, recruiting attorneys from around the state. Our volunteers were able to provide legal consultations to **284** New Mexicans in every judicial district. These events proved to be a fantastic way to reach rural and underserved populations in New Mexico.

Additionally, Jaime and Becky worked closely with ten of the thirteen judicial district pro bono committees to implement local teleclinics, hybrid legal fairs, and in-person legal fairs. VAP's staff took turns traveling throughout the state to support the districts at their legal fairs. All of the post-COVID hybrid and in-person legal fairs were very successful, with **233** New Mexicans receiving brief advice and counsel.

That would not have happened without the **190** volunteers who assisted participants at these events.

That would not have happened without the **190** volunteers who assisted participants at these events.



Eighth Judicial District Legal Fair



Otero County Legal Fair



Third Judicial District Legal Fair – Becky, Marissa, Judge Jessica Streeter

Pro Bono Spotlight — Volunteer Attorney Program

To recruit more attorneys for VAP's Direct Representation Program, VAP collaborated with the Second Judicial District Pro Bono Committee Chairs, Judges Jane Levy and Erin O'Connell. This effort, coupled with VAP's presence at this year's Annual Meeting, yielded 38 new volunteers! As a result, Meryl Sutton was able to place **70** cases with pro bono attorneys in VAP's Direct Representation Program. Throughout the year, volunteers donated **794.40** hours to direct representation.

VAP also hosted five CLE's in 2022 via Zoom on topics ranging from expungement, family law, and probate. The Zoom platform allowed attorneys from outlying areas, as well as out of state, to attend our CLE's. Attendees agreed to provide pro bono service in exchange for free CLE credit. The VAP team would like to take a moment to thank all of our presenters this year. All of our CLE's were outstanding and well received.

Finally, in celebration of Pro Bono Month, VAP hosted a Gratitude Grab & Go Breakfast on October 26th at the Second Judicial District Court. It was great to see our volunteers in-person! And to honor all of our 2022 volunteers, VAP will be hosting our Annual Appreciation and Awards luncheon on March 7th, 2023. Please save the date for this exciting event.



Annual Meeting 2022



Gratitude Grab & Go Breakfast, October 26, 2022

Contact us

If you would like to volunteer with the Volunteer Attorney Program of New Mexico Legal Aid, we would love to connect you with our pro se clients!

To volunteer with one of our **teleclinics**, please contact Jaime Mayfield at jaimem@nmlegalaid.org.

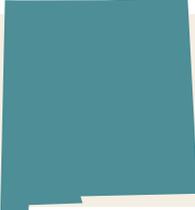
To volunteer for **direct representation**, please contact Becky O. O'Gawa at rebecca@nmlegalaid.org.

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Volunteer Attorney Program

2022 Annual Awards Recipients

The Volunteer Attorney Program is pleased to announce its 2022 annual awards recipients. The following awards recognize outstanding commitment to pro bono service.



Felipe Quintana Memorial Award of Excellence

In memory of Felipe Quintana, the VAP legal secretary for 26 years who was dedicated to the advocacy of helping low-income New Mexicans receive pro bono civil legal services.

RODEY LAW FIRM



Pro Bono Attorney of the Year

BETSY SALCEDO

New Volunteer Attorney of the Year

AARON WOLF



Direct Representation Going the Distance

EVAN HOBBS



Direct Representation Shining Stars of the Year

MONICA BACA

BARBARA JOHNSON

MEREDITH M. BAKER

ALLAN L. WAINWRIGHT

Teleclinic Shining Stars of the Year



VIRGINIA LUCERO

DEIAN MCBRYDE

MICHAEL RUECKHAUS

HEATHER TANNER



Outstanding Legal Fair Organizer

SIVREANA TAFOYA

CLE Presenter of the Year

SARAH COFFEY



Pro Bono Committee Award

TWELFTH JUDICIAL DISTRICT PRO BONO COMMITTEE

Honorable Mention: The Third Judicial District for forming a pro bono committee out of the ashes and hosting its first legal fair since 2019; the Fourth Judicial District for forming a pro bono committee and planning its first legal fair since 2019; and the Ninth Judicial District for resurrecting its pro bono committee and hosting its first legal fair since 2019.

With Much Gratitude

To all of our volunteers who provided brief advice and counsel, limited representation, and full representation to those who would otherwise go unrepresented, **THANK YOU!!!**

Adam D. Oakey
Adelaide G. Schwartz
Alan P. Morel
Alexandra J. Bobbit
Alfred J. Perez
Alicia Hohl
Alicia M. McConnell
Allison P. Pieroni
Alyssa M. Mercado
Amanda Laupheimer
Amber Dengler
Amy B. Bailey
James "Andy" Ray
Anna M. Baecker
Anna G. Farrell
Anthony M. Maestas
Antonia Roybal-Mack
Arslan Umarov
Ashlea A. Crumley
Barbara V. Johnson
Billy K. Burgett
Brian Gaddy
Bridget L. Mullins
Brooke Nowak-Neely
Calvin Hyer, Jr.
Carlos N. Martinez
Catherine A. Cameron
Charles Archuleta
Charles Esty
Charles Hughson
Charles K. Purcell
Chester Miller III
Christina R. Cavaleri
Christina Calderwood
Christopher B. Elam
Christopher Gatton
Christopher Pommier
Christy S. Chapman
Clay Campbell
Clifton L. Davidson
Colby S. Weber
Corbin P. Hildebrandt
Cydney Beadles
Cynthia D. Williams
D. Sandi Gilley
Damon J. Hudson
Darren Cordova
Dathan L. Weems
David Adams
David Humphreys
David B. Lawrenz
David Lotter
David P. Lutz

David Mielke
David M. Overstreet
Debashree Nandy
Delilah M Tenorio
Denise Zuni
Dennis W. Hill
Devin Cavanaugh McNulty
Don Anque
Donna J. Lynch
Donna S. Trujillo Dodd
Dorene A. Kuffer
Doyle G. Bradford
Edward W. Shepherd
Elege S. Harwood
Elizabeth A. Ashton
Emeterio L. Rudolfo
Eric Sutton
Erika R. Pirotte
Erin M. Pitcher
Erinna "Erin" Atkins
Ernesto Martinez
Eucaris Tatiana Perez-Valero
Felix Briones Jr.
Francesca Estevez
Fred Martinez
Freda McSwane
Harold O. Atencio
Heather L. Cannon
Hilary Noskin
Hope Eckert
Isabel Alcantara
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Joel M. Young
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Kaela Holmen
Kari Converse
Karlos Ulibarri

