

Appendices

- I. C. Emery Cuddy Letter, 12/29/87,
to Arturo Jaramillo on Task Force
- II. Ricardo Narvaiz Statement on behalf of
National Hispanic Bar Association
- III. September 23, 1989 Resolution
(at Convention)
- IV. Survey Form I
- V. Survey Form II
- VI. Survey Form III
- VII. Ray Hamilton Letter, 1/31/90, to
Arturo Jaramillo on Task Force
- VIII. *Albuquerque Journal* News Article,
August 1989
- IX. *Roswell Daily Record* Article, August 1989

Appendix I



STATE BAR OF NEW MEXICO

New Mexico Law Center / 1117 Stanford Avenue NE
Post Office Box 25883 / Albuquerque, New Mexico 87125
505-842-6132 / 1-800-432-6976 (instate, toll-free)

December 29, 1987

Linda L. McDonald
Executive Director

C. Emery Cuddy, Jr.
President
Please reply to
P.O. Box 5738
Santa Fe, NM 87502

Arturo Jaramillo, Esquire
Post Office Box 2228
Santa Fe, New Mexico 87504-2228

RE: State Bar Task Force on Minority Involvement
in the Bar

Board of Bar
Commissioners

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Arranda J. Ashford
Briggs F. Cheney
Gerald R. Cole
Dan A. McKinnon, III
Rondolyn R. O'Brien
Charles A. Pharris
Maureen A. Sanders
Alan C. Torgerson

Second District
James Jay Mason

Third District
C. Emery Cuddy, Jr.
James J. Wechsler
Seth D. Montgomery

Fourth District
Robin C. Blair

Fifth District
Richard F. Rowley II

Sixth District
James L. Bruin
James P. Saunders, Jr.
Cas F. Tabor

Seventh District
Leslie C. Smith
Neil E. Weinbrenner

Young Lawyers
Division President
Charles E. Stuckey

Immediate Past
President
James P. Saunders, Jr.

Dear Art:

Many thanks for having agreed to chair the Minority Task Force which we discussed on December 28. The basic purpose for the operation of this task force is to study the involvement of minority lawyers in the State Bar, to identify any barriers that still exist to "full integration" of minority lawyers into our legal system and to identify and describe things that the State Bar of New Mexico could be doing which would assist minority lawyers in their practice. The ABA has recently completed a similar study at the national level and by a copy of this letter, I am asking Linda McDonald to procure a copy of that study and any related materials from the ABA and sent it to you for your task force's use. I believe that there have been several other states who have done similar studies and the ABA may be able to provide copies of those reports also.

In addition to membership by Hispanic lawyers, I think that the task force should include representative Black, Oriental and Native American attorneys. Also, I think it is important to try to cover the spectrum of employment situations, including those in large, medium size and small firms; those in government practice; someone from academia; judges; people with plaintiff orientation and defense orientation; and both urban and rural attorneys. I have taken a quick stab at suggesting some names of people who might be invited to serve on the task force and I offer them for your consideration. Please understand that I have not contacted these people at this point:

Tommy Jewell - Albuquerque
Wayne Chew - Albuquerque
Carol Vigil - Santa Fe
Art Melendres - Albuquerque
Professor Leo Romero - Albuquerque
Steve Herrera - Santa Fe

Arturo Jaramillo
December 29, 1987
Page Two

Justice Dan Sosa - Santa Fe
Judge Joe Galvan - Las Cruces
Jesus Lopez - Las Vegas
Charles Baldonado - Santa Fe
Patricia Salazar Ives - Santa Fe

Another good resource for identifying possible members of the task force would be the New Mexico Hispanic Bar Association and Steve Herrera will probably have good contacts within that association.

As we discussed, the timing for the report of the task force is largely up to the task force, once it sees the issues with which it wishes to deal. I had hoped that we could have a report at the 1988 Bar convention, but that date (September 28 through October 2, 1988) is only nine months away and probably does not leave enough time for adequate study of the issues.

