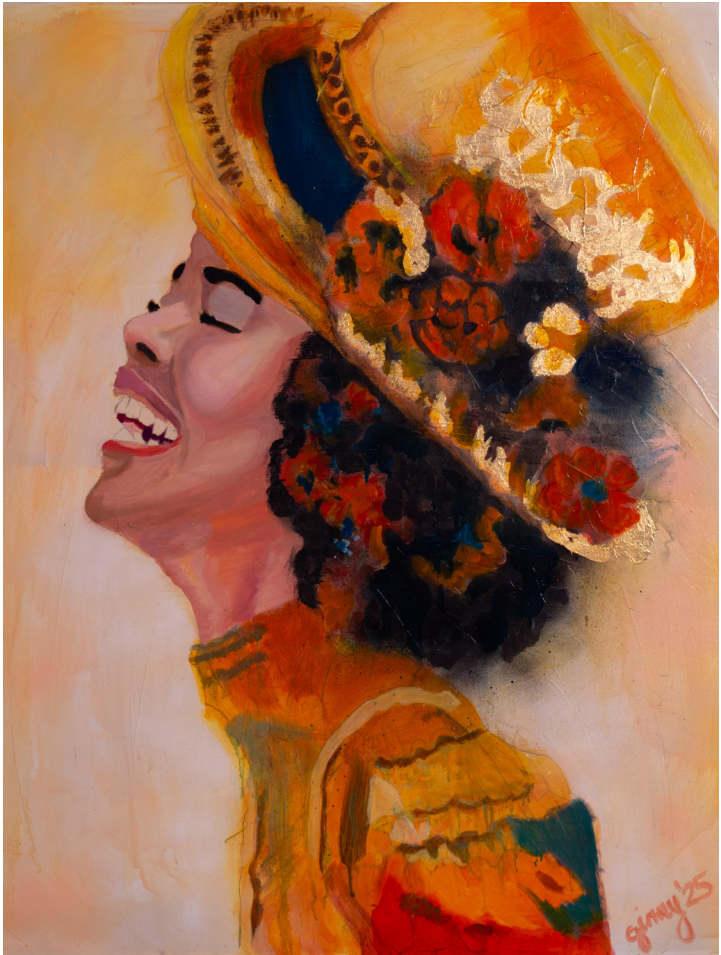


DIGITAL
BAR BULLETIN

October 8, 2025 • Volume 64, No. 19



Joyful Soul, by Virginia Hicks (see page 5)

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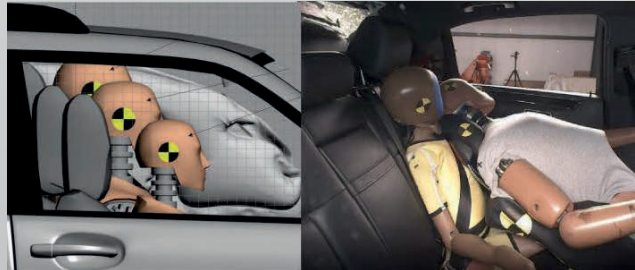
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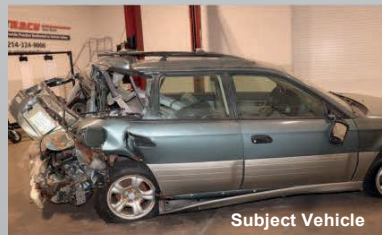


Crashworthiness

focuses on how the vehicle's safety systems performed, not who caused the accident. At my firm's Crash Lab, we continually study vehicle safety through engineering, biomechanics, physics, testing and innovation.



If you have any questions about a potential case, please call Todd Tracy. Vehicle safety system defects may have caused your client's injury or death.



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DIGITAL BAR BULLETIN



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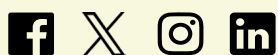
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www.sbnm.org



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CLE COURSE SPOTLIGHT

2025 ALTERNATIVE DISPUTE
RESOLUTION INSTITUTE

- DATE**
Oct. 15, 2025
- TIME**
9 AM – 4 PM (MT)
- LOCATION**
Virtual
- CREDITS**
5.5 G

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About Cover Image and Artist: Virginia "Ginny" Hicks creates mixed-media artwork inspired by Regency and Victorian elegance, bringing joy and empowerment to women who appreciate a timeless beauty. Through her website and company, she blends traditional artistry with innovative techniques.

Please email notices desired for publication to notices@sbnm.org.

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://bit.ly/NM-Rules>.

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 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. (MT). Library Hours: Monday-Friday 8 a.m.-noon and 1-5 p.m. (MT). For more information call: 505-827-4850, email: libref@nmcourts.gov or visit: <https://bit.ly/nmlawlibrary>.

U.S. District Court, District of New Mexico

Proposed Amendments to Local Rules of Criminal Procedure

Proposed amendments to the Local Rules of Criminal Procedure of the United States District Court for the District of New Mexico are being considered. A "redlined" version (with the proposed amendments to Rule 32 Sentencing and Judgment) and a clean version of these proposed amendments are posted on the Court's website: www.nmd.uscourts.gov. State Bar of New Mexico licensees may submit comments by email to clerkofcourt@nmd.uscourts.gov or by mail to U.S. District Court, Clerk's Office, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 270, Albuquerque, N.M. 87102, Attn: Cynthia Gonzales, no later than Oct. 15.

Professionalism Tip

With respect to the public and to other persons involved in the legal system:
I will be mindful of my commitment to the public good.

STATE BAR NEWS Access to Justice Fund Grant Commission

Notice of Commissioner Vacancies

Two Commissioner appointments for three-year terms will be made to the State Bar of New Mexico ATJ Fund Grant Commission. The ATJ Fund Grant Commission solicits and reviews grant applications and awards grants to civil legal services organizations consistent with the State Plan for the Provision of Civil Legal Services to Low Income New Mexicans. To be eligible for appointment, applicants must not be affiliated with a civil legal service organization which would be eligible for grant funding from the ATJ Fund. Anyone interested in serving on the Commission should send a letter of interest and brief résumé by Oct. 15 to maria.velazquez@sbnm.org.

Board of Bar Commissioners Appointment to New Mexico State Bar Foundation Board

The Board of Bar Commissioners of the State Bar of New Mexico will appoint one director to the New Mexico State Bar Foundation Board for a three-year term. The New Mexico State Bar Foundation advances the legal community's commitment to serve the legal profession and people of New Mexico. Through member donations, fundraising and programs, the Foundation provides and promotes access to legal services to underserved New Mexicans. The Foundation also supports public service, education, and diversity, as well as organizations consistent with its mission. For more information about the Bar Foundation, visit:

<https://www.sbnm.org/Bar-Foundation>. Active status members of the State Bar of New Mexico who are interested in serving on the Board should submit a letter of interest and resume to bbc@sbnm.org by Nov. 21.

Appointments to Vacancies in the Seventh and Thirteenth Judicial Districts, the Eleventh Judicial District and the Twelfth Judicial District

The Board of Bar Commissioners will appoint four members to vacancies on the Board in the following districts: Seventh and Thirteenth Judicial Districts (two positions), Eleventh Judicial District (one position) and Twelfth Judicial District (one position). Pursuant to Rule 24-101(F), vacancies of district bar commissioners shall be filled by appointment of the Board of Bar Commissioners until the next regular election of the Board, and the term will be for one year from Jan. 1, 2026 through Dec. 31, 2026. The Board of Bar Commissioners will make the appointments at its Dec. 10 meeting. Active status members with a principal place of practice (address of record) in these districts are eligible to apply. The Board of Bar Commissioners meets five times per year with one meeting during the State Bar of New Mexico Annual Meeting. Active status members interested in serving on the Board should submit a letter of interest and resume to bbc@sbnm.org by Nov. 21 COB (MT).

Committee on Women in the Legal Profession Invitation to Clothing Swap Event

The State Bar of New Mexico's Committee on Women in the Legal Profession invites members of New Mexico's legal community to its clothing swap at Peak Legal Group, located at 6312 Montano Rd. NW Ste. A, Albuquerque, N.M. 87120, on Oct. 21, starting at 5:30 p.m. (MT). Attendees are encouraged to bring up to 10 individual pieces of clothing or five coordinated sets of Fall or Winter outfits; one item of outerwear is optional. Clothing should be clean, gently used, on a hanger and professional and event-appropriate. To RSVP, email abby.lewis@sbnm.org.



U.S. District Court, District of New Mexico

Service on Court Committee & Service on Court Panel

Service on Court Committee

Chief Judge Kenneth J. Gonzales and the Article III District Judges for the District of New Mexico would like to solicit interest from Federal Bar members for service on the Federal Bench and Bar Fund Committee. This Committee advises the Court and the Fund's Custodian with respect to the administration and operation of the Fund. (Please see [Administrative Order Misc. No. 91-09](#) for more information regarding the Federal Bench and Bar Fund.)

All interested Federal Bar members in good standing should submit a Letter of Interest no later than Oct. 22 to the Clerk of Court, U. S. District Court, 333 Lomas Blvd. NW, Suite 270, Albuquerque, N.M. 87102; or by email to clerkofcourt@nmd.uscourts.gov to be considered for appointment to the Committee.

Service on Court Panel

Chief Judge Kenneth J. Gonzales and the Article III District Judges for the District of New Mexico would like to solicit interest from Federal Bar members for service on the Magistrate Judge Merit Selection Panel ("the Panel"). In the District of New Mexico, there are five full time magistrate judges in Albuquerque, five full time magistrate judges in Las Cruces and two part time magistrate judges, with one in Farmington and the other in Roswell. Whenever there is a magistrate judge vacancy, the Panel is responsible for (i) reviewing the application packets submitted by all applicants, (ii) determining the list of qualified applicants to be interviewed by the Panel, and (iii) from those applicants interviewed by the Panel determining by majority vote of the Panel members the five most qualified applicants and then forwarding the names of those five most qualified applicants to the District Judges who will then interview the finalists and make a selection.

The Panel also has the responsibility of issuing a report and recommendation to the District Judges whenever a U.S. Magistrate Judge seeks another term. By statute, U.S. Magistrate Judges serve eight-year terms and may seek reappointment for additional eight-year terms. As part of the Magistrate Judge reappointment process, the Panel must seek input from attorneys, litigants and other members of the public concerning magistrate judges seeking reappointment and then issue a report and recommendation on whether said judges should be reappointed.

Any member of the Federal Bar in good standing and interested in being selected by the District Judges to serve on the Magistrate Judge Merit Selection Panel should submit a Letter of Interest no later than Oct. 22 to the Clerk of Court, U. S. District Court, 333 Lomas Blvd. NW, Suite 270, Albuquerque, N.M. 87102; or by email to clerkofcourt@nmd.uscourts.gov to be considered for appointment to the Panel.