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Kent Yalkut
Kevin Holmes
Krista L. Garcia
Kristin M. Harrington
Lalita Devarakonda
Lauren E. Riley
Leisa M. Richards
Linda S. Gross
Lou Branch
Lucinda R. Silva
Lucy H. Sinkular
Luis C. Garcia
Malia Santilla
Mallory Wolff
Margaret Foster
Mari S. Kempton
Marlo Aragon
Marna N. Trammell
Marylou Poli
Matthew G. Watson
Matthew Barceleau
Matthew Fox
Matthew Rowland
Meghan Thomas
Merrie L. Chappell
Michael Dugan
Michael Keedy
Michael Liebman
Michael S. Liebman
Michael "Mike" Williams
Michele Carey
Mingjie Hoemmen
Miss-Ashley Kendrick
Mitchell L. Mender
Molly K. Kicklighter
Morgan E. Honeycutt
Nathaniel A. Lenke
Nghiem Nguyen
Nia Rucker
Nicholas H. Mattison
Novela Salazar
Orlando Lucero
Pamela A. Beckman
Pamela L. Faris
Patricia Rivera
Patrick L. McDaniel
Paul Cash
Paul Mannick
Penelope Quintero

Petra Benavides Schwartz
Ramon Hernandez
Randall Cooper
Raymundo Rojas
Rebecca L. Mulcahy
Rebecca Sitterly
Rebekah Courvoisier
Renee E. Lewis
Richard De Stefano
Richelle Anderson
Roberta Yurcic
Roderick Thompson
Roger Moore
Ronald T Taylor
Ryan Kluthe
Saba Ahmed
Sara Traub
Sarah Van Cott
Sarah M Stevenson
Savanna Duran
Shahnaz Stanley
Shana S. Baker
Shannon Pettus
Sherrie A. Sanchez
Sheryl L. Saavedra
Shoshanna N. Silverberg
Sidney P. Childress
Simone M. Seiler
Sitora K. Wirfel
Spencer Atkins
Stacie Foor
Stefanie Beninato
Stephanie Welch
Stephen P. Eaton
Steve Granberg
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Susan C. Kery
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Terrill L. Muller
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Advance Opinions

From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Supreme Court

Opinion Number: 2022-NMSC-016
No: S-1-SC-38977 (filed June 2, 2022)

STATE OF NEW MEXICO, ex rel., HON. NANCY J. FRANCHINI, HON. ROBERT DAVID PEDERSON, HON. BRYAN BIEDSCHEID, HON. RICHARD JACQUEZ, As New Mexico State District Court Judges And Citizens of New Mexico, THE DISTRICT METROPOLITAN COURT JUDGES' ASSOCIATION, INC., HON. LINDA ROGERS, HON. ROSEMARY COSGROVE-AGUILAR, As Metropolitan Court Judges and Citizens of the State of New Mexico, Petitioners,
v.
MAGGIE TOULOUSE OLIVER, Secretary of State for the State of New Mexico, Respondent.

ORIGINAL PROCEEDING

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OPINION

BOHNHOFF, Judge.

{1} In this case, we address the constitutionality of legislation that staggers retention elections for New Mexico district and metropolitan court judges. In November 2020, New Mexico voters approved an amendment to Article XX, Section 3 of the New Mexico Constitution that authorized the Legislature to enact legislation “to . . . stagger the election of officers for a particular state, county or district office throughout the state.” N.M. Const. art. XX, § 3(C). In early 2021, the Legislature passed and the Governor approved Senate Bill 266, which amended NMSA 1978, Sections 1-26-5 and -6 (2021), to provide for staggered retention elections

of district court and metropolitan court judges, respectively. S.B. 266, 55th Leg., 1st Sess. (N.M. 2021), <https://nmlegis.gov/Sessions/21%20Regular/final/SB0266.pdf>. Petitioners, sitting district and metropolitan court judges and their association, brought this mandamus proceeding to challenge the constitutionality of this legislation. Petitioners contend that Article VI, Section 33 of the New Mexico Constitution mandates that retention elections of all district and metropolitan court judges must be held at the same time, and as the more specific provision, it controls over Article XX, Section 3. Following oral argument on December 2, 2021, we denied the petition, concluding that amended Article XX, Section 3 authorized the Legislature to stagger the retention election cycles for district and metropolitan court judges. We issue this opinion to explain our reasoning.

I. JURISDICTION

{2} This Court has original jurisdiction to hear petitions for writs of mandamus. N.M. Const. art. VI, § 3. Mandamus is a proper remedy to test the constitutionality of a statute when the petitioner has no “plain, speedy, [or] adequate remedy at law.” *Bartlett v. Cameron*, 2014-NMSC-002, ¶ 8, 316 P.3d 889 (internal quotation marks and citation omitted); *State ex rel. Sego v. Kirkpatrick*, 1974-NMSC-059, ¶ 6, 86 N.M. 359, 524 P.2d 975. Mandamus may be used in appropriate circumstances to “prohibit unconstitutional official action.” *State ex rel. Sugg v. Toulouse Oliver*, 2020-NMSC-002, ¶ 7, 456 P.3d 1065 (internal quotation marks and citation omitted). Petitioners grounded their request for mandamus relief on the fact that, based on the current language of Sections 1-26-5 and -6, Respondent would take action in the near future to place district and metropolitan court judges on the 2022 general election ballot, action which otherwise would be unauthorized. Respondent does not contest jurisdiction. We agree that our jurisdiction was properly invoked to address the constitutionality of Respondent’s contemplated action.

II. BACKGROUND

{3} Prior to 1988, “our Constitution required partisan election of the entire judiciary, with the governor filling judicial vacancies by appointment.” *State ex rel. Richardson v. Fifth Jud. Dist. Nominating Comm’n*, 2007-NMSC-023, ¶ 16, 141 N.M. 657, 160 P.3d 566 (citations omitted); accord *State ex rel. King v. Raphaelson*, 2015-NMSC-028, ¶ 6, 356 P.3d 1096. At that time, Article XX, Section 4 of the New Mexico Constitution provided that, following the governor’s appointment of a district judge to fill a vacancy, “such appointee shall hold such office until the next general election. His successor shall be chosen at such election and shall hold his office *until the expiration of the original term*.” (Emphasis added.) *State ex rel. Swope v. Mechem*, 1954-NMSC-011, ¶ 22, 58 N.M. 1, 265 P.2d 336, construed this provision to reflect an intent that the terms of all district judges would be uniform. That is, the terms of all district judges throughout the State would end at the same time every six years, regardless of when or whether the seat became vacant or newly occupied, and consequently all district judges would be subject to re-election at the same time:

[The last sentence of Article XX, Section 4] applies to all vacancies following an incumbent; assuming the death of an incumbent in the office of . . . district judge,

there can be no doubt that the appointee or his successor elected at the general election following his appointment serves only until the termination date of the term of the original incumbent.

This means that, under all equations of vacancy in these offices, . . . the terms of district judges . . . will begin and end at the same time.

Swope, 1954-NMSC-011, ¶¶ 21-22.

{4} New Mexico's system for selecting its judges underwent major revision in 1988.