Please review the list of potential candidates I have given to you, think about the people you would like to have on your committee and give me a call. As far as I am concerned, you have complete discretion with regard to the size and the composition of the task force. Once you have identified those that you would like to have serve, I will be happy to write a letter requesting those individuals to serve.

I am pleased that you have agreed to chair this important task force. We may have been too complacent about the position of minorities in our Bar and if there are things that still need to be done, the State Bar is anxious to know about them and to implement programs to remove all barriers for full minority participation in the benefits of the practice of law in New Mexico.

Best personal regards,


C. EMERY CUDDY, JR.

CEC/rla
cc: Dr. Linda McDonald
Executive Committee
B242.01

Appendix II



New Mexico Hispanic Bar Association

HNBA
HISPANIC NATIONAL BAR ASSOCIATION

1988 Convention Committee

STATEMENT OF S. RICARDO NARVAIZ, Writer's Direct Address
HISPANIC NATIONAL BAR ASSOCIATION
REGIONAL PRESIDENT

CONVENTION CHAIRPERSON
Mercedes Fernandez

HONORARY CO-CHAIRPERSONS

Justice Dan Sosa, Jr.
NM Supreme Court
Hon. Rudy S. Apodaca
NM Court of Appeals
Hon. Lorenzo F. Garcia
NM Court of Appeals
Hon. A. Joseph Alarid
NM Court of Appeals
C. Emery Cuddy
NM State Bar President
Theodore Parner
Dean UNM School of Law

CONVENTION COMMITTEE

Javier E. Acosta
Roberto A. Bertrio
Hon. Theresa M. Baca
Edward F. Benavidez
Hon. Benjamin Chavez
Eileen Gauna
Patricia Salazar-Lives
Heleen Laura Lopez
Chris Lucero, Jr.
Debra Martinez
Linda McDonnell
Dennis Montoya
Ricardo Narvaiz
Ana M. Ortiz
Raymond Z. Ortiz
Stephen Quintana
Gerardine Rivera
Joseph Zamora

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Chicago, IL

I wish to thank the members of the "New Mexico State Bar Task Force on Minority Involvement in the Profession" for providing me with this opportunity to make a statement on behalf of the Hispanic National Bar Association. I wish to thank in particular Mr. Arturo Jaramillo, who has done a truly outstanding job in trying to expand on the collective understanding of what it means to be a minority attorney in New Mexico. My compliments also go to attorney Patrick Apodaca, who worked with Mr. Jaramillo to produce an effective questionnaire which was sent to minority attorneys in New Mexico this past Spring.

Please allow me to provide you with some background on the HISPANIC NATIONAL BAR ASSOCIATION. HNBA was formed in 1972 by a handful of Hispanic attorneys residing and working in the Washington D.C. area. This modest beginning has since evolved into a national organization with a constituency of some 10,000 Hispanic attorneys and other professionals in at least fifty chapters throughout the United States and Puerto Rico.

As you may recall, the NEW MEXICO HISPANIC BAR ASSOCIATION hosted the HNBA NATIONAL CONVENTION last year. During that Convention, U. S. Supreme Court Justice Anthony Kennedy gave a superb and inspiring speech on the need for the majority bar in the United States to overcome the institutional and perhaps unconscious structures which have prevented (and which continue to prevent) the fullest participation of minority attorneys in the governance of the various state bars. Justice Kennedy made one excellent point in particular when he stated that in his view, it is essential for the majority bar to "reach out," globally, to non-Anglo-American law professionals in order to avoid the stultifying narrow-mindedness which isolation and "in-breeding" will certainly cause.

And so it is appropriate that today, and in the future, we should reflect on Justice Kennedy's message. It is perhaps easy to nod our heads and agree that isolation of the State Bar is a bad thing and that participation of minority attorneys in the Bar of New Mexico is a good thing. Yet, it is far more difficult to ascertain the reasons for and formulate any coherent statement to address the apparent non-involvement of minority attorneys in New Mexico.