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Clio is the world's leading provider of cloud-based legal technology, trusted by 150,000 legal professionals in 150+ countries. As the industry's only end-to-end software solution, Clio centralizes client intake, case management, document automation, payments, accounting and more—powered by AI on its unified platform. Recognized by 100+ bar associations and law societies globally, Clio has the most 5-star reviews of any legal practice management software.

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Redeem your discount at: https://www.clio.com/partnerships/bar-associations/nmbar/?utm_medium=bar_partner&utm_source=NMBAR&utm_campaign=NMBAR-Partner-Listing

*Clio is a legal technology solution recommended by the State Bar of New Mexico. Licensees of the State Bar of New Mexico receive a 10% discount on Clio products, excluding Clio Draft.

New Mexico Lawyer Assistance Program The Other NM Bar Meeting

The New Mexico Lawyer Assistance Program proudly presents to you The Other NM Bar Meeting, which is a confidential traditional 12-step meeting for legal professionals. Open to all lawyers, law students, judges and other legal professionals, the meeting's purpose is to provide a safe space for people to support one another in their desire to stop drinking and using. The Other NM Bar Meeting meets in person every Thursday evening from 5:30 to 6:30 p.m. (MT) at the First Unitarian Church, located at 3701 Carlisle Blvd. NE, Albuquerque, N.M. 87110. For those unable to make it in person, there will be an option to join telephonically in the future. For more information about The Other NM Bar Meeting, email NMLAP@sbnm.org.

Monday Night Attorney Support Group

The Monday Night Attorney Support Group meets at 5:30 p.m. (MT) 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 and to know you are not in this alone. Join the meeting via Zoom at <https://bit.ly/attorneysupportgroup>.

UNM SCHOOL OF LAW Announcement of 2025 Distinguished Achievement Award and Alumni Promise Award Honorees

The UNM School of Law and the UNM School of Law Alumni/ae Association are proud to announce the 2025 Distinguished Achievement Award and Alumni Promise Award honorees. Honorees for the Distinguished Achievement Award are **Paul Biderman**, **Peter Cubra** and the **Hon. M. Monica Zamora**. The Alumni Promise Award recipient is **Lauren E. Riley**. The awards dinner will be held on Oct. 17 in the Student Union ballrooms. Registration for the awards dinner will open soon.

Law Library Hours

The Law Library is happy to assist attorneys via chat, email or in person by appointment from 8 a.m. to 6 p.m. (MT) Monday through Friday. 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 <https://lawlibrary.unm.edu/>.

Natural Resources Journal Symposium

The Natural Resources Journal invites you to attend its symposium, Life After Fire: (Re)Imagining Post-Fire Recovery, on Oct. 24 from 9 a.m. to 4:30 p.m. (MT) at the UNM Continuing Education Center. This free event will explore legal, ecological, and community dimensions of post-wildfire recovery in the wake of the 2022 Hermits Peak/Calf Canyon Fire. Breakfast and lunch will be provided. CLE credits available. Register at transformimw.unm.edu/life-after-fire.

OTHER NEWS Center for Civic Values Judges Needed for Gene Franchini High School Mock Trial Competition

The Gene Franchini New Mexico High School Mock Trial Competition is seeking volunteer judges for its qualifier rounds Feb. 20 - 21, 2026, in Albuquerque, N.M. This hands-on experience builds critical thinking, confidence and a deeper understanding of the justice system. Tentative participants may sign up at:

registration.civicvalues.org/mock-trial/registration.

The deadline for registration is Feb. 4, 2026. For questions, contact Kristen at the Center for Civic Values at 505-764-9417 or Kristen@civicvalues.org.

N.M. Legislative Council Service Legislative Research Library Hours

The Legislative Research Library at the Legislative Council Service is open to state agency staff, the legal community and the general public. We can assist you with locating documents related to the introduction and passage of legislation as well as reports to the legislature. Hours of operation are Monday through Friday, 8 a.m. to 5 p.m. (MT), with extended hours during legislative sessions. For more information and how to contact library staff, please visit:

<https://bit.ly/NMLegisLibrary>.



Introducing the

New Mexico Lawyer Assistance Program's

The Other NM Bar Meeting!

**A brand-new in-person support group meeting
for all legal professionals!**

The State Bar of New Mexico's New Mexico Lawyer Assistance Program proudly presents to you **The Other NM Bar Meeting** – a CONFIDENTIAL traditional 12-step meeting for legal professionals. Open to all lawyers, law students, judges and other legal professionals, the meeting's purpose is to provide a safe space for people to support one another in their desire to stop drinking and using.

The Other NM Bar Meeting meets in person every Thursday evening from 5:30 to 6:30 p.m. (MT) at the First Unitarian Church in Albuquerque, N.M. For those unable to make it in person, there will be an option to join telephonically in the future.

For more information about **The Other NM Bar Meeting**,
email NMLAP@sbnm.org.

The Other NM Bar Meeting



Frequency: Every Thursday



Time: 5:30–6:30 p.m. (MT)



Location: First Unitarian Church,
3701 Carlisle Blvd. NE,
Albuquerque, N.M. 87110



Who: Any legal professional



State Bar of New Mexico
Lawyer Assistance Program



New Mexico
Department
of Justice



State Bar of
New Mexico
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PROTECT YOURSELF FROM ONLINE IMMIGRATION ATTORNEY SCAMS

Beware of scammers falsely claiming to be legitimate attorneys.

The NMDOJ, along with the State Bar of New Mexico, is warning New Mexicans of **scammers using social media to pose as legitimate immigration attorneys.**

The Scam:

- **Scammers are contacting** “potential clients” online via social media platforms like TikTok, WhatsApp, Facebook and more.
- These **scammers are using REAL names** of legitimate attorneys, along with their REAL license numbers to “prove” their legitimacy.
- **Scammers are requiring payment** via gift cards, bitcoin, Venmo and more - and also giving faulty advice that leads to missed immigration appointments or hearings, potentially leading to **DETENTION OR DEPORTATION.**

Tips for Spotting Scammers:



- **An attorney who reaches out** on social media is likely fraudulent.
 - In New Mexico, it is a violation of the Rules of Professional Conduct for an attorney to contact an individual directly to offer paid services.
- **Anyone asking for money via gift cards, bitcoin or apps like Venmo or Zelle** is likely fraudulent.
- **Anyone offering a price too good to be true** is likely fraudulent.
- Look out for **imposter websites**, for example, any legitimate federal website will end in “.gov”

When Working With an Immigration Attorney:

ALWAYS

- ✓ Thoroughly review contracts to understand services
- ✓ Keep copies of all agreements
- ✓ Get receipts for all payments
- ✓ Review any applications or forms submitted before signing

NEVER

- ✗ Fall for someone rushing you for payment or threatening deportation.
- ✗ Sign blank documents
- ✗ Give anyone your original documents, only copies when necessary.
- ✗ Pay for U.S. government immigration forms. They are available online, for free, at [USCIS.gov/file-online](https://uscis.gov/file-online).

For help assessing an attorney’s legitimacy, contact State Bar of New Mexico:
(505) 797-6000

Note: Because immigration attorneys are not required to be licensed in N.M. to practice immigration law in the state, there may be legitimate attorneys the State Bar of NM does not have in its database.

RESOURCES

For additional resources, visit page 2.





New Mexico
Department
of Justice



State Bar of
New Mexico
Est. 1886

IMMIGRATION RESOURCE LIST

Contact the below resources for specific immigration questions.

Verify & Report Fraud

State Bar of New Mexico

Verify an attorney's license or report concerns.
www.sbnm.org | (505) 797-6000

Federal Trade Commission (FTC)

File a consumer fraud complaint.
www.reportfraud.ftc.gov | 1-877-382-4357

Consulate of Mexico in Albuquerque

Provides assistance to Mexican nationals, including referrals to trusted legal resources and help addressing fraud.
consulmex.sre.gob.mx/albuquerque | (505) 247-4177

U.S. Citizenship and Immigration Services (USCIS)

Access official immigration forms for free.
uscis.gov/file-online

Trusted Immigration Legal Services

New Mexico Immigrant Law Center (NMILC)

(Albuquerque & Santa Fe)
Low-cost and free immigration legal services.
nmilc.org | (505) 247-1023

Catholic Charities of Central New Mexico

(Albuquerque, Santa Fe)
Provides immigration legal services.
www.ccasnm.org/immigration | (505) 724-4670

Catholic Charities of Southern New Mexico (Las Cruces)

Provides immigration legal services in Southern New Mexico.
www.catholiccharitiesdlc.org | (575) 527-0500

Lutheran Family Services Rocky Mountains (Albuquerque, Las Cruces)

Provides refugee resettlement and immigration legal services.
www.lfsm.org | (505) 933-7032 (ABQ) | 575-265-0836 (Las Cruces)

Contigo Immigrant Justice - formerly Santa Fe Dreamers Project (Santa Fe & Albuquerque)
Provides free legal services to immigrants, with a focus on humanitarian immigration and deportation defense.
contigojustice.org | (505) 490-2789

Community-Based Organizations

El CENTRO de Igualdad y Derechos (Albuquerque)

Immigrant rights and worker support.
www.elcentronm.org | (505) 246-1627

Somos Un Pueblo Unido (Statewide)

Immigrant-led organization offering advocacy, worker rights support, and community resources.
www.somosunpueblounido.org | (505) 424-7832

Encuentro (Albuquerque)

Education and resources for immigrant families.
www.encuentronm.org | (505) 247-2920

New Mexico Asian Family Center (NMAFC) (Albuquerque)

Culturally specific services for Asian immigrant communities.
nmafc.org | (505) 717-2877

Enlace Comunitario (Albuquerque)

Supports immigrant and Spanish-speaking survivors of domestic violence.
enlacenm.org | (505) 246-8972

Casa Reina – Sisters of our Lady of Guadalupe and St. Joseph (Gallup)

Offers housing and support services for immigrant women and families.
cmswr.org/community/sisters-of-our-lady-of-guadalupe-and-st-joseph/ | (505) 722-5511

For a full list of recognized organizations, check the updated roster reports from the U.S. Department of Justice Recognition & Accreditation (R&A) Program:
justice.gov/eoir/recognition-accreditation-roster-reports





A Message from Chief Justice David K. Thomson



Dear Colleagues:

The Supreme Court of New Mexico is again seeking applications to fill vacancies on committees, boards, and commissions. Our committees, boards, and commissions are integral to ensuring equity and justice for those who participate in our judicial system—members of the public and the broader legal community—by assisting the Court with the regulation of the practice and procedures within our courts. These panels have a wide range of responsibilities and functions. They regulate the practice of law, expand resources for civil legal assistance to New Mexicans living in poverty, oversee continuing legal education for lawyers, foster

improved communication between tribal, federal, and state courts to improve legal services to tribal communities, administer funds to assist individuals unable to pay for legal services, and advise on long-range planning, just to name a few. Anyone who has ever served on one of the Court's committees, boards, or commissions can attest to how challenging and rewarding this work can be.