In that year,

the Constitution was amended to institute a merit selection system, in which the governor now fills judicial vacancies by appointment from a list of applicants who are evaluated on a variety of merit-based factors and recommended by a judicial nominating commission. N.M. Const. art. VI, §§ 35-37. The appointed judge is then subject to one partisan election in the next general election, after which he or she is subject to nonpartisan retention election, requiring a fifty-seven percent supermajority to be retained in office. N.M. Const. art. VI, § 33.

Fifth Jud. Dist. Nominating Comm'n, 2007-NMSC-023, ¶ 16 (footnote omitted).

{5} Article VI, Section 35, which addresses the appointment and initial election of appellate judges, provides that “[a]ny person appointed [as a Supreme Court justice or Court of Appeals judge] shall serve until the next general election. That person’s successor shall be chosen at such election and shall hold the office until the expiration of the original term.” We have held that pursuant to Article VI, Section 36, which states that “[e]ach and every provision of Section 35 of Article [VI] of this constitution shall apply to the district judges nominating committee,” the foregoing language in Article VI, Section 35 is applicable to district court judges. *Raphaelson*, 2015-NMSC-028, ¶ 13 (internal quotation marks and citation omitted). We now similarly conclude that pursuant to Article VI, Section 37, which provides that “[e]ach and every provision of Section 35 of Article [VI] of this constitution shall apply to the metropolitan court judicial

nominating committee,” that language in Article VI, Section 35 also is applicable to metropolitan court judges.

{6} In *Raphaelson*, this Court addressed whether, under the 1988 amendments to Article VI of our Constitution, a district court judge elected in a partisan election is subject to retention in the sixth¹ year of his or her predecessor judge’s term or in the sixth year following the partisan election in which he or she was first elected. *Raphaelson*, 2015-NMSC-028, ¶ 1. The Court observed that in *Swope*, 1954-NMSC-11, ¶ 22, it had concluded that under Article XX, Section 4, “the terms for all district court judges were designed to be on the same schedule, beginning and ending at the same time every six years regardless of when or whether the seat became vacant or newly occupied.” *Raphaelson*, 2015-NMSC-028, ¶ 23. The Court noted that “[t]he language of former Article XX, Section 4 is substantially similar to the language of current Article VI, Section 35.” *Id.* ¶ 25. The Court then reasoned that Article VI, Sections 33, 35, and 36 should be given the same construction as Article XX, Section 4:

The *Swope* opinion encapsulates the common understanding and interpretation of terms of office for district judges, not only at the time, but up to the successful amendment of the Constitution in 1988. In light of this Court’s clear holding in *Swope*, the framers of the 1988 amendments had a choice. They could have altered the definition of a term of office But they did not do so. Far from a change in direction, the 1988 amendments enshrine the same understanding and interpretation as *Swope*.

Raphaelson, 2015-NMSC-028, ¶ 27; see also *id.* ¶ 31. The Court also reiterated the public purpose, previously noted in *Swope*, 1954-NMSC-011, ¶ 22, served by this approach to judicial elections: “It fosters consistency and uniformity thereby avoiding confusion in the electorate. Both judges and the people who will sit in judgment of their performance know exactly when that opportunity arises—and when to focus on that performance—every six years across the state.” *Raphaelson*, 2015-NMSC-028, ¶ 30.

{7} By 2019, however, the wisdom of continued adherence to a policy of a uniform date for the retention election of all district and metropolitan judges was being questioned. The impetus for revisiting the issue was the increase in the number of district judges in some judicial districts as well as the number of metropolitan judges in Bernalillo County, the State’s only metropolitan court, and the impact that those numbers had on election ballots. In 2014, for example, the Bernalillo County general election ballot included twenty district judges and twelve metropolitan judges who were subject to retention election. N.M. Sec’y of State, *Canvass of Results of General Election Held on November 4, 2014 – State of New Mexico*.² In 2018, the County’s general election ballot included eighteen metropolitan court judges who were subject to retention election, and in 2020 the ballot included seventeen district court judges who were subject to retention election. N.M. Sec’y of State, *Canvass of Results of General Election Held on November 6, 2018 – State of New Mexico*.³ N.M. Sec’y of State, *Canvass of Results of General Election Held on November 3, 2020 – State of New Mexico*.⁴ In theory, in 2026, twenty-seven district court judges and nineteen metropolitan court judges could be on the County’s general election ballot. This development, which would contribute to lengthier ballots printed with smaller fonts, generated concern among legislators and election administrators. See, e.g., Verified Response of the Secretary of State filed herein at 2 (“[V]oting is very different today than it was in 1954. Now ballot crowding, voter fatigue, and high costs of elections are the major concerns of every election administrator”); Brief of Amicus Curiae Legislative Sponsors at 29-30, *State ex rel. Sommer v. Oliver*, S-1-SC-37785 (N.M. July 18, 2019) (discussing prospect that absent staggered retention elections for district and metropolitan court judges, the addition of forty-six retention questions to the Bernalillo County general election ballot every twelve years could “have the potential to overwhelm voters”).

{8} The Legislature attempted to address these concerns in 2019 when it passed and the Governor approved House Bill 407, which included the Nonpartisan Judicial Retention Act, codified at NMSA 1978, §§ 1-26-1 to -6 (2019, amended 2021).

¹ Article VI, Subsections 33(C) and (D) prescribe six- and four-year terms for district court judges and metropolitan court judges, respectively.

² Available at <https://www.sos.state.nm.us/voting-and-elections/election-results/past-election-results-2014/> (last visited April 22, 2022) (follow the “2014 Statewide General Election Results Statewide Summary” hyperlink).

³ Available at <https://www.sos.state.nm.us/voting-and-elections/election-results/past-election-results-2018/> (last visited April 22, 2022) (follow the “2018 General Election Results Statewide Summary” hyperlink).

⁴ Available at <https://www.sos.state.nm.us/voting-and-elections/election-results/election-results-2020/> (last visited April 22, 2022) (follow the “2020 General Election Candidate Summary Results Report” hyperlink).

H.B. 407, 54th Leg., 1st Sess. (N.M. 2019), <https://nmlegis.gov/Sessions/19%20Regular/final/HB0407.pdf>. That Act generally provided for staggered retention elections of Supreme Court justices and Court of Appeals, district court, and metropolitan court judges. In particular, Section 1-26-5(B) (2019) provided:

Terms of office for positions on the district court in each judicial district shall be staggered, as follows:

(1) the term of office for division 1 and for every third division number thereafter shall expire in 2020 and every six years thereafter;

(2) the term of office for division 2 and for every third division number thereafter shall expire in 2022 and every six years thereafter; and

(3) the term of office for division 3 and for every third division number thereafter shall expire in 2024 and every six years thereafter.

In similar manner, Section 1-26-6(B) (2019) provided for staggering the expiration of the terms of office of metropolitan court judges in 2022 and 2024 and every four years thereafter.