Testimony of S. R. Narvaiz
Page 2

There are some numbers which bear on the subject. We in the HNBA have identified 600 Hispanic attorneys in the State of New Mexico out of a total of 4,445 attorneys overall. Hispanics, therefore, constitute approximately 13.5% of all attorneys. The total number of Hispanic and non-Hispanic minority attorneys approaches 680, or 15.3% of all attorneys.

Common sense would dictate, then, that there would be a significant number of minority attorneys who serve in the State Bar organization. Alas, such is not the case.

Anyone who can pick up the Bar Directory can verify the paucity of Hispanic attorney involvement in the governing structure of the State Bar. I draw your attention to the 19 Bar Commissioners who serve on the Board of Bar Commissioners. Of the 19 Commissioners, only one is Hispanic, and of the Officers of the Bar for 1989, not one is Hispanic.

In the New Mexico Bar Foundation, not one minority attorney sits on the five-member Board of Directors or serves as an officer.

Out of the 14 Chairs of the various Law Sections of the State Bar, only two are minority attorneys. Within the sections, minority attorney representation is sporadic at best. For example, no minority attorney serves in the "Commercial Litigation and Antitrust Section; or "Trial Practice Section"; and only one minority attorney is included in each of the Sections of Criminal Law; Employment and Labor Law; Health Law; International and Immigration Law; Real Property and Probate Law; and Taxation Section. Out of 149 attorneys comprising the membership of the Sections there are only 18 minority attorneys participating.

Of twenty-nine Bar Committees, only two -- "The Inns of the Court" and "Legislative Committees" -- are chaired by Hispanics and several of the more influential committees have absolutely no minority representation whatsoever. They are:

- The Advisory Opinion Committee;
- The Bar Center Planning Committee;
- The Lawyers Professional Liability Committee.

Testimony of S. R. Narvaiz
Page 3

On the Judicial Selection Committee, of twenty-eight members statewide, there are only two minority attorneys who serve on this Committee.

The good news, of course, is that there is significant minority representation on the Board of Examiners, the Disciplinary Board and the Judicial Standards Commission. However, overall, I must conclude that there is significant underrepresentation in the Commissioners, Committees and Sections of the Bar. Moreover, the underrepresentation is pervasive and is of glaring significance when it comes to the governing bodies of the Bar, such as the Officers and the Bar Commissioners.

Why is there a cause for concern as a result of this underrepresentation? The answer is relatively simple, even if the solutions remain complicated. Minority representation in the way the Bar functions -- whether it is in governance or a substantive area of law -- is important because of New Mexico's demographics, its culture and its history. More basically, it is simply "common-sensical" that the Bar should represent the interests of all of its constituent members. It is a further logical corollary that the Bar cannot represent the interests of minority attorneys and more importantly, the Bar cannot take cognizance of the public's best interests, if minority attorneys are not adequately represented in the Bar's governing bodies.

On whom then, does the onus lie to increase the representation and participation of minority attorneys? The answer to this question is two-fold.

First, there is a responsibility on the part of minority attorneys to become involved in the areas of their choice. The HNBA does not espouse that any minority attorney sit back and wait to be "called into action." It is crucial that Hispanic, Black, Native American and other minority attorneys make a "good-faith" attempt to participate in the governance of the State Bar. I personally know dozens of such minority attorneys who are extremely technically competent and motivated and who possess the highest ethical standards and integrity to be found in our profession. Whether such men and women exist among minority attorneys is not the question. The real issue here is, why have not these talented professionals become more involved in State Bar operations?

In addition, the onus for minority non-participation in the State Bar also rests at the highest levels of the Bar hierarchy itself. In preparing this testimony, I spoke with many Hispanic attorneys concerning their perceptions of the State Bar hierarchy and the response was uniformly negative. The Bar hierarchy is perceived as a exclusive "club" dominated by Anglo attorneys chiefly, but not exclusively, from large law firms. Right or wrong, this perception has a distinct deterrent effect on the participation of minority attorneys in the State Bar. Rather than trying to ascribe reasons for such a perception or attribute guilt or innocence for it, my purpose today is to suggest some positive steps which could be taken by the Bar Officers, Commissioners and Committee and Section leaders to attract minority attorneys to participate in the Bar.