In filling these vacancies, the Court strives to appoint non-attorneys, attorneys and judges who are able to regularly attend committee meetings and who are committed to generously volunteering their time, talent, and energy to this important work. The Court also continues to endeavor to bring diversity, geographical and practice area balance to these committees, boards, and commissions by soliciting volunteers from throughout the state and from the various practice segments of our bar. To achieve these goals, we need volunteers representing the broad spectrum of our bench and bar who come from all corners of this great state. To that end, we are requesting that applicants voluntarily disclose demographic information to ensure the committees, boards and commissions reflect our diverse community. We are also requesting disclosure of any disciplinary history.

If you would like to be considered to serve on a committee, board, or commission, please send your application and resume by **October 10, 2025**, to Elizabeth A. Garcia, Chief Clerk of Court at nmsupremecourtclerk@nmcourts.gov. Your application should describe your qualifications, your commitment to attend meetings, and should prioritize up to three committees, boards, or commissions of your interest. Application forms and a complete list of vacancies on committees, boards, and commissions can be found on the [Supreme Court's website](#).

On behalf of the Supreme Court, I extend our sincere appreciation to all of you who volunteer and serve in this important function within our legal system.

Sincerely,

David K. Thomson,
Chief Justice



Supreme Court Committees, Boards and Commissions

NOTICE OF CURRENT VACANCIES

The Supreme Court of New Mexico is seeking applications to fill existing vacancies on its committees, boards, and commissions listed below. Unless otherwise noted below, any person may apply to serve on any of the following committees, boards, and commissions:

Appellate Rules Committee

- 3 general member positions
- 1 appellate public defender position

ATJ Fund Grant Commission

- 1 Supreme Court-designated position

Children's Court Rules Committee

- 1 general member position

Client Protection Fund Commission

- 1 Supreme Court-designated attorney position

Code of Judicial Conduct Committee

- 1 general member position

Code of Professional Conduct Committee

- 3 general member positions

Disciplinary Board

- 3 attorney member positions

Domestic Relations Rules Committee

- 2 general member positions

Judicial Branch Personnel Grievance Board

- 1 district court judge position
- 1 full-time non-supervisory employee position

Judicial Technology Council (JTech)

- 1 district court IT technician

Magistrate Judge Advisory Committee

- 5 magistrate court judge positions

NM Children's Court Improvement Commission

Voting member positions

- 1 law enforcement member position
- 1 legislative member of the Senate/House (Minority Party)
- 2 youth advocate for foster youth positions

Non-voting member positions

- 1 public defender

NM Commission on Access to Justice

- 1 general member position

NM Supreme Court Commission on Equity and Justice

- 1 at-large member position

Rules of Civil Procedure of State Courts Committee

- 3 general member vacancies (judicial applicants encouraged)

Rules of Criminal Procedure for State Courts Committee

- 2 general member positions

Rules of Evidence Committee

- 2 general member positions

Statewide Alternative Dispute Resolution Commission

- 1 business community representative position
- 1 general member position

Tribal-State Judicial Consortium

- 2 state judge member positions

Uniform Jury Instructions-Civil Committee

- 2 general member positions

Uniform Jury Instructions-Criminal Committee

- 1 general member position

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

- 2 NM legislature representative positions
- 1 family member not guardian or conservator position
- 1 CEO of Interagency Behavioral Health Purchasing Collaborative Representative
- 1 protected person position
- 1 judiciary member position
- 1 tribal member position

Anyone interested in volunteering to serve on one or more of the foregoing committees, boards, or commissions may apply by submitting an application, along with a resume, to Elizabeth A. Garcia, Chief Clerk, by email to nmsupremecourtclerk@nmcourts.gov, or by first class mail to P.O. Box 848, Santa Fe, NM 87504. The required application form can be found on the Supreme Court's website at <https://supremecourt.nmcourts.gov/careers/current-vacancies/>.

Please submit applications by October 10, 2025.

An Inclusive Interview



with Kateri Hope Eisenberg, Esq.



The mission of the State Bar of New Mexico's Equity in Justice Program is to cultivate and grow a legal profession in New Mexico that is representative of and reflective of the people of New Mexico. As part of that mission, we bring you the series "Inclusive Interviews." We call these *inclusive* interviews both as a play on words and as a contrast to the term "Exclusive Interview."

Because legal employers with inclusive hiring and employment practices have a bigger talent pool from which to hire and access to a larger client base, these interviews serve to amplify that growing and cultivating inclusivity in our profession is beneficial to all legal employers, be they private firms, government entities or nonprofits.

This *Inclusive Interview* is with Kateri Hope Eisenberg, Esq. Kateri has been practicing law for four years and currently serves as a Rules Attorney for the New Mexico Supreme Court.

Q: What is your background?

A: I'm Native American from Taos Pueblo on my father's side, and New Mexican on my mother's side. I'm also part of the LGBTQ+ community.

The summer before law school I attended the American Indian Law Center's Pre-Law Summer Institute (PLSI). I graduated from UNMSOL in 2021. After graduation, I clerked for Justice Thomson on the New Mexico Supreme Court. During my clerkship I gained a deep appreciation and respect for the Judiciary and sought to continue my career through service to the judicial branch. I'm also on the PLSI Judicial Clerkship Committee (PLSI JCC).

Q: What made you want to become a lawyer?

A: I wanted to be a lawyer my whole life. My father was a public defender for over 25 years. When I was little he used to take me to his office. I spent my childhood hearing stories about how he protected someone's rights, or corrected an injustice. To me, my dad was a hero and I wanted to be just like him.

Q: Who is your hero in the legal profession? Who's career or work do you wish to emulate?

A: I think I take little pieces from everyone I work with. Justice Thomson is my example for mentorship. Rodina Cave-Parnall for passion and work ethic. My father for compassion. My husband, Michael Woods, for attention to detail. My best friend, Hailey Zock, for zealous advocacy. Professor Jenny Moore for how to teach and learn. Everywhere I look there are heroes.



Q: What has been your greatest accomplishment in your legal career or of what in your legal career are you the most proud?

A: Definitely joining the PLSI JCC. During PLSI, we had a panel about judicial clerkships. Several Native American lawyers who clerked presented to us about their clerkships. Those lawyers were all members of the JCC. Members from the committee continued to encourage me to pursue a clerkship throughout law school, and when I accepted my clerkship I joined the committee. Now I get to give back to Native law students and encourage them to pursue clerkships. Our committee assists with resume prep, holds mock interviews, connects students with former law clerks, and provides networking opportunities where students have the chance to interact with judges and justices. I'm so proud to be a part of the PLSI JCC.

Q: What has been the biggest challenge you have had in your legal career?

A: Probably the realization that I had to believe that I belong as an attorney because there were people who would look at me and instantly assume that I could not be one or that I did not deserve to take up space in that role. There were just a lot of assumptions about what role a young Native women could or should have. I had to be secure enough to know that none of those assumptions were a reflection of my capabilities.

Q: What is your favorite part of your current position?

A: The variety. I can work on any type of case and any kind of issue and it is never ever the same. I feel like I'm always learning and I love that. I also really appreciate the judges in the First Judicial, they are kind, hard-working, and committed to ensuring fair and just outcomes. I'm proud to work with everyone at the First.

Q: What is your advice for new lawyers who are from diverse backgrounds? What do you wish someone had told you when you were starting your legal career?

A: You can be a lawyer, and be true to your culture. And sometimes it will be hard to come back from a long trip home because the two worlds seem so different, but if the goals you have for yourself are rooted in your traditions you will find fulfillment in both worlds.

Q: If you could have a meal with any person real or fictional, who would it be, and why?

A: My Nani (grandmother) because I miss her. I'd make her all of the recipes she taught me, and we'd start a new puzzle. I'd show her my wedding pictures.

Q: What is something the legal profession in New Mexico can do to be more inclusive?

A: Things like these interviews! Centering the voices of those the legal profession seeks to include, listening to those voices, and recognizing where there is room for improvement without feeling attacked, or putting up walls to avoid uncomfortable conversations. When someone shares a difficult experience or lets you know they are feeling excluded try to decenter your own feelings about what they've shared. It's hard when, after best-efforts, someone says "Hey, I'm still feeling unsupported," but the priority should be addressing it instead of taking it personally.

Interested in being the subject of an Inclusive Interview?

Contact SBNM Equity in Justice Attorney Abby Lewis at abby.lewis@sbnm.org.



Legal Education Calendar

October

- | | | |
|---|---|--|
| <p>14 Teicher Tuesdays: Learn By Doing: ANOTHER Hour of Legal Writing Exercises with Stuart Teicher!
1.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10142025</p> | <p>21 Breaking Barriers: Addressing Bias and Advancing Women in the Legal Profession (Live Replay)
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10212025</p> | <p>24 Bryan Stevenson: 2025 Annual Meeting Keynote Address (Live Replay)
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10242025</p> |
| <p>15 Appellate Series, Session 7: Standard(s) Time-Strategies for Winning Under Every Standard of Review
2.0 G, 1.0 EP
Web Cast (Live Credits)
Administrative Office of the U.S. Courts
https://www.uscourts.gov</p> | <p>21 Teicher Tuesdays: Harmony in Justice: Using Classic R&B to Address Bias and Diversity in the Legal Profession
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10212025-2</p> | <p>24 Elimination of Bias-Combating Age Bias in the Legal Field
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10242025-2</p> |
| <p>15 Impeach Justice Douglas!
3.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10152025</p> | <p>22 70th Annual New Mexico Water Conference
1.0 G
Live Program
New Mexico Water Resources Research Institute
https://nmwrrr.nmsu.edu</p> | <p>28 Artificial Intelligence (AI) for Lawyers
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10282025</p> |
| <p>15 2025 Alternative Dispute Resolution Institute
5.5 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10152025-1</p> | <p>22 Navigating the New Frontier: Ethical Uses of Generative Artificial Intelligence in Legal Practice
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10222025</p> | <p>29 2025 Procurement Code Institute
3.4 G, 1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10292025</p> |
| <p>17 Killers of the Flower Moon: The Osage Murders and How Attorneys Can Combat Bias
1.0 EIJ
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10172025</p> | <p>22 Defeating Imposter Syndrome for Lawyers
1.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10222025-2</p> | <p>30 Learning Legal Ethics From the Lincoln Lawyer: Season 1
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10302025</p> |
| <p>21 AI, Explained: From Code to Courtroom and Beyond
2.0 G, 1.0 EP
Live Program
United States District Court, District of New Mexico
https://forms.office.com/g/znvsXtLwcD</p> | <p>23 Tribal and State Collaborations - Sovereigns Working Together to Better One Another (Live Replay)
1.0 G
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10232025</p> | <p>30 Learning Legal Ethics From the Lincoln Lawyer: Season 2
1.0 EP
Webinar
NMSBF Center for Legal Education
https://bit.ly/CLE-10302025-2</p> |
| | | <p>31 Fall Basic Mediation
30.0 G, 2.0 EP
Live Program
University of New Mexico Law School
https://lawschool.unm.edu</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. For a full list of MCLE-approved courses, visit <https://www.sbnm.org/Search-For-Courses>.