{9} Soon thereafter, certain district and metropolitan court judges brought a mandamus action challenging the constitutionality of Sections 1-26-5 and -6 (2019) as impermissibly extending their terms of office. *See Verified Petition for Writ of Mandamus, Sommer, S-1-SC-37785* (N.M. July 2, 2019). In *Sugg, 2020-NMSC-002*, ¶¶ 1, 13, we agreed with the petitioning judges and found that the statutes were unconstitutional.⁵ However, in that case the constitutional infirmity at issue was not grounded in the conflict between the mandate of uniform judicial elections found in Article VI, Sections 33 and 35, and the legislation's provision for staggering those elections, *see id.* ¶ 11, and we therefore had no occasion to revisit *Swope* or *Raphaelson*. Rather, "the narrow but important question" that we addressed was the Legislature's authority to alter terms of office and thus election cycles that are established by the Constitution: "whether the challenged provisions of HB 407, in delaying [the p]etitioners' election cycles and extending—either expressly or . . . by necessary implication—their term limits, exceeded the Legislature's authority." *Sugg, 2020-NMSC-002*, ¶ 11.

Following extensive discussion of case law from other jurisdictions, *see id.* ¶¶ 13-22, we concluded that, whether characterized as extending terms or deferring elections, Sections 1-26-5 and -6 (2019) were unconstitutional:

As to the petitioning judges . . . , the Legislature's attempts to modify their election cycles contravened clear and unambiguous constitutional mandates. Specifically, in requiring district and metropolitan court judges to face retention or rejection at general elections every sixth and fourth year, respectively, the framers of our Constitution evinced a clear intent to establish outer time limits by which retention elections for these classes of judges must be held.

Sugg, 2020-NMSC-002, ¶ 20 (internal quotation marks and citation omitted). We nevertheless suggested the Legislature could resolve the problem by proposing a constitutional amendment that would authorize the invalidated legislation: "Assuming, as appears to be the case, that the Legislature wishes to pursue the election-related policy goals sought to be effectuated through the portions of HB 407 that we strike down today, it is its prerogative to propose, and the voters[]" to adopt, a constitutional amendment to that end." *Id.* ¶ 23.

{10} The Court's invitation was accepted. In its 2020 session, the Legislature adopted House Joint Resolution 8, which proposed to amend Article XX, Section 3 of the Constitution by, among other changes, adding the following language as part of Subsection C:

The term of a state, county or district officer may be adjusted by law to align or stagger the election of officers for a particular state, county or district office throughout the state. Any such adjustment shall require a legislative finding that the adjustment is to provide for consistency in the timing of elections for that office or to balance the number of offices appearing on the ballot.

H.J.R. 8, 54th Leg., 2nd Sess. (N.M. 2020), <https://nmlegis.gov/Sessions/20%20Regular/final/HJR08.pdf>. Thereafter, at the November general election, the voters adopted this amending language by a margin of 503,308 in favor of 277,744 against. *Canvass of Returns of General*

Election Held on November 3, 2020 – State of New Mexico, supra.

{11} Finally, in 2021, the Legislature passed and the Governor approved Senate Bill 266, which amended Sections 1-26-5 and -6 (2019). S.B. 266. The legislation re-adopted nearly verbatim the language of Sections 1-26-5(B) and -6(B),⁶ quoted above. Section II, paragraph 9, *supra*. The legislation also included, as a temporary provision that was not codified, the following legislative finding:

Pursuant to Article 20, Section 3 of the constitution of New Mexico, the legislature finds that the judicial term adjustments provided for district court judges in Section 1 of this 2021 act and for metropolitan court judges in Section 2 of this 2021 act are needed to:

A. balance the number of judicial positions appearing on the ballot in any one election cycle;

B. enable more effective evaluation of judges by the judicial performance evaluation commission; and

C. create greater continuity of judges at the trial court level by not having all judges up for judicial retention in the same election cycle.

S.B. 266, § 3.

III. PETITIONERS' ARGUMENT

{12} Petitioners' argument is straightforward. Article VI, Section 33 of the New Mexico Constitution, as construed by *Raphaelson*, 2015-NMSC-028, ¶ 28, specifically requires that retention elections of all district judges statewide occur at the same time. Article XX, Section 3, as amended in 2020, generally authorizes the Legislature to stagger the dates of elections of district officers. If district and metropolitan court judges are "district officers" within the meaning of Article XX, Section 3, then the two provisions are in conflict. Citing the principle of constitutional construction that, where two constitutional provisions are in irreconcilable conflict, the general provision must yield to the specific provision, Petitioners assert that Article VI, Section 33 must control district and metropolitan court judge retention elections, and as a result Sections 1-26-5 and -6 are unconstitutional.

IV. PRINCIPLES FOR RESOLVING CONFLICTS BETWEEN CONSTITUTIONAL PROVISIONS

{13} The primary goal of our interpre-

⁵ In *Sugg, 2020-NMSC-002*, we also addressed and upheld related petitions challenging, on the same grounds, the constitutionality of other provisions of House Bill 407 that provided for staggered elections of county commissioners, other county officers, and district attorneys by altering the terms of those offices.

⁶ The only differences between the 2019 and 2021 versions of these two sections are that the years of the expiring terms were updated in the 2021 amendment.

tation of the Constitution is to identify and give effect to the intent of its framers and the electorate. *State v. Ameer*, 2018-NMSC-030, ¶ 9, 458 P.3d 390; see also *Greene v. Esquibel*, 1954-NMSC-039, ¶ 29, 58 N.M. 429, 272 P.2d 330 (“[T]he polestar in the construction of Constitutions is the intention of the makers and adopters.”). In *Asplund v. Alarid*, this Court noted the challenge in discerning intent when constitutional provisions are in conflict:

Acts passed which conflict with the Constitution are invalid. But the Constitution itself may be amended in the manner provided by it; and when an amendment has been duly made, it becomes as much a part of the Constitution as any other part thereof. It can hardly be asserted that one part of the Constitution is unconstitutional, because it is not in perfect accord with another part of the same instrument.

1923-NMSC-079, ¶ 11, 29 N.M. 129, 219 P. 786 (internal quotation marks and citation omitted). Prior decisions of this Court have articulated several principles to address this situation and construe constitutional provisions which are claimed to be in conflict.

{14} First, if possible we will construe constitutional provisions in a harmonious manner that will avoid any conflict. *Hem v. Toyota Motor Corp.*, 2015-NMSC-024, ¶ 23, 353 P.3d 1219; accord *State ex rel. League of Women Voters v. Advisory Comm.*, 2017-NMSC-025, ¶ 19, 401 P.3d 734.

{15} Second, where a constitutional amendment conflicts with a pre-existing provision of the Constitution, and one provision “is not readily identifiable as the more specific of the two” provisions, the later provision governs “as the latest expression of the sovereign will of the people, and as an implied modification pro tanto of the original provision.” *City of Albuquerque v. N.M. State Corp. Comm’n*, 1979-NMSC-095, ¶ 6, 93 N.M. 719, 605 P.2d 227 (quoting *Asplund*, 1923-NMSC-079, ¶ 11); see also *Denish v. Johnson*, 1996-NMSC-005, ¶ 29, 121 N.M. 280, 910 P.2d 914 (same).