First, it would be appropriate for the President of the Bar to establish lines of communication with the minority bar associations for purposes of:

1. Obtaining names of qualified and interested candidates for consideration for appointments the President makes or for the purposes of simply encouraging their participation in Bar activities;
2. Exploring additional ways to stimulate greater interest in the Bar through joint programs or projects;
3. Making presentations to the minority bar associations to explain the internal workings of the State Bar.

Second, the President and other officers and the Bar Commissioners could with very little effort and with possible positive results, make it a stated policy position that they encourage minority attorneys to participate in Bar governance. It would take an act of greater courage, however, for the Officers and Commissioners of the Bar to formalize a verbal commitment to minority participation by establishment of an active liaison committee to have as its purpose a continuing effort to seek out minority attorneys for participation in various areas of Bar governance.

Third, the President, other Officers and the Commissioners as well as other Bar officials could jointly draft a statement to law firms and other

Testimony of S. R. Narvaiz
Page 5

employers of legal personnel that is not enough simply to avoid discrimination in hiring and promotion practices. Such a statement could emphasize that it is at a minimum an ethical responsibility to provide equal employment opportunities without regard to cultural background, skin color, national origin or gender. Such a statement should be directed to private law firms, not just government or other types of private employers.

Finally, and most important of all, is the personal, subjective commitment of Bar officials and all non-minority attorneys that they conduct themselves in a manner that is conducive to encouraging minority attorneys to participate in the operation and governance of the Bar.

Time and time again, I have been told of (and have occasionally experienced) the arrogance and condescension of Anglo attorneys, both in and out of the courtroom. Unfortunately, such behavior and attitudes are not limited to Anglo attorneys. However, it is appropriate that we all, Anglo and non-Anglo alike, examine the ways we send messages to each other and the ways we interact with each other. I have been told by many minority attorneys that they will not attend the State Bar Convention or other Bar functions because they perceive such events as "Anglo, big firm" endeavors, which is not a positive image for the Bar to foster. I submit that changing such perceptions may take a long time, and it will take much hard work to change old attitudes and habits on both sides, but the alternative is a "split Bar," one that remains awkwardly segregated and which does not accurately reflect the cultural and historical richness that is New Mexico.

Appendix III

*For consideration during the
1989 Annual Meeting of the State Bar of New Mexico
September 23, 1989*

RESOLUTION

WHEREAS, THE BLACK, HISPANIC, AND INDIAN BAR ASSOCIATIONS OF NEW MEXICO share in the leadership and responsibility for the professional growth of their respective membership; and

WHEREAS, the Black, Hispanic and Indian Bar Associations strive to advance the development of strategies to address the important legal issues affecting minorities in New Mexico; and

WHEREAS, the Black, Hispanic, and Indian Bar Associations are cooperatively working to: 1) urge law firms and all other employers of law school graduates to intensify their efforts to recruit, hire, and promote minorities; 2) promote and support opportunities for more minority lawyers to serve as judges and as judicial clerks; 3) promote and support state, local and cooperative projects to develop continuing legal educational activities unique to the needs of the minority community; 4) promote and assist in the development of initiatives to ensure full and equal participation in the State Bar of New Mexico; and 5) assist the Task Force on Minority Involvement in the Bar.

NOW THEREFORE, BE IT RESOLVED that the State Bar of New Mexico through the individual and collective efforts of its members and organizations shall promote full and equal educational, professional, and judicial opportunities for minorities in New Mexico.

This foregoing resolution has been submitted by the Black, Hispanic, and Indian Bar Associations of New Mexico to Ms. Linda McDonald, Executive Director, State Bar of New Mexico on September 11, 1989.