Women's Professional Clothing Swap

**Refresh your wardrobe, connect with amazing women
and give your gently loved pieces a new home!**



Location:

Peak Legal Group, 6312 Montano Rd. NW Ste. A,
Albuquerque, N.M. 87120



Date:

Tuesday, Oct. 21, 2025
5:30 p.m. (MT) – Arrival, Setup & Mingling
6 p.m. (MT) – Shop & Swap Begins



What to Bring:

- Up to 10 individual pieces OR five coordinated sets of Women's Professional Fall or Winter Clothing
- One outerwear item (optional)



Guidelines:

- Clothing should be clean, gently used, on a hanger and professional/event appropriate.
- Please arrive by 5:30 p.m. (MT) to display your items before the swap begins.



Why Attend?

- Refresh your style without spending a dime.
- Network with professional women in the community.
- Practice sustainable fashion by giving clothes a second life.

Donations to the CWLP are limited to 10 pieces of clothing and one piece of outerwear; items beyond this limit will not be accepted.

RSVP: Please RSVP to abby.lewis@sbnm.org.

***We can't wait to see you —
and your fabulous fashion finds!***



State Bar of New Mexico
Committee on Women
and the Legal Profession



Opportunities for Pro Bono Service CALENDAR

October

- | | | |
|---|--|---|
| <p>10 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>21 San Juan County Teleclinic
In-Person
San Juan County
To register, call 505-326-2256 at 1 p.m. (MT) on the day of the clinic.
An attorney will call back between 2:30 p.m. and 5 p.m. that same day.
Location: San Juan County</p> | <p>23 Statewide Legal Teleclinic
Telephonic
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Virtual</p> |
|---|--|---|

November

- | | | |
|--|---|--|
| <p>12 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> | <p>14 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>18 San Juan County Teleclinic
In-Person
San Juan County
To register, call 505-326-2256 at 1 p.m. (MT) on the day of the clinic. An attorney will call back between 2:30 p.m. and 5 p.m. that same day.</p> |
|--|---|--|

If you would like to volunteer for pro bono service at one of the above events, please contact the hosting agency.



Resources for the Public CALENDAR

October

- | | | |
|---|--|---|
| <p>10 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> | <p>21 San Juan County Teleclinic
In-Person
San Juan County
To register, call 505-326-2256 at 1 p.m. (MT) on the day of the clinic.
An attorney will call back between 2:30 p.m. and 5 p.m. that same day.
Location: San Juan County</p> | <p>23 Statewide Legal Teleclinic
Telephonic
New Mexico Legal Aid
bit.ly/NMLALegalFairSignUp
Location: Virtual</p> |
|---|--|---|

November

- | | | |
|--|--|---|
| <p>5 Divorce Options Workshop
Virtual
State Bar of New Mexico
Call 505-797-6022 to register
Location: Virtual</p> | <p>12 First District Court Free Legal Teleclinic
Telephonic
First Judicial District Court
firstdistrict.nmcourts.gov/
To sign up, call 505-984-3980 between noon and 1 p.m. (MT) on the day of the clinic</p> | <p>14 Free Monthly Telephonic Legal Clinic
Telephone
Bernalillo County Metropolitan Court
To register, call 505-841-9817
Location: Virtual</p> |
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Listings in the *Bar Bulletin* Pro Bono & Volunteer Opportunities Calendar are gathered from civil legal service organization submissions and from information pertaining to the New Mexico State Bar Foundation's upcoming events. All pro bono and volunteer opportunities conducted by civil legal service organizations can be listed free of charge. Send submissions to probono@sbnm.org. Include the opportunity's title, location/format, date, provider and registration instructions. Please note: Recruitment for legal fairs and teleclinics held by the Volunteer Attorney Program of New Mexico Legal Aid typically begins four weeks prior to the date of the event. You will receive recruitment emails from both the State Bar of New Mexico and the Statewide Pro Bono Coordinator for legal fairs and teleclinics.

Please use the links contained in those emails to volunteer.

From the New Mexico Supreme Court

Opinion Number: 2025-NMSC-014

No. S-1-SC-39961 (filed January 23, 2025)

MCKENZIE JOHNSON,

Plaintiff-Respondent,

v.

BOARD OF EDUCATION FOR ALBUQUERQUE PUBLIC SCHOOLS

and MARY JANE EASTIN,

Defendants-Petitioners.

ORIGINAL PROCEEDING ON CERTIORARI

Benjamin Chavez, District Judge

Walsh Gallegos Trevino Kyle
& Robinson, P.C.

Roxie Rawls-De Santiago
Albuquerque, NM

for Petitioner Board of Education for
the Albuquerque Public Schools

Robles, Rael and Anaya
Luis Robles
Albuquerque, NM

for Petitioner Mary Jane Eastin

Parnall & Adams Law
Charles S. Parnall
David M. Adams
Albuquerque, NM

ACLU of New Mexico
Leon Howard

Maria Martinez Sánchez
Preston Sanchez
Albuquerque, NM

NM Center on Law and Poverty
Sovereign Hager
Verenice Peregrino Pompa
Albuquerque, NM

for Respondent

University of New Mexico
School of Law
Barbara L. Creel, Professor of Law
Albuquerque, NM

for Amici Curiae Native American
Budget and Policy Institute, Native
American Disability Law Center, and
University of New Mexico Law
Professors

OPINION

THOMSON, Chief Justice.

{1} Defendants Mary Jane Eastin and the Board of Education for Albuquerque Public Schools (APS) challenge the Court of Appeals' holding that the plain language of the New Mexico Human Rights Act,

NMSA 1978, §§ 28-1-1 to -15 (1969, as amended through 2019) (NMHRA or the Act), defines a public school as a public accommodation, thereby subjecting public schools to suit for discriminatory conduct. *Johnson v. Bd. of Educ. for Albuquerque Pub. Schs.*, 2023-NMCA-069, ¶¶ 1-2, 535 P.3d 687; see § 28-1-2(H) (2007) (defining "public accommodation") and § 28-1-7(F) (2019) (making discriminatory conduct in

a public accommodation unlawful).¹

{2} We affirm the Court of Appeals and hold that a public school is a public accommodation under the NMHRA and that the Court of Appeals did not err in refusing to apply *Human Rights Commission of New Mexico v. Board of Regents of University of New Mexico College of Nursing (Regents)*, 1981-NMSC-026, 95 N.M. 576, 624 P.2d 518. We conclude that *Regents'* holding that a public university in its "manner and method of administering its academic program" is not a public accommodation was incorrect and that *Regents* is no longer good law. *Id.* ¶ 11.

I. BACKGROUND

A. Factual Background

{3} Defendant Eastin allegedly perpetrated discriminatory acts against both McKenzie Johnson (Plaintiff), a sixteen-year-old Native American student at Cibola High School, and another Native American student in her class on Halloween in 2018. Plaintiff alleges that Eastin cut off a portion of another Native American student's braided hair and then referred to Plaintiff, whose Halloween costume included fake blood, as a "bloody Indian." Plaintiff brought suit against Defendants, alleging violation of the NMHRA's prohibitions against discrimination in public accommodations. The district court dismissed the suit based on the finding that APS and its public secondary schools are not "public accommodations."

{4} The Court of Appeals reversed the district court and held that "a secondary public school[] is a public accommodation" based on "the plain language of the NMHRA, the differing circumstances of this case," and this Court's language in *Regents* limiting its holding to the university at issue's "manner and method of administering its academic program." *Johnson*, 2023-NMCA-069, ¶¶ 1-2 (quoting *Regents*, 1981-NMSC-026, ¶ 16). We granted certiorari on two questions: (1) "Did the Court of Appeals err when it determined that a public school in New Mexico can be classified as a public accommodation under the [NMHRA]" and (2) did

¹ The original NMHRA definition of "public accommodation" was amended in 2023 and now includes "any governmental entity." Compare § 28-1-2(H) (2023), with 1969 N.M. Laws, ch. 196, § 2(F).

► From the New Mexico Supreme Court

the Court of Appeals err in its interpretation and application of *Regents*?

B. History of Discrimination in Public School Accommodations

{5} The NMHRA's protections against numerous forms of discrimination must be read against the backdrop of this state's unfortunate history of race-based discrimination, including that history transpiring within our public schools. The intent to prohibit discrimination in public schools has been apparent since the inception of statehood. Article XII, Section 1 of the New Mexico Constitution requires, "A uniform system . . . sufficient for the education of . . . all the children of school age in the state shall be established and maintained." To ensure that discrimination would not interfere with the enjoyment of this right, Article XII, Section 10 provides in part, "Children of Spanish descent in the state of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools . . . but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the state."

{6} Despite general and specific constitutional protections, New Mexico schools have been used to further efforts of assimilation and cultural erasure among Native American and Hispanic children. The historical experience of Native American children has been described in academia as one of assimilation through education "that intentionally sought to destroy their cultural ways of life." Preston Sanchez, Esq. & Rebecca Blum Martinez, PhD., *A Watershed Moment in the Education of American Indians: A Judicial Strategy to Mandate the State of New Mexico to Meet the Unique Cultural and Linguistic Needs of American Indians in New Mexico Public Schools*, 27: Issue 5, Am. U. J. Gender Soc. Pol'y & L. 183, 185 (2019). In addition, notwithstanding explicit constitutional protections, the mandatory use of English in educational spaces furthered the

effort to erase the Spanish language. Robert Milk, *The Issue of Language in Education in Territorial New Mexico*, 7 Bilingual Rev./LA Revista Belingüe 212, 214 (1980). An understanding of this history is important because its impact continues to echo throughout the experience of New Mexico's children in modern-day educational institutions,² and "has the potential to determine their future outcomes in post-secondary education, the workforce, and in life." Sanchez, *supra*, at 192.

{7} The Legislature enacted the NMHRA to address the effects of New Mexico's past and to further the Act's purpose to "eliminate and prevent discrimination on the basis of race" in the future. *Keller v. City of Albuquerque*, 1973-NMSC-048, ¶ 23, 85 N.M. 134, 509 P.2d 1329, *overruled on other grounds by Green v. Kase*, 1992-NMSC-004, ¶ 2, 113 N.M. 76, 823 P.2d 318. The holding of this opinion is firmly grounded in the plain language of the NMHRA. However, the statute's history and background demonstrate that the Legislature intended for public schools to be public accommodations and therefore in some ways accountable under the NMHRA. See *Key v. Chrysler Motors Corp.*, 1996-NMSC-038, ¶ 13, 121 N.M. 764, 918 P.2d 350 (providing that this Court may "consider the statute's history and background" to determine the Legislature's intent).