{16} Third, and as a qualification to the second principle of recency, if one provision is identifiable as the more specific of the two, “the specific section governs over the general regardless of priority of enactment.” *Denish*, 1996-NMSC-005, ¶ 29 (emphasis added) (quoting *N.M. State Corp. Comm’n*, 1979-NMSC-095, ¶ 5). The rationale for the general/specific rule is that the enacting body “is presumed not to have intended a conflict between two [provisions] and because [its] attention is more particularly directed to the

relevant subject matter in deliberating upon the special law.” *State v. Santillanes*, 2001-NMSC-018, ¶ 7, 130 N.M. 464, 27 P.3d 456 (internal quotation marks and citation omitted).⁷

{17} In New Mexico, the general/specific rule of constitutional construction can be traced to statutory construction principles. See *N.M. State Corp. Comm’n*, 1979-NMSC-095, ¶ 5 (citing *State v. Blevins*, 1936-NMSC-052, ¶ 7, 40 N.M. 367, 60 P.2d 208; *Saiz v. City of Albuquerque*, 1971-NMCA-101, ¶ 9, 82 N.M. 746, 487 P.2d 174, overruled on other grounds by *Galvan v. City of Albuquerque*, 1975-NMSC-005, ¶ 14, 87 N.M. 235, 531 P.2d 1208; *Santa Fe Downs, Inc. v. Bureau of Revenue*, 1973-NMCA-064, ¶ 11, 85 N.M. 115, 509 P.2d 882); see also *Fifth Jud. Dist. Nominating Comm’n*, 2007-NMSC-023, ¶ 17 (“[R]ules of statutory construction . . . apply equally to constitutional construction.”); *Postal Fin. Co. v. Sisneros*, 1973-NMSC-029, ¶ 8, 84 N.M. 724, 507 P.2d 785 (“The usual principles governing the construction of statutes also apply to the interpretation of constitutions.”).

{18} The general/specific rule is subject to an exception: “[T]o the extent of any necessary repugnancy between them, the special statute, or the one dealing with the common subject matter in a minute way, will prevail over the general statute, unless it appears that the legislature intended to make the general act controlling.” *Blevins*, 1936-NMSC-052, ¶ 7 (emphasis added) (internal quotation marks and citation omitted); see also *Santillanes*, 2001-NMSC-018, ¶ 7 (“[I]f two statutes dealing with the same subject conflict, [then] the more specific statute will prevail over the more general statute absent a clear expression of legislative intent to the contrary.” (emphasis added)). More generally, we have noted that

the general/specific statute rule should not be applied in a rigid, mechanistic fashion. . . . [T]he general/specific statute rule is merely a tool of statutory interpretation and is not an end to itself. The general/specific statute rule should not be applied in a manner that ignores . . . the overall goal of statutory construction to ascertain and give effect to the intent of the Legislature.

Id. ¶ 17 (internal quotation marks and citations omitted).

{19} The same considerations that underlie adoption of the clear intent exception to the general/specific rule of statutory construction counsel its adoption in the context of constitutional construction. See *Block v. Vigil-Giron*, 2004-NMSC-003, ¶ 4, 135 N.M. 24, 84 P.3d 72 (“[O]ur primary goal is to give effect to the intent of the

Legislature which proposed [the constitutional provision] and the voters of New Mexico who approved it.”). If evidence indicates that the purpose of a later-adopted constitutional provision, whether general or specific, was to accomplish an implicit repeal of an earlier provision, we will give effect to the later-adopted provision. *Cf. Galvan*, 1975-NMSC-005, ¶ 11 (noting that “repeals by implication,” while not favored, “will be declared where the last statute is so broad in its terms and so clear and explicit in its words as to show it was intended to cover the whole subject, and therefore to displace the prior statute” (internal quotation marks and citation omitted)).

V. THE 2020 AMENDMENT TO ARTICLE XX, SECTION 3 IMPLICITLY REPEALED ARTICLE VI, SECTION 33’S REQUIREMENT THAT ALL DISTRICT AND METROPOLITAN COURT JUDGES STAND FOR RETENTION ELECTION AT THE SAME TIME

{20} How do these principles inform our analysis of the constitutionality of Sections 1-26-5 and -6? Initially, we consider whether “district officer,” as used in Article XX, Section 3(C), encompasses district and metropolitan court judges. Judges hold public offices and thus are public officers as opposed to employees. See N.M. Const. art. VI, § 19 (barring Supreme Court justices and Court of Appeals, district, and metropolitan court judges from holding any office other than a judicial office); *Perea v. Bd. of Torrance Cnty. Comm’rs*, 1967-NMSC-056, ¶ 8, 77 N.M. 543, 425 P.2d 308 (outlining the characteristics of a public officer and stating that judges are public and judicial officers); see generally 63C Am. Jur. 2d *Public Officers and Employees* §§ 9, 19 (2018) (stating that judges are public and judicial officers). In New Mexico, district court judges hold office within specific judicial districts, N.M. Const. art. VI, § 12. Similarly, metropolitan court judges hold their offices within a “metropolitan court district.” N.M. Const. art. VI, § 38; NMSA 1978, § 34-8A-1 (2010). “It is presumed that words appearing in a constitution have been used according to their plain, natural, and usual signification and import.” *Clark v. Mitchell*, 2016-NMSC-005, ¶ 12, 363 P.3d 1213 (internal quotation marks and citation omitted). We conclude that district court judges and metropolitan court judges are district officers within the meaning of Article XX, Section 3. As a result, Article VI, Sections 33, 35, 36, and 37, and Article XX, Section 3 irreconcilably conflict and cannot be harmonized: Article XX, Section 3 authorizes staggering of terms contrary

to this Court's interpretation of Article VI, Sections 33, 35, 36, and 37 as requiring all district and metropolitan court judges to stand for retention at the same time. See *Raphaelson*, 2015-NMSC-028, ¶¶ 28, 31; *Swope*, 1954-NMSC-011, ¶ 22. Because Article VI, Section 33 focuses solely on judicial retention elections, it is the more specific of the two provisions, and therefore in the absence of clear intent to the contrary its provisions would control.

{21} The succession of legislative and judicial developments during the recent past as described above is evidence of an intent that the 2020 amendment to Article XX, Section 3 controls over the requirement in Article VI, Sections 33, 35, 36, and 37, as interpreted by this Court, that all district and metropolitan court judges must stand for retention election at the same time.

In the interpretation of a statute, changes made by the act in the previous state of the law may be given consideration. Indeed, one of the recognized rules of construction of statutes is to look to the state of the law when the statute was enacted in order to see for what it was intended as a substitute.