SUBMITTED BY:

s/ Raymond Hamilton, President
New Mexico Black Lawyers' Association
(telephonically approved 9/11/89)

s/ S. Ricardo Narvaiz, Board Member
New Mexico Hispanic Bar Association
(telephonically approved 9/11/89)

s/ Cheryl D. Fairbanks, President
New Mexico Indian Bar Association

Appendix IV

Questions for Ethnic Minority Members of the State Bar of New Mexico

1. (a) Year of admission to the State Bar of New Mexico? _____

(b) Number of years of active law practice in: _____ New Mexico _____ Other Jurisdictions

(c) Principal location of your practice or employment in New Mexico (select one only)?

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Albuquerque | <input type="checkbox"/> Santa Fe | <input type="checkbox"/> Las Cruces | <input type="checkbox"/> Roswell |
| <input type="checkbox"/> Northwestern NM | <input type="checkbox"/> Northcentral NM | <input type="checkbox"/> Northeastern NM | <input type="checkbox"/> Southwestern NM |
| <input type="checkbox"/> Southcentral NM | <input type="checkbox"/> Southeastern NM | | |

2. **Ethnicity** ☐ Hispanic ☐ Black ☐ Native American ☐ Asian American
 ☐ Other (specify) _____

3. **Age** _____

4. **Gender** ☐ Male ☐ Female

5. **The type of law practice or employment you are currently engaged in?**

- | | | |
|---|---|---|
| <input type="checkbox"/> Private law practice | <input type="checkbox"/> Governmental/public agency | <input type="checkbox"/> Tribal government/agency |
| <input type="checkbox"/> Corporate law department | <input type="checkbox"/> Public interest/community legal services | <input type="checkbox"/> Judicial position |
| <input type="checkbox"/> Judicial clerkship | <input type="checkbox"/> Law professor | <input type="checkbox"/> Other (specify) _____ |

6. (a) **If currently in private practice, please specify the size of your practice or firm:**

- ☐ Sole practitioner
- ☐ I practice in a law firm with _____ other attorneys (Please fill in the number of attorneys in your firm).

(b) **Of the _____ lawyers in my firm, _____ are also ethnic minority members of the State Bar of New Mexico.**

7. **If currently in private practice, please specify one or more of the following areas of the law in which you routinely practice:**

- | | |
|---|--|
| <input type="checkbox"/> Administrative law | <input type="checkbox"/> Immigration law |
| <input type="checkbox"/> Appellate practice | <input type="checkbox"/> Indian law |
| <input type="checkbox"/> Business/corporate/banking | <input type="checkbox"/> Insurance defense |
| <input type="checkbox"/> Civil litigation practice | <input type="checkbox"/> Labor law |
| <input type="checkbox"/> Civil rights | <input type="checkbox"/> Natural resources (oil and gas/water law, etc.) |
| <input type="checkbox"/> Collections | <input type="checkbox"/> Personal injury/wrongful death |
| <input type="checkbox"/> Complex commercial litigation | <input type="checkbox"/> Products liability |
| <input type="checkbox"/> Criminal defense | <input type="checkbox"/> Professional malpractice |
| <input type="checkbox"/> Education law | <input type="checkbox"/> Real estate/quiet title |
| <input type="checkbox"/> Environmental law | <input type="checkbox"/> Tax |
| <input type="checkbox"/> Estates/probate/wills/trusts | <input type="checkbox"/> Utility law |
| <input type="checkbox"/> Family law/domestic relations | <input type="checkbox"/> Workmens' compensation |
| <input type="checkbox"/> General office practice (non-litigation) | <input type="checkbox"/> Others (specify) _____; _____; |
| <input type="checkbox"/> Governmental agency representation | _____; |

8. **If currently employed in government or public sector practice, please specify one or more of the following areas of the law in which you routinely practice:**

- | | |
|--|---|
| <input type="checkbox"/> Administrative law | <input type="checkbox"/> Governmental official |
| <input type="checkbox"/> Criminal prosecutor (trial or appellate) | <input type="checkbox"/> Indian law |
| <input type="checkbox"/> Criminal public defender (trial or appellate) | <input type="checkbox"/> Litigation oriented practice |
| <input type="checkbox"/> Legal services representation | <input type="checkbox"/> Non-litigation oriented practice |
| <input type="checkbox"/> Governmental entity or agency representative | <input type="checkbox"/> Others (specify) _____; _____; |
| | _____; |

9. Annual net income received by you individually from your employment or law practice (specify one)? "Annual net income" means the annual salary and other compensation received by you as an employee or, if you are not an employee, the annual gross receipts from your law practice less ordinary and necessary business expenses prior to the payment of federal and state income taxes.