II. DISCUSSION

{8} Whether a public school is a public accommodation under the NMHRA is a question of law that we review de novo. *Cooper v. Chevron U.S.A., Inc.*, 2002-NMSC-020, ¶ 16, 132 N.M. 382, 49 P.3d 61. "Statutory interpretation is driven primarily by the language in a statute, and the language of remedial statutes, including the [NM]HRA . . . , must be liberally construed." See *Herald v. Bd. of Regents of Univ. of N.M.*, 2015-NMCA-104, ¶ 25, 357 P.3d 438.

A. The Plain Language of the NMHRA Informs Us That a Public School Is a

<https://www.nmcompcomm.us>

Public Accommodation

{9} Because "[t]he plain language of the statute is our primary guide to legislative intent," this Court first looks to the language of the NMHRA. *Elane Photography, LLC v. Willock*, 2012-NMCA-086, ¶ 13, 284 P.3d 428 (internal quotation marks and citation omitted), *aff'd*, 2013-NMSC-040, 309 P.3d 53. "[W]hen a statute contains language which is clear and unambiguous, we must give effect to that language and refrain from further statutory interpretation." *Truong v. Allstate Ins. Co.*, 2010-NMSC-009, ¶ 37, 147 N.M. 583, 227 P.3d 73 (internal quotation marks and citation omitted).

{10} The language of the NMHRA prohibits discrimination by "any person in any public accommodation." Section 28-1-7(F) (2019) (emphasis added). Broken into operable parts the NMHRA defines "public accommodation" as "any establishment that provides or offers its services . . . to the public." Section 28-1-2(H) (2007). There is an exception: "a bona fide private club or other place or establishment that is by its nature and use distinctly private" does not fall within the statutory definition. *Id.* We address each part of the statute in turn and begin with whether a public school, as a state entity, can be considered a "person."

1. A public school, as a state entity, is a person under the NMHRA

{11} A public, or state operated, entity may be subject to suit under the NMHRA because it is a "person" under the Act. The statute clearly prohibits discrimination by "any person in any public accommodation" and the Act defines "person" to include "the state and all of its political subdivisions." Section 28-1-7(F) (2019);³ § 28-1-2(A) (2007) (defining "person"). As applied to this case, a state actor is prohibited from discriminating in public accommodations, and a public school, which is operated by the state, may be subject to suit. See *State v. Hoshijo ex rel. White*, 102 Hawai'i 307, 76 P.3d 550, 560-61 (2003) (holding that a state

² For example, New Mexico's Department of Education and the University of New Mexico identified themes in education that created barriers to the educational success of Native American students. The study determined that the performance of Native American students was greatly affected by 1) educators who were uninformed about Native American culture and values, 2) Native American students' low self-esteem and high rates of absenteeism, and 3) their experience of prejudice and low academic expectations set by educators. Sanchez, *supra*, at 201.

► From the New Mexico Supreme Court

<https://www.nmcompcomm.us>

university is a public accommodation and subject to suit under Hawaii's human rights statute where the definition of a "person" includes "the State, or any governmental entity or agency" and the statute mandates that a "person" shall not discriminate in public accommodations (emphasis added)).

2. A public school is an "establishment that provides or offers its services . . . to the public"

{12} The Court of Appeals held that "[a] public secondary school . . . is decidedly an institution" which is defined as: "An established organization, esp[ecially] one of a public character." *Johnson*, 2023-NMCA-069, ¶ 9 (alteration in original) (quoting *Black's Law Dictionary* (11th ed. 2019)). We agree and reject Defendants' assertion that the Court of Appeals impermissibly added words to the statutory definition in its reliance on a legal-dictionary term. *Johnson*, 2023-NMCA-069, ¶ 8. In 1968, the year before the enactment of the NMHRA, "school" was defined in *Black's Law Dictionary* (4th ed. 1968) as "[a]n institution or place for instruction or education." The 2019 definition is nearly identical: "An institution of learning and education, esp[ecially] for children." *School*, *Black's Law Dictionary* (11th ed. 2019). The Court of Appeals did not err in using legal-dictionary definitions nor did it go beyond the statute's language to determine that a public school is an establishment because it is an institution.

{13} We now turn to whether a public school "provides or offers its services . . . to the public" and, therefore, satisfies the statute's second requirement. Section 28-1-2(H) (2007). Plaintiff makes a common-sense assertion that "APS's educational services are open to all students in the Albuquerque area who are in the appropriate age ranges for elementary, middle school and high school," and thus that APS provides and offers its services to the public. In the APS mission statement, operation goals assert that APS and the school district superintendent "work together and in partnership with

families and the community in a systematic way to ensure that all students succeed." Because APS itself has acknowledged public schools as institutions that not only offer services to all school age children but also collaborate with their families and communities, APS therefore embraces the plain language of the statute that a public school is an "establishment that provides or offers its services . . . to the public." *Id.*

3. The single statutory exception to the definition of a public accommodation does not apply to public schools

{14} Confronting strong headwinds in the statute's inclusive language, the statute's exception is the only potential refuge for APS's position. The exception provides that a public school is not a public accommodation if it is "a bona fide private club or other place or establishment that is by its nature and use distinctly private." Section 28-1-2(H) (2007). This sole exception to the broadly worded definition of public accommodation is inapplicable to the facts of this case. See *Elane Photography*, 2012-NMCA-086, ¶¶ 14, 18 (holding that the exception did not apply to a photography company which is a public accommodation under the NMHRA). The sole exception's inapplicability is the other side of APS's argument that it does not provide services to the public and is the reason APS's argument fails. We agree with the Court of Appeals' conclusion that public schools do "not restrict [their] services in such a way that could be said to be by its nature and use distinctly private." *Johnson*, 2023-NMCA-069, ¶ 13. The constitutional mandate that public schools in New Mexico be "open to[] all the children" refutes any argument to the contrary. See N.M. Const. art. XII, § 1.

B. The Regents Court's Holding That a Public University Is Not a Public Accommodation Under the NMHRA Was Incorrectly Decided and Is Overruled

{15} In *Regents*, this Court considered "whether the University of New Mexico,

in administering its academic program, is a 'public accommodation' under the NMHRA. 1981-NMSC-026, ¶ 6. In that case, a nursing student alleged unlawful racial discrimination when the University gave her a failing grade and did not allow her to immediately retake the course. *Id.* ¶ 1. The Court held that the University of New Mexico is not a "public accommodation," specifically within "the University's manner and method of administering its academic program." *Id.* ¶¶ 11, 16. The Court declined to reach the "question of whether in a different set of circumstances the University would be a 'public accommodation.'" *Id.* ¶ 16. This holding created a distinction for discriminatory conduct perpetrated in the "manner and method of administering its academic program" without citing authority and without supporting analysis.

{16} The Court of Appeals held that *Regents* did not apply to this case. *Johnson*, 2023-NMCA-069, ¶¶ 1-2. Specifically, the distinction established in *Regents* did not apply because the facts of this case arose from "the spontaneous actions and remark . . . by a single teacher on a single occasion" rather than "any specified manner or method of administration, such as admission processes." *Id.* ¶ 6. Defendants argue that the Court of Appeals "[i]mpermissibly [r]ejected the [a]pplication of *Regents*" and that the *Regents* Court's judicially created exception for the "manner and method of administering [an] academic program" shields Defendants from suit under the NMHRA. We disagree.

{17} The *Regents* Court's holding is inconsistent with the plain language of the statute and is unsupported by precedent or legislative history. First, the *Regents* Court's determination that "[u]niversities are not public accommodations in the ordinary and usual sense of the words" is unsupported. 1981-NMSC-026, ¶ 15. Further, this statement is incorrect, based on the plain language of the statute. As we have explained, "establishment" and "institu-

³ The NMHRA established that "[i]t is an unlawful discriminatory practice for . . . any person in any public accommodation to make a distinction, directly or indirectly, in offering or refusing to offer its services, facilities, accommodations or goods to any person because of race, religion, color, national origin, ancestry, sex, sexual orientation, gender, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation, physical or mental disability or military status . . .,"

► From the New Mexico Supreme Court

tion” are synonyms under the Act. The legal-dictionary definition of “college” in the version of *Black’s Law Dictionary* available to the *Regents* Court provides that a college “[i]n the most common use of the word, . . . designates an institution of learning. . . . Also applied to all kinds of institutions from universities, or departments thereof.” *College*, *Black’s Law Dictionary* (5th ed. 1979).⁴ Based on our plain language interpretation of the statute, the *Regents* Court erred in determining, “Universities are not public accommodations.” *Regents*, 1981-NMSC-026, ¶ 15.

{18} In addition, the *Regents* Court misinterpreted federal law and the evolution of state public accommodations laws in construing the NMHRA. *Id.* ¶¶ 11-15. The Court began its analysis by dedicating two of the three paragraphs of historical review to a review of public accommodations laws, citing to two federal authorities in support. *Id.* ¶¶ 12-13. The Court began by citing to the *Civil Rights Cases*, 109 U.S. 3 (1883), in stating that, at common law, public accommodations laws applied only to places of lodging, eating, and entertainment. *Regents*, 1981-NMSC-026, ¶ 12. The Court explained that some state statutes expanded upon these establishments and specifically included universities. *Id.* ¶ 13. Noting that Title II of the Civil Rights Act did not make such a change, and that New Mexico’s Public Accommodations Act did not specifically include universities, the Court then concluded, without supportive authority, that New Mexico’s adoption of a “general, inclusive clause in the Human Rights Act” did not mean the Legislature intended to include establishments that had been traditionally excluded. *Id.* ¶ 13-14. However, the *Regents* Court neglected to take into consideration that New Mexico’s Public Accommodations Act went far beyond the common law categories of “lodging, eating, and entertainment,” and included such establishments as dispensaries, hospitals, clinics, and public libraries.

{19} *Regents* errs in its analysis of legislative history and misconstrues the 1955 Public Accommodations Act, which the

NMHRA repealed upon its enactment twelve years before *Regents*. See 1969 N.M. Laws, ch. 196 (repealing 1955 N.M. Laws, “Chapter 192, Sections 1 through 6”). Refusing to look beyond the historic definition, the Court stated, “We do not feel that the legislature, by including a general, inclusive clause in the [NMHRA], intended to have all establishments that were historically excluded, automatically included.” *Id.* This is a misapprehension of the Public Accommodations Act, which did not incorporate only the common law categories, but instead applied to a wide range of establishments. Public Accommodations Act, 1955 N.M. Laws, ch. 192, § 5. In light of this, the Legislature’s decision to adopt a general inclusive definition in the NMHRA can hardly be read as evidence that it intended to exclude establishments not included at common law. Accordingly, we overturn *Regents* in its holding that a university in its “manner and method of administering its academic program” is not a public accommodation. {20} Defendants suggest two additional reasons to support their argument that a public school is not a public accommodation under the NMHRA. First, they argue that public schools do not warrant independent evaluation as to whether they are public accommodations because schools are traditional and historic and existed at the time the 1955 Public Accommodations Act was enacted. Second, they argue that a public accommodation must be a commercial business. Defendants fail on both points.