Bettini v. City of Las Cruces, 1971-NMSC-054, ¶ 12, 82 N.M. 633, 485 P.2d 967 (internal quotation marks and citation omitted); see, e.g., *Clark*, 2016-NMSC-005, ¶ 16 (relying on “the history and context of Article VI, Section 33” of the New Mexico Constitution to conclude that it did not reflect “any intent by the framers to prohibit nonretained judges from applying for and being appointed to judicial vacancies”); *Vigil-Giron*, 2004-NMSC-003, ¶ 10 (“Finally, any uncertainty as to the legislative intent behind the constitutional provision is removed by the implementing legislation, enacted . . . immediately following the adoption of the constitutional provision.”). See generally *Raphaelson*, 2015-NMSC-

028, ¶ 22 (“The historical purposes of the constitutional provision are instructive in determining the obvious spirit . . . utilized in [its drafting].” (alterations in original) (internal quotation marks and citation omitted)).

{22} In particular, statutory changes—and thus, pursuant to the foregoing authority, a constitutional amendment—may be interpreted in light of court decisions that prompted the amendment. See, e.g., *Trujillo v. Trujillo*, 1986-NMCA-052, ¶ 21, 104 N.M. 379, 721 P.2d 1310 (“The statute [narrowing the scope of tavernkeeper liability regarding alcohol sales to potentially intoxicated persons] was an obvious response to *Lopez* [*v. Maez*, 1982-NMSC-103, 98 N.M. 625, 651 P.2d 1269], . . . [and w]e would contravene legislative intent were we to interpret the statute as broadening the scope of tavernkeeper’s liability.”), implicitly overruled on other grounds as recognized in *Mendoza v. Tamaya Enters., Inc.*, 2010-NMCA-074, ¶ 20, 148 N.M. 534, 238 P.3d 903; *Feminist Women’s Health Ctr. v. Codispoti*, 821 P.2d 1198, 1202 (Wash. 1991) (en banc) (construing statute regarding insurance proceeds exemptions in light of court decisions that preceded its amendment); cf. *Brown v. Shell Oil Co.*, 339 N.W.2d 709, 711 (Mich. App. 1983) (“Amending legislation should be liberally construed so as to correct defects in predecessor statutes.”).

{23} In 2019, the Legislature enacted Sections 1-26-5 and -6 (2019) as part of an attempt to address concerns about “ballot integrity” and “voter fatigue” by staggering the terms of district and metropolitan court judges along with other officials. See Brief of Amicus Curiae Legislative Sponsors at 29-30, *Sommer*, S-1-SC-37785 (N.M. July 18, 2019). In 2020, in *Sugg*, 2020-NMSC-002, ¶ 23, we invalidated the 2019 legislation for lack of constitutional authorization, but invited the Legislature to propose and submit to the voters an

amendment to the Constitution that would authorize such staggered elections. The following year, the Legislature passed House Joint Resolution 8, and the voters subsequently approved the amendment to Article XX, Section 3. In 2021, the Legislature with the Governor’s approval amended Sections 1-26-5 and -6 (2019) to reinstate the provisions for staggered elections of district and metropolitan court judges. Granted, the Legislature could have made its intent unmistakable by expressly stating in the amendatory language of Article XX, Section 3 that it applied to district and metropolitan court judges. This sequence of events nevertheless reflects with sufficient and reasonable clarity that the 2020 amendment to Article XX, Section 3 was intended to implicitly repeal the requirement in Article VI, Sections 33, 35, 36, and 37, that all district and metropolitan court judges stand for retention at the same time. We therefore hold that Article XX, Section 3 authorizes the Legislature to stagger the retention terms of district and metropolitan court judges and there is no other constitutional bar to such staggering.

VI. CONCLUSION

{24} Article XX, Section 3 of the New Mexico Constitution, as amended by the voters in 2020, authorized the Legislature to amend Sections 1-26-5 and -6 (2019) to stagger retention elections for district and metropolitan court judges. Accordingly, the petition for writ of mandamus is denied.

{25} IT IS SO ORDERED.

HENRY M. BOHNHOFF, Judge Retired, sitting by designation
WE CONCUR:
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BRIANA H. ZAMORA, Justice
J. MILES HANISEE, Chief Judge
Sitting by designation
RICHARD C. BOSSON, Justice, Retired, sitting by designation

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The New Mexico Senate is seeking a Chief Clerk, the official custodian of all Senate business. Ideal candidates have legislative experience and knowledge, and good management and organizational skills. Salary is commensurate with experience. Benefit package includes health, dental, vision, prescription, behavioral health, and life insurance, as well as vacation, sick, and personal time. Please submit resumes to sanders.moore@nmlegis.gov.

Research and Writing Attorney – Las Cruces 2022-13

The Federal Public Defender for the District of New Mexico is seeking a full time, experienced Research and Writing Attorney in the Las Cruces office. The Federal Public Defender operates under authority of the Criminal Justice Act, 18 U.S.C. § 3006A, and provides legal representation in federal criminal cases and related matters in the federal courts. Duties & Responsibilities: The Research and Writing Attorney is an attorney position that provides advanced research and writing services to staff attorneys on trial and appellate cases, performs computer assisted legal research, aids in the development of legal strategies, writes briefs, motions, petitions for certiorari, and legal memoranda for review by the Defender and staff attorneys. General duties include examining, analyzing, and researching records and issues, performing legal research and preparing legal documents, assisting Assistant Federal Defender staff with all aspects of case preparation, maintaining the library, training, continuing legal education and supervision of legal interns as appropriate. The Research and Writing Attorney does not ordinarily make court appearances but can sign briefs with the trial attorney if admitted to the 10th Circuit. Qualifications: Minimum qualifications include graduation from an accredited law school, admission to practice in good standing before the highest court of a state. A working knowledge of federal criminal law and procedure are preferred. Candidates must be able to analyze legal issues from lengthy, complex records, write clearly and concisely, and have strong computer automation skills. Prior appellate writing experience, law review membership or a judicial law clerkship are desirable. Research and Writing Attorneys may not engage in the private practice of law. Salary and Benefits: This position is full time with a comprehensive benefits package that includes: health and life insurance, vision and dental benefits, flexible spending accounts, paid time off, sick leave, leave for all federal holidays, participation in the Federal Employees' Retirement System, and participation in the Thrift Savings Plan with up to 5% government matching contributions. Salary is dependent upon qualifications and experience, but ranges from a JSP 9-15 (\$54,727 to \$131,178 annually, depending on experience). Salary is payable only by electronic funds transfer (direct deposit). Conditions of Employment: This is a sensitive position and appointment to the position is contingent upon the successful completion of a background check and/or investigation, including an FBI name and fingerprint check. All employees must be fully vaccinated for Covid-19 and provide proof of such prior to entrance on duty. Employees will be required to stay up-to-date and comply with the cur-

rent and ongoing recommendations by the CDC and/or New Mexico Department of Healthy regarding Covid-19 vaccinations and boosters. Employees of the Federal Public Defender are members of the judicial branch of government and are considered "at will." You must be a U.S. citizen or person authorized to work in the United States and receive compensation as a federal employee. Application Information: In one PDF document, please submit a statement of interest, detailed resume of experience, and three references to: Margaret Katze, Federal Public Defender; FDNM-HR@fd.org; Reference 2022-13 in the subject. Writing samples will be required only from those selected for interview. Applications must be received by January 18, 2023. Positions will remain open until filled and are subject to the availability of funding. The Federal Public Defender operates under the authority of the Criminal Justice Act, 18 U.S.C. § 3006A. The Federal Public Defender is an equal opportunity employer. We seek to hire individuals who will promote the diversity of the office and federal practice. No phone calls please. Submissions not following this format will not be considered. Only those selected for interview will be contacted.

