

EDITORIAL POLICY

(Revised February 11, 2019)

Board of Editors

1. There is established a Board of Editors in the State Bar of New Mexico ("State Bar").
2. The Board of Editors shall be a committee of the State Bar and is subject to the State Bar bylaws and policies pertaining to committees and shall exercise its editorial responsibility in accordance with this section
3. The Board of Editors shall be composed of ten (10) members, nine of whom shall be attorneys and members in good standing of the State Bar, of which one shall be a member of the Board of Bar Commissioners; and one of whom shall be a non-attorney. The Board of Editors shall be comprised of persons who represent a broad diversity of backgrounds, ages, geographic regions of the state, ethnicity, gender, and areas of legal practice and, preferably, who have some experience in the field of journalism or legal publications. The President of the State Bar, with the approval of the Board of Bar Commissioners, shall appoint the members of the Board of Editors.
4. Initial appointments to the Board of Editors shall be made as follows: five (5) members of the Board shall be appointed to serve two-year terms and five (5) members of the Board shall be appointed to serve one-year terms. Thereafter, all members of the Board of Editors shall serve terms of two years, and shall hold office until the end of the calendar year occurring at the expiration of their terms. No member of the Board of Editors shall serve more than two (2) full, consecutive terms.
5. The Board of Editors shall select a chair from among its members.
6. The Board of Editors shall meet or confer together at least quarterly. Special meetings of the Board may be scheduled at the request of the Editor.
7. A quorum at all meetings of the Board of Editors shall consist of a majority of all Board members. The action of a majority of the Board members present at a meeting at which a quorum is present or the action of a majority of the Board members assented to by e-mail by a quorum of Board members will be the action of the Board.
8. The president of the State Bar shall make an appointment to fill any member's unexpired term. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term of that member's predecessor and until that person's successor is duly appointed.
9. Any member of the Board of Editors may be removed for cause by the affirmative vote of a majority of the Board of Bar Commissioners at a meeting at which a quorum is present.

Editor

The Editor, an employee of the State Bar, is responsible for coordinating assigned content of State Bar publications and ensuring that editorial policy is followed. The Director of the Communications Department shall serve as Editor and as such shall supervise the work of publication staff and independent contractors. The Editor shall serve as a non-voting member of the Board of Editors and shall call meetings of the Board of Editors as needed.

Publications

Bar Bulletin: The State Bar of New Mexico *Bar Bulletin* shall be the official publication of the

State Bar. The *Bar Bulletin* shall be published in accordance with the editorial policy developed by the Board of Editors and approved by the Board of Bar Commissioners. The *Bar Bulletin* shall be provided to active members of the State Bar as a member benefit and to others free of charge as designated by the Board of Bar Commissioners. The *Bar Bulletin* is also available on a paid subscription basis.

The purpose of the *Bar Bulletin* shall be to provide an educational resource for all members of the State Bar on matters related to the justice system, the regulation of the legal profession, and the improvement of the quality of legal services. The Board of Editors shall have editorial content responsibility for the *Bar Bulletin*. As the communications vehicle for the members of the State Bar, the *Bar Bulletin* shall, among other things:

- present practical and informative articles on law, legal history, and people;
- advise members of recent court decisions, rule changes, and legislation;
- apprise of matters relating to the State Bar; and
- provide a forum for the exchange of opinions and discussion of views directly related to the administration of justice.

Articles shall not be used as a vehicle for the advocacy of political or politically ideological matters.

A. Content - The *Bar Bulletin* shall publish, space permitting:

1. The text of all opinions, orders, and notices issued by the New Mexico Supreme Court and Court of Appeals, including head notes (except that space considerations may preclude publication of some dissenting opinions), and notices and certificates issued by the Clerk of the Supreme Court; significant opinions on matters of New Mexico law issued by the United States District Court for the District of New Mexico and the Court of Appeals for the Tenth Circuit; notices of changes in the local rules of those courts, the United States Bankruptcy Court or the United States Magistrate Court; and announcements of state and federal courts;
2. Notices, rules and opinions issued by certain courts and regulatory arms of the State Bar, such as the Disciplinary Board, Legal Specialization Board, MCLE Board, and others;
3. Announcements, agendas and summaries of minutes of the Board of Bar Commissioners;
4. Reports and announcements issued by State Bar committees, sections, divisions, and programs, including State Bar convention schedules and announcements;
5. Notices pertaining to the activities of national, local, or specialty bar associations;
6. Activities of the Bar and its members, profiles, and stories of general interest; and
7. Memorials to recently deceased members of the State Bar.

B. Articles, letters to the editor and other such material shall be referred to the Board of Editors for consideration for publication based on the following criteria.

1. All submissions are subject to the Board of Editor's approval based on majority vote. The Board of Editors reserves the right to edit or reject any material submitted for publication.
2. All submitted articles should directly relate to the practice of law or the legal community in New Mexico.
3. Primary preference shall be given to original articles written by members of the State Bar expressly for first publication in State Bar publications.
4. Selection for publication shall be based on the article's relevance to readers, determined by content and timeliness. Articles appealing to the widest range of interests shall be encouraged. Commentaries dealing with more specific areas of law shall be given equal consideration. The Board of Editors shall encourage free expression of ideas and shall not reject submissions based on differences of opinion or points of view.
5. Articles should contain more than one source of information and explore more than one perspective.
6. Citations should conform to the Uniform System of Citation. Authors are solely responsible for the completeness and correctness of citations.
7. Submissions may be heavily edited for appropriateness, tone, clarity, style, grammar, length and use of AP style.
8. Authors will be notified when a submission has been rejected. Rejected submissions meeting subject-matter criteria may be reworked and resubmitted.