☐ Less than \$25,000
☐ \$25,000 - \$30,000
☐ \$30,000 - \$35,000

☐ \$35,000 - \$40,000
☐ \$40,000 - \$50,000
☐ \$50,000 - \$60,000

☐ \$60,000 - \$75,000
☐ \$75,000 - \$100,000
☐ More than \$100,000

10. (a) Do you have career preferences or objectives in the practice of law beyond those of your current practice? ☐ Yes ☐ No

(b) If so, please specify what those preferences or goals are.

11. (a) Immediately after your admission to the New Mexico Bar, did you go into (specify one)?

☐ Private practice alone
☐ Judicial clerkship
☐ District Attorney's office
☐ U.S. Attorney's office
☐ Community legal services

☐ Private practice with ____ other attorneys
☐ Public Defender department
☐ Attorney General's office
☐ Corporate legal department
☐ Tribal agency
☐ Other (specify) _____

(b) What were your principal reasons for choosing this type of law practice and what factors affected your decision?

(c) What other law practice or employment opportunities, if any, did you consider or pursue, and with what results?

12. (a) Have you applied, or ever considered applying, for employment with a law firm of 10 or more attorneys? ☐ Yes ☐ No

(b) If so, with what result?

(c) If not, explain why such a law practice was not of interest to you?

13. (a) From your perspective, do ethnic minority lawyers face any barriers to employment by law firms in this state that are not equally faced by non-minority lawyers?

☐ Yes ☐ No

Please explain your views.

13. (b) From your perspective, do ethnic minority lawyers face any barriers to advancement or retention by law firms in this state that are not equally faced by non-minority lawyers?

☐ Yes ☐ No

Please explain your views.

14. (a) From your perspective, do ethnic minority lawyers face any barriers to the development of a successful law practice in this state that are not equally faced by non-minority lawyers?

☐ Yes ☐ No

Please explain your views.

(b) From your perspective, are minority lawyers given equal opportunities for advancement in your organization? ☐ Yes ☐ No

Please explain your views.

15. (a) From your perspective, is there a need and justification for a State Bar Association sponsored referral program for ethnic minority lawyers in New Mexico to assist in creating employment opportunities with private law firms? ☐ Yes ☐ No

(b) Please explain why or why not.

16. (a) From your perspective, do minority lawyers, as a group, tend to be more or less competent than non-minority lawyers? ☐ More ☐ Less ☐ About the same

Please explain the reasons for your answer.

(b) From your perspective, do minority lawyers, as a group, tend to be more or less prepared for court proceedings than non-minority lawyers? ☐ More ☐ Less ☐ About the same

Please explain the reasons for your answer.

17. (a) Have you participated in a State Bar of New Mexico activity in the last three (3) years?

☐ Yes ☐ No

(b) If yes, check those activities you have participated in.

- | | |
|---|---|
| <input type="checkbox"/> Annual Convention | <input type="checkbox"/> Member of a Section |
| <input type="checkbox"/> Chair or officer of a Section | <input type="checkbox"/> Participant in a Task Force or Special Committee |
| <input type="checkbox"/> Lecturer or panelist for State Bar Sponsored CLE | <input type="checkbox"/> Lawyer referral program |
| <input type="checkbox"/> Law Day | <input type="checkbox"/> Speakers Bureau |
| <input type="checkbox"/> Social events | <input type="checkbox"/> Board of Bar Commissioners or other elected official |
| <input type="checkbox"/> Actively involved in Young Lawyers Division | <input type="checkbox"/> Other (specify) _____ |

(c) When was the last time you participated in a State Bar activity?

- ☐ Within the last month ☐ Within the last year ☐ Over three years ago
☐ Within the last six months ☐ Within the last three years ☐ Never

(d) On average, how often do you participate in State Bar activities?