{21} Defendant’s reasoning why schools fall outside of the statute fails to ensure a harmonious reading of the NMHRA and the NMHRA’s legislative history in pari materia, which confirms the legislative intent that public schools are public accommodations prohibited from discriminatory conduct. *State v. Sena*, 2023-NMSC-007, ¶ 2, 528 P.3d 631 (reaffirming that it is the Court’s role to read statutes harmoniously if possible). Section 28-1-4 (1987) documents the powers and duties of the Human Rights Commission, see § 28-1-3 (1987) (establishing that Commission), and the Labor Relations Division, see § 28-1-2(D) (1987)

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(identifying that Division), including their responsibility to address discrimination in public education. The statute provides that in its “endeavor to eliminate prejudice and to further good will,” the Division “in cooperation with the state department of public education and local boards of education shall encourage an educational program for all residents of the state, calculated to eliminate prejudice, its harmful effects and its incompatibility with principles of fair play, equality and justice.” Section 28-1-4(B)(4) (1987). Therefore, the Legislature intended the NMHRA to address discrimination in public schools in an “endeavor to eliminate prejudice.” *Id.*

{22} The Public Accommodations Act, the predecessor to the NMHRA, defined public accommodations with a listing of specific, qualifying establishments that did not explicitly include public schools. 1955 N.M. Laws, ch. 192, § 5. In 1969, the NMHRA replaced this listing with the definition of a public accommodation: “any establishment that provides or offers its services, facilities, accommodations or goods to the public,” 1969 N.M. Laws, ch. 196, § 2.G, a provision that persists in Section 28-1-2(H) (2007). “[T]he Legislature explicitly amended the wording of the statute to remove the narrow and specifically enumerated traditional places of public accommodation.” See *Elane Photography*, 2012-NMCA-086, ¶ 14 (emphasis added); see also § 28-1-7(F) (2019) (listing numerous, categorically discriminatory practices prohibited “in any public accommodation” under the NMHRA).

{23} The “language of the federal Civil Rights Act” and the context of the civil rights movement that predate the NMHRA support the conclusion that the Legislature did not intend to limit the definition of a “public accommodation” when it replaced the Public Accommodations Act’s definition. See *Ocana v. American Furniture Co.*, 2004-NMSC-018, ¶ 23, 135 N.M. 539, 91 P.3d 58 (citation omitted). “[W]e may look at federal civil rights adjudication for guidance in interpreting the NMHRA.” *Id.* The “federal 1964 Civil Rights Act” provided that a public accommodation includes “[e]stab-

⁴ The current edition also defines “college” as “[a]n institution of learning . . .” *College*, *Black’s Law Dictionary* (12th ed. 2024).

► From the New Mexico Supreme Court

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lishments . . . supported in their activities by [s]tate action.” *Johnson*, 2023-NMCA-069, ¶ 17 (alterations in original) (citation omitted); see 42 U.S.C. § 2000a(a)-(b) (prohibiting, under the federal act’s public accommodations subchapter, “discrimination or segregation on the ground of race, color, religion, or national origin” in “places of public accommodation . . . affecting interstate commerce”). The Legislature would not have intended for its 1969 definition of a “public accommodation” to restrict the NMHRA’s protections to protections under the federal definition of “public accommodation” and in the context of the civil rights movement.

{24} The Legislature’s intent to protect a specific class of people, from a specific form of discrimination, during a specific time in our state’s history, does not mean that the Legislature did not have the general intent to prohibit discrimination in public schools. The unfortunate fact that our state and federal law have sought to prohibit discrimination against different groups at different points in history does not influence our analysis and, if considered, would continue to perpetuate historic inequities.⁵ Adopting Defendant’s logic that this Court should not consider race-based history because the NMHRA protects against other categories of discrimination would mean that we would be limited to the history of the specific form of discrimination at issue and, for example, would have a great amount of difficulty proving a legislative intent to prohibit discrimination on the basis of sexual orientation at the NMHRA’s enactment in 1969. Accordingly, the plain language of the NMHRA and legislative history do not support Defendant’s argument that a public school is not a public accommodation, because it existed at the Public Accommodations Act’s enactment.

{25} In addition, the history of the NMHRA supports our holding that the definition of a public accommodation is not limited to commercial businesses. The Public Accommodations Act defined the term

with a list of qualifying establishments. This list was followed by the explicit exclusion of “any institution, club, or place of accommodation which is in its nature distinctly private.” Public Accommodations Act, 1955 N.M. Laws, ch. 192, § 5. Many of the listed places were commercial businesses, but the list also included establishments that are traditionally public, like swimming pools, public libraries, and public transportation. *Id.* Therefore, the Legislature intended for the definition to apply to previously unlisted, but not previously excluded, establishments such as public schools.

{26} Additionally, caselaw does not create such bright line limitations on an establishment’s commercial nature as Defendants suggest in reliance on *Elane Photography*, 2012-NMCA-086. There, the Court of Appeals considered whether a photography company that refused to photograph a same sex commitment ceremony was a public accommodation under the NMHRA. *Id.* ¶¶ 1, 9. The Court addressed the argument that the “artistic nature” of the company’s services meant that it was not a public accommodation. *Id.* ¶ 17. The opinion clarified that the company was a public accommodation because it did “offer its goods or services to the general public as a part of modern commercial activity.” *Id.* Thus, *Elane Photography* did not impose the requirement that a public accommodation *must* be a commercial business, but it analyzed the application of the NMHRA to a commercial business. 2012-NMCA-086, ¶¶ 12, 18 (“[T]his Court should independently evaluate the applicability of the NMHRA in all future cases.” (emphasis added)).

{27} Adopting the narrow construction of the NMHRA, as advanced by Defendants, would contravene the Legislature’s intent that the NMHRA combat discrimination and provide no real remedy for discrimination in public schools. Defendants argue that the application of the NMHRA to include public schools will hinder important academic discussions about controversial historical topics due to concerns that

academic discussion veers to discrimination. This argument could be compelling. However, as one of the first steps in the administrative process, the Human Rights Commission is tasked with determining whether discrimination has occurred and is equipped to weigh the facts of a case and the interests of meaningful academic discussions to reach their determination. See § 28-1-4(A)(1)-(2) (providing that the commission may hear complaints, issue orders, hold hearings, subpoena witnesses, and take testimony); see also § 28-1-11(E) (stating that the commission “shall make written findings of fact, conclusions of law[,] and its decision based upon the findings of fact and conclusions of law” if “the commission finds from the evidence presented at any hearing . . . that the respondent has engaged in a discriminatory practice”); see also *Sonntag v. Shaw*, 2001-NMSC-015, ¶ 13, 130 N.M. 238, 22 P.3d 1188 (holding that a plaintiff must exhaust administrative remedies “before bringing an action in district court” under the NMHRA). An interpretation that public schools are a public accommodation under the NMHRA would not “defeat the legislature’s intentions” in the way that refusing to apply the NMHRA to public schools as a public accommodation would. See generally *Trujillo v. Romero*, 1971-NMSC-020, ¶ 18, 82 N.M. 301, 481 P.2d 89 (“We should consider the consequences of various possible constructions and should not adopt a construction which would defeat the legislature’s intentions, or lead to absurd results.”).

{28} Absent application of the NMHRA, there is no available remedy for such discrimination under New Mexico law. The New Mexico Torts Claims Act (TCA) would not protect against discriminatory acts unless they resulted in “bodily injury, wrongful death, or property damage caused by the negligence of public employees while acting within the scope of their duties . . .” See NMSA 1978 § 41-4-6(A) (2007). Providing no state remedy to students who are the target of discrimination that does

⁵ For example, in 1954, *Brown v. Board of Education* held that the segregation of public schools based on race was unconstitutional. 347 U.S. 483, 494-95 (1954). It was not until 1995 that a federal court explicitly extended the same equal protection principles to Native American children on the Navajo Nation without access to a public school. *Meyers v. Bd. of Educ. of San Juan Sch. Dist.*, 905 F. Supp. 1544, 1563-64 (D. Utah 1995).

Advance Opinions

► From the New Mexico Supreme Court

not result in the TCA's requisite damages would be inconsistent with the purpose of the NMHRA to eliminate such discrimination. See *Keller*, 1973-NMSC-048, ¶ 23. We conclude that "Finding that educational institutions are public accommodations under the [NMHRA] would be the most logical way to provide a remedy for discrimination by educational institutions, because no remedy is otherwise expressly provided in New Mexico." Todd Heisey, *Human Rights*

Commission v. Board of Regents: Should a University Be Considered a Public Accommodation under the New Mexico Human Rights Act, 12 N.M. L. Rev. 541, 547-48 (1982).

III. CONCLUSION

{29} We overrule *Regents* and hold that a public school is a public accommodation under the plain language of the NMHRA. We therefore affirm the holding of the Court of Appeals and we remand to the district court for review consistent with this opinion.

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{30} IT IS SO ORDERED.
DAVID K. THOMSON, Chief Justice
WE CONCUR:
MICHAEL E. VIGIL, Justice
C. SHANNON BACON, Justice
JULIE J. VARGAS, Justice
BRIANA H. ZAMORA, Justice

FORMAL OPINION

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Filing Date: 9/18/2025

No. A-1-CA-41818

**KARAH MARTINEZ and DAVID
MARTINEZ, on their own behalf and
on behalf of all others similarly
situated,**

Plaintiffs-Appellees,
v.

**MELLOY BROTHERS, INC.,
d/b/a MELLOY NISSAN,
Defendant-Appellant.**

Consolidated with

**KARAH MARTINEZ and DAVID
MARTINEZ, on their own behalf and
on behalf of all others similarly
situated,**

Plaintiffs-Appellants,
v.