Bilingual Associate Attorney

Rebecca Kitson Law is seeking an Associate Attorney with passion and commitment to help immigrants in all areas of relief. Full-time, full benefits, position will be based out of our Albuquerque location. Can be admitted to practice in any state, but NM law license preferred. Must be fluent in Spanish. No experience necessary. Depending upon experience, duties will include case work, drafting appeals/motions, legal research, case opening, representing clients at hearings/USCIS interviews. Salary DOE. We are proud to be an inclusive, supportive firm for our staff and our clients. Salary DOE. Please email Resume, Letter of Intent, and Writing Sample to L. Becca Patterson, Assistant Office Manager at lp@rkitsonlaw.com. Full fluency in Spanish and English required. Law License required

Part-Time Contract Attorney

New Mexico Victims' Rights Project seeks an attorney to represent victims of crime in the southern part of the state to protect their constitutional and statutory rights as victims in criminal proceedings and to represent them in Order of Protection cases at times. Work is intermittent and would be in collaboration with NMVRP's staff attorney. If you are interested, please send a resume to latkinson@victimsrightsnm.org or contact Carolyn Callaway at 505-291-9774 for more information. New Mexico Victims' Rights Project is a project of the DWI Resource Center, Inc., a 501(c)(3) organization.

Associate Attorney

The firm of MYNATT MARTÍNEZ SPRINGER P.C. is looking for associates. Our practice focuses primarily on the defense of public entities and their employees but runs the gamut on all civil matters. The pay and benefits are competitive, and the billable hours are manageable. We are located in the City of Las Cruces, sometimes known as the Paris of the Rio Grande. Here, for the price of a small hovel in Santa Fe, you can purchase a moderate-sized mansion. The weather is beautiful, the food is spicy (we are right next to Hatch after all), the crime is low (looking at you Albuquerque), and the sunsets are stunning. If you are interested in making a change, email us at rd@mmslawpc.com.

Attorney

Madison, Mroz, Steinman, Kenny & Olexy, P.A., an AV-rated civil litigation firm, seeks an attorney with 3+ 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.

Entry Level Associate

Tucker Holmes, PC., a growing insurance defense firm in Colorado is seeking an entry level associate with 0-3 years experience. Qualified candidate must have strong research, analytic & writing skills. To learn more about our firm please visit our website at www.tucker-holmes.com. Starting salary depends on experience. Our firm offers a full benefit package & 401K plan. Please submit a cover letter, resume, writing sample, references & salary requirements to: mah@tucker-homes.com

Associate Attorney

Whitener Law Firm, P.A. is currently seeking a full-time associate attorney to handle Personal Injury cases. Candidates must be highly motivated, client oriented and enjoy working in a fast-paced environment. Candidates must be licensed to practice in the state of New Mexico. Salary competitive and commensurate to experience and qualifications. Please send resume to Leanne Duree, Whitener Law Firm, P.A., 4110 Cutler Avenue, N.E., Albuquerque, NM 87110, fax to 505-242-3322 or e-mail to leanne@whitenerlawfirm.com.

Associate Attorney

Plaintiffs' Civil Litigation Firm seeks Associate Attorney for Las Vegas and Mora, New Mexico Offices. Contact Brian Hardee at 832-214-4920 or via email at bhardee@robinscloud.com.

Two Paralegal Positions

Macias-Mayo & Thomas, P.C., a Santa Fe based law firm serving clients throughout the State of New Mexico, seeks two paralegals to join its growing firm. We specialize in family law matters including complex international cases, adoption and artificial reproductive technology; as well as estate planning and mediation. We have a congenial office environment and expect all team members to work professionally and collaboratively together. All successful candidates must have strong organizational, writing and computer skills, knowledge of state and federal court rules and filing procedures, the ability to manage cases with large volumes of documents, and professional communication skills. Both paralegal positions require experience with litigation matters, the ability to draft motions, pleadings and correspondence, organize and analyze discovery, interview clients and witnesses, and a general ability to assist clients during highly emotional circumstances. One paralegal will also assist with the preparation of estate planning documents; therefore, interest or experience in this area is helpful. Individuals fluent in English and Spanish are preferred, but not required. We offer competitive salaries and benefits dependent on qualifications and experience. Prospective team members should submit a resume, references, and cover letter to administrator@m-mtlaw.com.

Legal Assistant Position

Macias-Mayo & Thomas, P.C., a Santa Fe based law firm serving clients throughout the State of New Mexico, seeks a legal assistant to join its growing firm. We specialize in family law, estate planning and mediation. We have a congenial office environment and expect all team members to work professionally and collaboratively together. The legal assistant must be professional and courteous in all communications, possess strong organizational and computer skills, and have the ability to multitask responsibilities, including: answering phones, interviewing new clients, maintaining multiple calendars, managing deadlines, processing court documents, preparing correspondence and assisting with administrative duties as needed. Competitive salaries and benefits available, depending on qualifications and experience. Prospective team members should submit a resume, references, and cover letter to administrator@m-mtlaw.com.

Attorneys- Primary Responsibility Advising Albuquerque Police Department (APD)

The City of Albuquerque Legal Department is hiring attorneys with the primary responsibility of advising the Albuquerque Police Department (APD). Duties may include: representing APD in the matter of United States v. City of Albuquerque, 14-cv-1025; reviewing and providing advice regarding policies, trainings and contracts; reviewing uses of force; drafting legal opinions; and reviewing and drafting legislation, ordinances, and executive/administrative instructions. Attention to detail and strong writing skills are essential. Additional duties and representation of other City Departments may be assigned. Salary and position will be based upon experience. Please apply on line at www.cabq.gov/jobs and include a resume and writing sample with your application.