- ☐ Never ☐ once a year ☐ four times a year
☐ less than once a year ☐ two times a year ☐ once a month ☐ more frequently

(e) On average, how often do you participate in local bar association activities?

- ☐ Never ☐ once a year ☐ four times a year
☐ less than once a year ☐ two times a year ☐ once a month ☐ more frequently

(f) I would participate more in State Bar activities if (check as many as applicable):

- ☐ I was asked to actively participate
☐ State Bar activities were more oriented toward my practice
☐ State Bar activities were less expensive
☐ There was a State Bar Section more oriented towards my practice or interests
☐ I had more meaningful input into Section policy making
☐ I thought it would make a difference
☐ There were tangible rewards for participation
☐ I was not so busy
☐ Other (specify) _____

(g) If you do not participate in State Bar activities, what is the principal reason?

- ☐ Lack of available time to devote ☐ Employer discourages ☐ Expense
☐ Requires taking annual leave ☐ Lack of interest ☐ Other (explain) _____

(h) If you do not actively participate in State Bar activities, are there any cultural, social or ethnic considerations which bear upon your lack of involvement or interest?

- ☐ Yes ☐ No

Please explain.

18. (a) Do you believe that the interests of minority lawyers are adequately represented by the State Bar of New Mexico? ☐ Yes ☐ No

If not, please explain your answer.

18. (b) If encouraged to do so by fellow minority lawyers, would you be interested and willing to run for election in your district to the Board of Bar Commissioners?

- ☐ Yes ☐ No

If not, please explain your answer.

18. (c) What steps, if any, do you believe should be taken by the State Bar of New Mexico to more effectively promote the interests of minority lawyers?

19. (a) Is one of your interests, ambitions or objectives in the legal profession to one day seek appointment to a judicial office? ☐ Yes ☐ No

(b) If Yes, do you believe you would face any barriers in seeking appointment to a judicial office that would not be equally faced by non-minority lawyers?

☐ Yes ☐ No

If Yes, please explain your answer.

20. What other sections of the State Bar, if any, would you like to see established in the State Bar organization?

Comments or Suggestions:

Please return this completed form by April 7, 1989, in the enclosed, self-addressed envelope. Your cooperation in this project is genuinely appreciated. Thank you for your assistance.

ARTURO L. JARAMILLO
Chairman, State Bar Task Force on
Minority Involvement in the Profession

Appendix V

**Questionnaire on
New Mexico Law Firms'
Recruitment Practices
and
Employment Opportunities**

March 24, 1989

**Responses to this questionnaire shall be submitted anonymously
and treated confidentially.
Only generalized summaries and statistical data
derived from the responses will be published.**

1989 Survey of New Mexico Law Firms on Recruitment Practices & Employment Opportunities

INSTRUCTIONS

Most questions can be answered by circling the number of the appropriate answer or by writing a number. Please observe the directions and read all possible answers before choosing the appropriate one. You may make copies of this booklet for discussion or notes. If your firm has other offices or branches, please respond only for the office receiving the Survey. The term "minority(ies)," unless otherwise indicated, is used here to mean Afro-Americans/Blacks, Native Americans, Hispanics, Mexican-Americans, Pacific Islanders and Asian-Americans. The term "majority law firm(s)" is used to refer to firms consisting mainly of white male lawyers. The term "partner" is intended to include a shareholder in a professional corporation.

PART A: LAW FIRM CHARACTERISTICS

1. (a) Year law firm established? _____

(b) Location of firm or branch office* (select one only)?

☐ Albuquerque

☐ Santa Fe

☐ Roswell

☐ Las Cruces

☐ Northwestern NM

☐ Northcentral NM

☐ Northeastern NM

☐ Southwestern NM

☐ Southcentral NM

☐ Southeastern NM

*For purposes of this survey, a firm's main office and branch office(s) will be considered as different firms.