Routine columns generally are not distributed to the Board of Editors in advance of publication unless the Editor is concerned about the content or quality of articles. Such columns might include the "Message from the President of the State Bar," "Hearsay" and "In Memoriam;" reports from boards and committees of the Supreme Court and Board of Bar Commissioners; regular columns written by sections, divisions, or committees of the State Bar; and stories covering State Bar or other events in the legal community.

New Mexico Lawyer. The *New Mexico Lawyer* shall be a supplementary publication to the *Bar Bulletin* and shall focus on a single topic of current interest to a broad segment of the legal community. Provided that adequate staffing and financial resources are available, it shall be published quarterly in the *Bar Bulletin* and may be authored by a division, section, or committee of the State Bar; by a department within the State Bar; or by another entity approved by the Board of Editors. The Board of Editors shall review and approve all articles within each issue prior to publication based on the criteria above.

Material published in the *Bar Bulletin* and the *New Mexico Lawyer* remains the property of the State Bar. The author grants to the State Bar the following rights:

1. the right to publish the article in printed and electronic publications;
2. the right to reprint and sell copies of the article;
3. the right to permit reproduction of the article or portions thereof in non-profit legal publications and in promotional materials;
4. the right to grant permission to abstract the article for indices to periodicals;
5. the right to permit reproduction of the article or abstracts thereof in computer-assisted legal research services (e.g. Westlaw);
6. the right to use the author's name and biographical data in connection with promotion of the article.

The author also agrees to indemnify, defend and hold harmless the State Bar from and against any and all third party claims, demands, actions, suits, losses, liabilities, damages and all related costs and expenses, including attorneys' fees, due to, arising from or related to, claims that might arise involving ownership of rights in the content I have provided.

Letters to the Editor

Letters to the editor are designed to encourage constructive dialogue among members of the legal community in New Mexico.

1. The column shall be a mechanism for conducting reasonable discourse based on fact or informed opinion. It shall **not** be a forum for blatant or veiled personal attacks or a venue for venting one's hostility or anger about a person, policy or issue.
2. Letters to the editor must address State Bar policies and practices or issues directly affecting the practice of law in New Mexico. Letters also must be relevant to a broad segment of the legal community.
3. The Board of Editors shall determine the relevancy and appropriateness of submissions.
4. Letters to the editor may be edited for appropriateness, tone, clarity, timeliness and length.
5. Authors will be notified when a letter has been rejected. Rejected submissions meeting subject-matter criteria may be reworked and resubmitted. However, the State Bar reserves the right not to publish a submission. Decisions regarding editing and publication are within the discretion of the Board of Editors.

Grievance Procedure

The following procedure shall control the means for addressing grievances by persons whose articles, letters or other submissions are rejected for publication, or by persons who object to inclusion of material for publication.

1. The grievance must be submitted in writing to the Editor within either seven (7) days of receipt of notice that a submission has been rejected for publication or seven (7) days before the material objected to is to be published.
2. The Editor shall submit the grievance to the Executive Committee of the Board of Bar Commissioners along with the summary of comments and recommendations of the Board of Editors. The Executive Committee of the Board of Bar Commissioners shall then consider the grievance, with the exception that any member of the Executive Committee who had any involvement in either the writing of the submission or the initial decision by the Board of Editors or Editor to which the grievance is taken may not participate in the consideration of the grievance. A majority vote of the disinterested members of the Executive Committee shall be required to resolve the grievance.
3. If the requisite number of the Executive Committee of the Board of Bar Commissioners cannot be obtained, then the grievance shall be submitted by the Editor for resolution by the majority of an independent ad hoc committee composed of not less than three (3) members of the State Bar appointed by the Board of Bar Commissioners.
4. The grievance shall be acted upon no later than thirty (30) days after its submission by the aggrieved party. The decision shall be in writing and shall be final.

Advertising

1. Display and classified advertising will be subject to the availability of space and will be accepted for publication at the discretion of the Account Executive and with the approval of the ~~Managing~~ Editor. Rates shall be set by the Account Executive with the approval of the ~~Managing~~ Editor and the Executive Director. No guarantees can be given as to advertising publication dates, although every effort will be made to comply with publication requests. The Account Executive reserves the right to review and edit all classified ads, to request that an ad be revised before publication, or to reject an ad.
2. The State Bar reserves the right to insert the word "Advertisement" above or below any copy.
3. All advertisements are accepted and published upon the representation that the advertiser or advertising agency is authorized to publish the entire contents and subject matter thereof. The advertiser will indemnify and hold harmless the State Bar and its employees, agents, and representatives from and against any loss or expense arising out of publication of such advertisements, including, without limitation, those resulting from claims or suits for libel, violation of rights or privacy, plagiarism, or copyright infringement.
4. The following is a non-exclusive list of advertising not considered acceptable:
 - a. subject matter, content, material, or design that jeopardizes the publication's mailing status. The State Bar reserves the right to obtain U.S. Postal Service clearance;
 - b. illegal products or services or whose movement in interstate commerce is illegal.

Paid Advertising Notices

1. **Paid Advertising:** Submissions that solicit for paid or compensated positions shall be considered advertising, excluding judicial positions. Submissions that solicit support in the electoral process for any position shall be considered advertising, including judicial positions.
2. **Notices:** Submissions that solicit for nominations of potential judges or lists or reports regarding potential judges and submissions that solicit for volunteer positions will be consider
3. ed "Notices."