Lateral Partner/ Senior Associate Attorney

Moses, Dunn, Farmer & Tuthill (MDFT) has an opening for a lateral partner or senior associate attorney with 5 to 15 years' experience in business or commercial litigation and real estate law. The ideal candidate is an experienced attorney who will take pride in their work and is interested in growing and expanding their established client base at MDFT. Our firm is an AV Preeminent® firm that has expertise in a wide variety of civil practice areas including real estate, business transactions, probate, employment, and litigation. MDFT has served the needs of its world-wide business clientele and individuals from all walks of life for more than 67 years and we are committed to continuing that legacy for years to come. We offer a collegial and collaborative work environment, as well as a flexible billable hour requirement and compensation structure. At MDFT, you will work alongside attorneys with decades of experience and be given ample opportunities to grow. If you share our values and believe that you can thrive at MDFT, we look forward to talking with you about joining our team! Please send your resume to Alicia Gutierrez, alicia@moseslaw.com.

Experienced Legal Assistant

Montgomery & Andrews, P.A., is seeking an experienced legal assistant with good interpersonal skills as well as clerical and computer skills. Applicant must be organized, detail-oriented, able to multitask and have good verbal and written communication skills. Firm offers a congenial work environment, competitive compensation, and a benefit package. Please send resume to tgarduno@montand.com.

Paralegal

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

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 \$22.38 per hour during an initial, proscribed probationary period. Upon successful completion of the proscribed probationary period, the salary will increase to \$23.48 per hour. Competitive benefits provided and available on first day of employment. Please apply at <https://www.governmentjobs.com/careers/cabq>.

Legal Courier / File Clerk

Downtown litigation firm seeking F/T legal courier / file clerk. Must be able to lift 40 lbs, have strong attention to detail, organizational and time management skills. Responsibilities include, but not limited to, court filings, mail/hand deliveries and pick-ups, in town and out of town, inventory, ordering and stocking supplies, reception relief, copying, scanning, filing and general office duties. Must be computer literate. Must provide own vehicle and proof of insurance. Benefits include paid mileage, health insurance, and paid time off/sick leave. Please e-mail resume to Shannon Hidalgo at shidalgo@peiferlaw.com – no telephone inquiries please.

Paralegal (2/3) – IRC115282

The Los Alamos National Laboratory Office of General Counsel (OGC) is seeking an experienced Paralegal to collaborate within our multi-disciplined legal organization and provide support to attorneys from various practice groups. In this position you will draft correspondence and basic legal memoranda, create and maintain legal records and generate reports, and conduct research on specific topics to familiarize attorneys with issues and provide updates on new developments. This position requires a bachelor's degree and 3-7 years of related experience (hiring level dependent on experience) as a paralegal in a corporate, government or private law office. Applicants must have the ability to perform legal research using Westlaw or Lexis, as well as experience with software programs such as MS Office Suite, Adobe Pro, online collaboration tools (Google Suite, Teams, WebEx), internet, email and matter management. Strong communication and analytical skills required, as well as the ability to handle sensitive information. Apply online at: www.lanl.jobs. Los Alamos National Laboratory is an EO employer – Veterans/Disabled and other protected categories. Qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, sexual orientation, gender identity, disability or protected veteran status.

Bilingual Legal Case Manager

Rebecca Kitson Law is looking for individuals interested in pursuing a challenging, exciting and satisfying career, helping people from all parts of the world. Under the supervision of attorneys, case managers assemble family- and humanitarian-based immigration applications as part of the overall legal team. They will work with clients to obtain necessary information and supporting documents, complete forms, perform research, write persuasively, and serve as primary point of contact on cases they are assigned. The position requires a strong commitment to our clients and the immigrant community. Candidates must be able to empathize with our clients and demonstrate effective communication and customer service skills. Candidates should be able to demonstrate comprehension of both written and spoken English and Spanish, attention to detail, time management skills and ability to work independently. Full fluency in Spanish and English required. No direct experience required, but priority will be given to candidates with prior office and/or legal experience. Position is full time and has full benefits. Salary DOE & education. Please email Resume and Cover Letter to L. Becca Patterson, Assistant Office Manager at lp@rkitsonlaw.com.

Paralegal

AV Rated insurance defense firm needs full-time paralegal. Seeking individual with minimum of five years' experience as a paralegal in insurance defense. Excellent work environment, salary private pension, and full benefits. Please submit resume and references to Office Manager, 3880 Osuna Rd., NE, Albuquerque, NM 87109 or email to mvelasquez@rileymlaw.com.

Legal Secretary

AV rated insurance defense firm seeks full-time legal assistant with five plus years' experience in insurance defense and civil litigation. Position requires a team player with strong word processing and organizational skills. Proficiency with Word, knowledge of court systems and superior clerical skills are required. Should be skilled, attentive to detail and accurate with a Minimum typing speed of 75 wpm. Excellent work environment, salary, private pension, and full benefits. Please submit resume to mvelasquez@rileymlaw.com or mail to 3880 Osuna Rd. NE, Albuquerque, NM 87109

Positions Wanted**Contract Paralegal For Hire**

Over 16 years of experience in civil (Plaintiff) and criminal work. PI, Med-Mal, Wrongful Death, MVA, Trucking, Nursing Homes, and Guardianships. Go to www.thezorragroup.com for more information or call Amber Zorra at (505) 659-4023.

Office Space**Private Office Suite**

Private office suite in law building for rent. Includes separate clerical common area, access to conference room, and kitchenette. Only a few blocks from all court houses located at 900 Lomas NW. Contact Kim @ 505-331-3044 or email baiamonte4301@gmail.com

Single Office Available in Santa Fe

Single Office Available In Santa Fe located at the St. Francis Professional Center located on St. Francis Drive. Ideal for solo attorney. Lots of parking and easy access to the Courts. Contact Ralph Montez at (505) 577-6002 or (505)984-3004.

Offices For Rent

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

Services**Engineering Forensics and Investigation Services**

Expert Witness, Engineering Forensics and Investigation Services: I can get to the bottom of your engineering investigation and explain it, so everyone can understand. Call/v-mail/text/email today, Prof. Anthony Menicucci PhD-Engr., forensics engineer with experience testifying in Federal & State court. anthony@armatech.us, 505-249-2075 for more info.

Miscellaneous**Want to Purchase**

Want to Purchase minerals and other oil/gas interests. Send Details to: PO Box 13557, Denver, CO 80201

SUBMISSION DEADLINE

Holiday Advertising Schedule

Due to a holiday closure, the following advertising submissions for the *Bar Bulletin* will apply:

January, 11, 2023 issue:
Advertising submissions due December 19, 2022

For more advertising information, contact:
Marcia C. Ulibarri at
505-797-6058 or email
mulibarri@sbnm.org



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Est. 1886

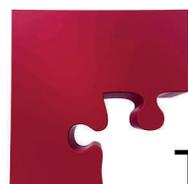
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Attorney



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Lucy H. Sinkular
Attorney



Latisha K. Frederick
Attorney



Jeremy R. Wirths
Law Clerk

Wishing all our
colleagues on the
bench and in the
bar a peaceful
holiday season and
a healthy and
prosperous
New Year.

ATKINSON & KELSEY, P.A.

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