**MELLOY BROTHERS, INC.,
d/b/a MELLOY NISSAN,
Defendant-Appellee.**

**APPEAL FROM THE DISTRICT COURT OF
BERNALILLO COUNTY**

Daniel E. Ramczyk, District Court Judge

Feferman, Warren & Mattison
Susan Warren
Nicholas Mattison, Et al.
Albuquerque, NM

for Appellees

► Introduction of Opinion

The formal opinion filed on June 17, 2025, is hereby withdrawn and the following opinion is substituted. In this consolidated appeal, Plaintiffs challenge the district court's order granting Defendant Melloy Brothers Inc., d/b/a Melloy Nissan's motion to compel arbitration, and Defendant challenges the district court's stay of arbitration pending appeal. This is the second appeal related to this motion, and regrettably, we anticipate that our reversal and remand means that we are likely to see this case again. We provide a comprehensive discussion of the procedural history in this case to highlight the procedural issues that can arise when a party resists arbitration on unconscionability grounds, thus triggering the two-step process described in *Peavy v. Skilled Healthcare Grp., Inc.*, 2020-NMSC-010, ¶ 21, 470 P.3d 218. As for the issues raised in this appeal, because the district court did not decide whether three provisions previously determined by the district court to be facially unconscionable were fair and reasonable, contrary to *Rojas v. Reliable Chevrolet (NM), LLC*, 2024- NMCA-003, ¶ 10, 539 P.3d 1253, we are unable to review Plaintiffs' appellate arguments on the merits. **View full PDF online.**

Megan P. Duffy, Judge
WE CONCUR:
Zachary A. Ives, Judge
Katherine A. Wray, Judge

To read the entire opinion, please visit
the following link:

<https://bit.ly/A-1-CA-41818Updated>

FORMAL OPINION

Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

Filing Date: 9/18/2025

No. A-1-CA-41385

**KEVIN HOESCHEN, Personal Representative
of the ESTATE OF JASON HOESCHEN,
Deceased; JOHN MILLS and REBECCA
MILLS, Individually and as Next Friend and
Natural Parents of LOGAN MILLS, a minor,**
Plaintiffs-Appellees,

v.

**NEW MEXICO DEPARTMENT OF
TRANSPORTATION,**
Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT
OF SANTA FE COUNTY**

Maria Sanchez-Gagne, District Court Judge

The Law Offices of Brian K. Branch
Brian K. Branch
Albuquerque, NM

Law Office of Eva K. Blazejewski
Eva K. Blazejewski
Albuquerque, NM

Lobo Law Firm LLC
Heather K. Hansen
Albuquerque, NM

Stalter Law LLC
Kenneth H. Stalter
Albuquerque, NM

for Appellees

Ripley B. Harwood, P.C.
Ripley B. Harwood
Albuquerque, NM

for Appellant

► Introduction of Opinion

This appeal arises from a fatal collision on a highway during a winter storm. Plaintiffs Kevin Hoeschen, as personal representative of the estate of Jason Hoeschen, deceased, and John and Rebecca Mills, individually and next friend and natural parents of Logan Mills, a minor, sued Defendant New Mexico Department of Transportation under the New Mexico Tort Claims Act (NMTCA), NMSA 1978, §§ 41-4-1 to -30 (1976, as amended through 2020), on the theory of negligent road maintenance, and a jury awarded a several-million-dollar verdict in Plaintiffs' favor. Defendant appeals, asserting various arguments, including that notice under the NMTCA was inadequate to confer subject matter jurisdiction on the district court, the verdict was based on insufficient evidence, the district court abused its discretion in the admission and prohibition of certain evidence, and the district court erred in its selection of jury instructions. We affirm.

J. Miles Hanisee, Judge
WE CONCUR:
Zachary A. Ives, Judge
Jane B. Yohalem, Judge

To read the entire opinion, please visit the following link: <https://bit.ly/A-1-CA-41385>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41610
State of New Mexico
v.
Wilson Joe

Introduction of Opinion

The State appeals from the district court's order dismissing a felony case originally filed in the district court. The district court entered the dismissal order sua sponte nine days after remanding the case to magistrate court for a preliminary examination. Finding no basis in rule or law for dismissal, we reverse.

Megan P. Duffy, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Zachary A. Ives, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41610>

No. A-1-CA-41579
State of New Mexico
v.
Chastity N. Carson

Introduction of Opinion

Defendant Chastity Carson was convicted of reckless child abuse with great bodily harm, following a jury trial. On appeal, Defendant argues (1) there was insufficient evidence to support her conviction, and (2) the district court erred by excluding defense expert testimony. We affirm.

J. Miles Hanisee, Judge
WE CONCUR:
Jacqueline R. Medina, Chief Judge
Jennifer L. Attrep, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41579>

No. A-1-CA-41831
Westside Coalition
of Neighborhood Associations
v.
City of Albuquerque

Introduction of Opinion

Appellants Westside Coalition of Neighborhood Associations and Michael T. Voorhees (collectively, the Coalition) appeal the district court's order affirming the decision of the City of Albuquerque (the City) to approve two applications from Consensus Planning, Inc., which represented the applicants Jubilee Development, LLC and Group II U26 VC, LLC (collectively, the Applicants). Because we conclude that substantial evidence in part does not support the City's decision to approve the applications, we do not reach the Coalition's process-related arguments. We affirm in part, reverse in part, and remand for a new hearing on the applications.

Katherine A. Wray, Judge
WE CONCUR:
Zachary A. Ives, Judge
Shammara H. Henderson, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41831>

MEMORANDUM OPINION

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

No. A-1-CA-41234
State of New Mexico
v.
William D. Denney

Introduction of Opinion

Petitioners Thomas L. Taylor and Sue Wise (Relators), appeal a district court decision concluding that Respondents William M. Denney and James R. Maynard were eligible to hold public office. Relators also appeal multiple discovery orders and an order denying Relators' motion to reconsider the judgment. Because Relators fail to demonstrate error, we affirm.

Shammara H. Henderson, Judge
WE CONCUR:
Gerald E. Baca, Judge
Katherine A. Wray, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41234>

No. A-1-CA-40997
Daniel Parsons
v.
Village of Corrales

Introduction of Opinion

Plaintiff Daniel Parsons sued his former employer, the Village of Corrales (Defendant or the Village), under the New Mexico Whistleblower Protection Act (NMWPA), NMSA 1978, §§ 10-16C-1 to -6 (2010). Plaintiff alleged that Defendant took retaliatory action against him, culminating in the termination of his employment as a police officer, because he reported to Defendant various forms of misconduct by a Corrales Police Department (CPD or the Department) lieutenant and the chief of police (collectively, the Officers). **View full PDF online.**

Katherine A. Wray, Judge
WE CONCUR:
Jennifer L. Attrep, Judge
Zachary A. Ives, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-40997>

No. A-1-CA-41419
State of New Mexico
v.
Jesse John Gomez

Introduction of Opinion

The State charged Defendant with being a felon in possession of a firearm, contrary to NMSA 1978, Section 30-7-16(A) (2022), and the State sought a five21 year firearm enhancement for discharging a firearm during the commission of a noncapital felony, pursuant to NMSA 1978, Section 31-18-16(C) (2022). Defendant filed a motion to exclude the application of the firearm enhancement, arguing that it violated his right to be free from double jeopardy. After a hearing, the district court denied the motion. Defendant entered a conditional plea agreement, reserving the right to appeal the double jeopardy issue. **View full PDF online.**

Zachary A. Ives, Judge
WE CONCUR:
Shammara H. Henderson, Judge
Gerald E. Baca, Judge

To read the entire opinion,
please visit:
<https://bit.ly/A-1-CA-41419>

The State Bar of New Mexico Senior Lawyers Division is honored to host the annual Attorney In Memoriam Ceremony. This event honors New Mexico attorneys who have passed away during the last year and recognizes their work in the legal community. The Division invites the family, friends and colleagues of those being honored, to attend the 2025 In Memoriam Ceremony.

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A SINCERE THANK YOU!

**The First Judicial District Court's Judges
and the Court's Pro Bono Committee
recognize and thank the many volunteers
who generously gave their time and effort
to help pro se litigants in 2025. The Court appreciates all
who volunteered at the Court's Free Legal Teleclinics and
In-Person Free Legal Fairs held throughout the year.**



**Without you,
the Court would not be able to provide the pro bono services
that help to ensure equal access to justice
for more New Mexicans.**

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Ronald Bratton

Nadia Cabrera-Mazzeo

Merrie Chappell

Christie Coleman

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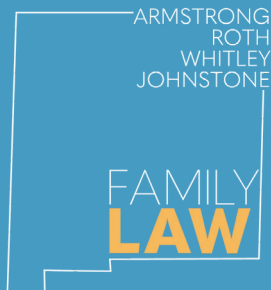
Armstrong, Roth, Whitley, Johnstone Family Law Welcomes Associate Attorney Pamela L. Faris



Pamela L. Faris
Associate Attorney

Armstrong, Roth, Whitley, Johnstone Family Law is proud to announce the addition of Associate Attorney, Pamela L. Faris. Pamela brings a strong sense of purpose to her work as a family law attorney, combining strategic thinking with a deep commitment to client advocacy. She is passionate about helping clients navigate some of the most challenging times in their lives and is known for her thoughtful, collaborative approach to resolving conflict. Pamela earned her Bachelor's degree in Political Science and Public Policy from the University of Denver

and went on to complete a Master's degree in Public Administration with a focus on Local Government from the University of Colorado. She received her Juris Doctor from the University of Wyoming College of Law. Pamela was awarded the 2023 New Mexico VAP Volunteer Attorney of the Year and 2024 2024 NMVAP Felipe Quintana Memorial Award of Excellence.



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JUDICIAL PERFORMANCE
EVALUATION COMMISSION

Just the Facts: How and Why the New Mexico Judicial Performance Evaluation Commission (JPEC) Surveys Attorneys

JPEC has gotten questions about how and why we survey attorneys online about the performance of Supreme Court Justices, Court of Appeals Judges, District Court Judges and Metropolitan Court Judges.

Q: When do you survey attorneys about judges' performance?

A: Twice. As time allows, JPEC conducts a mid-term evaluation which is shared with the judge on a confidential basis to help them improve their performance on the bench. A second evaluation is conducted before the judge is scheduled to stand for retention election. To remain on the bench, the judge must receive 57 percent voter approval.

Q: Do you survey attorneys about ALL the judges in any of the courts at one time?

A: No. Supreme Court Justices and Court of Appeals Judges have always been evaluated on a staggered basis based on their term in office. In 2021, the Legislature enacted a law to stagger the elections of District Court and Metropolitan Court judges every two years, based on the divisions in which they serve. Roughly one-third of eligible District Court Judges and one-half of eligible Metropolitan Court Judges stand for retention every two years.

Q: Can I choose which judges I evaluate?

A: Attorneys receive a survey based on lists provided by the Administrative Office of the Courts on which judges they appeared before in a given time frame. If an attorney receives surveys for multiple judges, they can choose which judge(s) they want to evaluate on the initial judge selection screen.

Q: How do I know my name will not be provided to the judge?

A: JPEC surveys are administered by an independent firm, Research & Polling, Inc.

Research & Polling provides only the aggregate results to the Commission to ensure anonymity.

Q: Does JPEC survey other groups?

A: Yes. JPEC also surveys court staff, resource staff (law enforcement officers, CASA volunteers, interpreters, etc.), jurors and judges.

Q: What does JPEC evaluate judges on?

A: Their overall performance, including their legal ability, fairness, communication skills, and courtroom management (preparation, attentiveness, temperament and control over proceedings).

Q: Why does my opinion matter?

A: In addition to evaluating overall performance, attorneys are uniquely qualified to evaluate judges based on their knowledge and application of the law. All groups matter, and the more surveys JPEC receives, the more thorough their overall evaluation will be.

Q: When will the next surveys be conducted?

A: In December 2025 and January 2026, Research & Polling will be surveying attorneys about selected appellate (Supreme Court and Court of Appeals) judges as well as Metropolitan Court Judges.

Q: What if I have questions?

A: Email Chelsea Canon, JPEC Program Manager, at aoccac@nmcourts.gov and put the words "Judicial Performance" in the subject line or call **505-216-8476**.

Thank you for participating in the JPEC evaluation process! Your opinion matters.

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DPD Director

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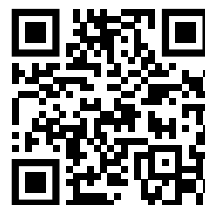
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Positions

Assistant Public Defender

The Public Defender at the Pueblo of Isleta is hiring an Assistant Public Defender to provide in-house counsel to clients where the Public Defender has a conflict of interest as well as to assist the Public Defender in cases where there is no conflict. The Assistant Public Defender will represent Native Americans in charged with crimes at the Pueblo of Isleta when the cases are filed in Tribal Court. The position is grant-funded for three years. Applicants should send their letter of interest, resume, and application to poiemployment@isletapueblo.com. The application can be found on the Pueblo of Isleta Careers webpage at <https://www.isletapueblo.com>.

Litigation Attorney

Busy Plaintiff's civil litigation firm located near the Journal Center is accepting resumes for an associate attorney with 5 (or more) years of practical experience. Candidates should possess strong oration skills, be proficient in conducting and defending depositions, have critical research and writing abilities and be familiar with motion practice. Practice areas include civil litigation/personal injury and general tort issues. Litigation experience preferred, but will not bar consideration. Salary commensurate with experience. Please forward a letter of interest along with a Resume and writing sample to: paralegal3.bleuslaw@gmail.com.

Attorneys Professional and Products/General Liability Litigation Groups

Rodey, Dickason, Sloan, Akin & Robb, P.A.'s Albuquerque office is currently seeking attorneys to practice in its Professional and Products/General Liability Litigation Groups. Opportunities are available for lateral associates and experienced attorneys. The candidate would participate in all aspects of case handling and would gain experience in taking depositions, preparing witnesses for depositions and defending depositions (including expert witnesses), brief and reporting writing, answering written discovery, and participating in direct contact with clients. The candidate would have the opportunity to work closely with some of the most talented defense lawyers in the state. Qualifications: Ideal candidate should have strong academic credentials and writing skills and be licensed in New Mexico. Rodey offers a competitive salary and bonus structure, comprehensive benefits package, including health, dental and vision; professional development and multi-faceted mentoring program; FSA and HSA plan option(s); 401K plan/ employer match; group life and long-term disability insurance; employee assistance program; wireless phone/ services stipend. To apply, please send a cover letter, resume, writing sample, and law school transcript attention "Ali Taylor, Human Resources Director" at: jobs@rodey.com with "Litigation Attorney" in the subject line. All inquiries will be kept confidential. Rodey is an Equal Opportunity Employer. Rodey Law Firm is not accepting unsolicited resumes from search firms for this position.

3L - Law Clerk/Associate Attorney

deGraauw Law Firm, P.C. seeks a current 3L (or recent grad) with an interest in civil litigation for immediate employment in its north valley Albuquerque office. Our firm handles a wide range of wrongful death/personal injury, insurance law, product and professional liability matters. Competitive salary, excellent benefits, flexible and collegial work environment, as well as an infamous office dog and grumpy (but loving) office manager. Please send resumes and letters of interest to drew@dglawfirm.com.

Assistant District Attorney

The Fifth Judicial District Attorney's office has immediate positions open for new and/or experienced attorneys. Salary will be based upon the New Mexico District Attorney's Salary Schedule with salary range of an Assistant Trial Attorney (\$ 80,218.00) to a Senior Trial Attorney (\$100,272.00), based upon experience. Must be licensed in the United States. This position is located in the Carlsbad, NM office. The office will pay for your New Mexico Bar Dues as well as the National District Attorney's Association membership. Please send resume to Dianna Luce, District Attorney, 102 N. Canal, Suite 200, Carlsbad, NM 88220 or email to nshreve@da.state.nm.us

Entry Level and Experienced Attorneys

The Thirteenth Judicial District Attorney's Office is seeking both entry level and experienced attorneys. Positions available in Sandoval County which is in Bernalillo, Valencia in Belen and Cibola in Grants. Enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, providing the opportunity to advance more quickly than is afforded in larger offices. The 13th Judicial District offers flex schedules in a family friendly environment. Competitive salary starting @ 83,000+ depending on experience. Contact Krissy Fajardo @ kfajardo@da.state.nm.us or visit our website for an application @ <https://www.13th.nmdas.com/> Apply as soon as possible. These positions fill fast!

Spaceport America Attorney

This position reports to Spaceport America's General Counsel and applies a broad knowledge of the law to achieve the specific objectives of agency programs. This includes interpreting legal issues in federal and state regulatory and administrative law, contract law, litigation, environmental and cultural requirements, as well as corporate/agency legal policy and governance standards. Spaceport America is a state agency. For more information: <https://www.spaceportamerica.com/careers/>

Ninth Judicial District Court - Domestic Relations Hearing Officer

The Ninth Judicial District Court (Curry and Roosevelt Counties) is currently accepting applications for a full-time, at-will Domestic Relations Hearing Officer. The Domestic Relations Hearing Officer will hear matters in both counties. Applicants must hold a J.D. from an accredited law school, a license to practice law in New Mexico, and five years of experience in the practice of law with at least 20% of said practice having been in family law or domestic relations matters. For a complete job description and application instructions, please visit the careers section on the New Mexico Judiciary's website at www.nmcourts.gov/careers.

Supervisor Attorney

The Office of Family Representation and Advocacy, a State of New Mexico Executive Branch adjunct agency, is seeking applicants for a Supervisor Attorney. Our agency represents children and indigent adults in abuse and neglect cases brought by Children, Youth and Families Department. All State benefits included. For more information and to apply, please visit <https://www.ofra.nm.gov>, <https://www.spo.state.nm.us/>, or contact Chynna Comer 505-640-4369. JOBID #157970

Associate Attorney

Quiñones Law Firm LLC is a well-established defense firm in Santa Fe, NM in search of a full-time associate attorney with minimum 5 years of legal experience and willing to work minimum of 35 hours per week. Generous compensation and health benefits. Please send resume to quinoneslaw@cybermesa.com

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Foreclosure Settlement Program

The Second Judicial District Court is accepting applications for a Full Time At-Will Attorney Associate in the Foreclosure Settlement Program (FSP) and will operate under the direction of the Chief Judge, the Presiding Civil Judge, Managing Attorney, and/or Supervising Attorney. The Attorney Associate will facilitate settlement conferences between lenders and borrowers in residential foreclosure cases pending before the Court and will be responsible for conducting status conferences, settlement facilitations and reporting of statistical data to Court administration. Communications occur telephonically, by email, by video conference and in-person. The Attorney Associate is independent and impartial and shall be governed by the Rules of Professional Conduct, Mediation Procedures Act, NMSA 1978 §44-7B-1 to 44-7B-6, and Mediation Ethics and Standards of Practice. The Attorney Associate will coordinate with program administrative staff to support the FSP. Qualifications: Must be a graduate of a law school meeting the standards of accreditation of the American Bar Association; possess and maintain a license to practice law in the State of New Mexico and have three (3) years of experience in the practice of applicable law, or as a law clerk. Experience in settlement facilitation/mediation and residential mortgage foreclosure matters and loss mitigation is strongly encouraged. Target Pay: \$52.629 hourly, plus benefits. Send application or resume supplemental form with proof of education and one (1) writing sample to 2ndjobapply@nmcourts.gov or to Second Judicial District Court, Human Resource Office, 400 Lomas Blvd. NW, Albuquerque, NM, 87102. Applications without copies of information requested will be rejected. Application and resume supplemental form may be obtained on the New Mexico Judicial Branch web page at www.nmcourts.gov. CLOSSES: Wednesday, October 15, 2025 at 5:00 P.M..

Senior Trial Attorney and Deputy District Attorney

The 12th Judicial District Attorney's Office, serving Otero and Lincoln counties, is seeking a Senior Trial Attorney and a Deputy District Attorney. Employment will primarily be based out of the Alamogordo office. The 12th Judicial District is recognized as one of the leading districts in the state for the number of jury trials conducted each year. If you are seeking meaningful trial experience, you want to advance your career as a prosecutor, and work with a dedicated team to fight for the justice of victims - Come Join Our Team! Must be admitted to the New Mexico State Bar. Salary range \$100,000-122,000 DOE. Full benefits package and one of the best retirement plans (PERA) in the country. Email resume to: sgann@da.state.nm.us or visit our website <https://12th.nmdas.com/>




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Paralegal

The San Juan County Attorney's Office is seeking a skilled paralegal. Responsibilities include drafting legal documents, performing legal research, managing case files, and assisting with public records requests. An associate's degree and five years of paralegal experience is required. Please visit our website for more information and to apply: <https://www.governmentjobs.com/careers/sjcounty/jobs/5085188/paralegal?pagetype=jobOpportunitiesJobs>

Legal Management Professionals

The New Mexico Chapter of the Association of Legal Administrators (NMALA) is looking for passionate, forward-thinking legal management professionals to join our community. Whether you specialize in human resources, finance, operations, technology, or strategic planning within your legal organization, you belong with us. Email our current NMALA president Chelsea Sandoval at chelsea@roblesrael.com for more information.

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Macias-Mayo Law, P.C., a law firm serving clients throughout the State of New Mexico, seeks paralegals to join its growing firm. We specialize in family law matters including complex international cases, adoption and artificial reproductive technology; as well as 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. The paralegal position requires 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. We offer competitive salaries and benefits dependent on qualifications and experience. The position would be based out of our Albuquerque office. Prospective team members should submit a resume, references, and cover letter to ninap@maciasmayolaw.com.

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2025 Bar Bulletin Publishing and Submission Schedule

The Bar Bulletin publishes twice a month on the second and fourth Wednesday. Advertising submission deadlines are also on Wednesdays, three weeks prior to publishing by 4 pm.

Advertising will be accepted for publication in the Bar Bulletin in accordance with standards and ad rates set by publisher and subject to the availability of space. No guarantees can be given as to advertising publication dates or placement although every effort will be made to comply with publication request. The publisher reserves the right to review and edit ads, to request that an ad be revised prior to publication or to reject any ad. **Cancellations must be received via email by 5 p.m. (MT) 13 business days prior to the issue publication date.**

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