2. Please indicate number of lawyers in your office in each of the following categories.

Partners

Associates

All lawyers in the office _____

Female lawyers _____

Minority lawyers _____

3. Has your firm in the past employed or made formal offers of employment to minority lawyers?

Past 1-2 years

☐ Yes

☐ No

☐ Don't Know

Past 3-5 years

☐ Yes

☐ No

☐ Don't Know

Past 5-10 years

☐ Yes

☐ No

☐ Don't Know

4. In referring matters to other firms or in associating other lawyers to handle client matters has your firm made any referrals to minority law firms or had minority lawyers act as co-counsel?

☐ Yes ☐ No ☐ Don't Know

PART B: LAWYER RECRUITMENT

5. Which of the following recruiting methods does your firm use?

☐ Requests to law school placement offices

☐ Requests to individual law school faculty members

☐ On campus interviews

☐ On campus informal gatherings

☐ Formal clerkship programs

☐ Services of a legal search firm

☐ Advertisements in legal publications

☐ Other (specify) _____

6. (a) When do you recruit? _____

(b) Does your law firm actively recruit at one or more law schools on an annual or periodic basis?

☐ Yes ☐ No

7. (a) Does your firm make any special efforts to recruit minority lawyers? ☐ Yes ☐ No

If yes, indicate the methods used by your firm.

- ☐ Recruitment at schools with a sizable minority enrollment
☐ Special recruitment efforts at law schools
☐ Summer or school year clerkships geared to minorities
☐ Retention of a legal search firm
☐ Other (please describe) _____

- (b) Have the methods for recruitment of minority lawyers used by your firm been successful?

- ☐ Very successful ☐ Very unsuccessful
☐ Somewhat successful ☐ Program just underway or too early to evaluate
☐ Somewhat unsuccessful

8. Does your law firm rely on a cut-off level in either LSAT (Law School Aptitude Test) scores or law school GPA's (grade point averages) as a device for screening applicants to be interviewed for clerk or associate positions?

- ☐ Yes, LSAT and GPA ☐ Yes, LSAT only ☐ Yes, GPA only ☐ No

9. Please indicate the importance to your firm of each of the following factors in evaluating prospective associates. Please circle the number appropriate to your response on the scale of 1 to 5 below, which ranges from (1) Not at all important to (5) Very important. Use (8) for Don't know or no opinion.

	Not				Very	DK
LSAT score	1	2	3	4	5	8
Undergraduate GPA	1	2	3	4	5	8
Law school attended	1	2	3	4	5	8
Law school GPA	1	2	3	4	5	8
Law Review	1	2	3	4	5	8
Employment experience	1	2	3	4	5	8
Leadership positions held	1	2	3	4	5	8
Social standing or family connections	1	2	3	4	5	8

PART C: LAWYER ADVANCEMENT

10. Considering all of the associates your firm has employed during the past several years, please indicate their beginning competence in the following areas. (Circle the number reflecting your response on the scale of 1 to 5 below where (1) represents Not very competent and (5) represents Very competent. Circle (8) for Don't know).

	Not				Very	DK
Basic knowledge of the law	1	2	3	4	5	8
Legal research skills	1	2	3	4	5	8
Effective writing skills	1	2	3	4	5	8
Oral communication skills	1	2	3	4	5	8

11. How important is each of the following factors in evaluating an associate for partnership? (Again, please use the scale of 1 to 5 below; (1) for Not at all important through (5) Very important and (8) for Don't know.)

	Not				Very	DK
Law school attended	1	2	3	4	5	8
LSAT score or GPA	1	2	3	4	5	8
Social standing or family connections	1	2	3	4	5	8
Billable time	1	2	3	4	5	8
Billed dollars	1	2	3	4	5	8
Success in attracting clients	1	2	3	4	5	8

11. (Continued)

	Not				Very	DK
Compatible personality	1	2	3	4	5	8
Demonstrated legal skills	1	2	3	4	5	8
Demonstrated leadership qualities	1	2	3	4	5	8
Allegiance to firm's goals	1	2	3	4	5	8
Active participation in organized bar	1	2	3	4	5	8
Active participation in pro bono activities	1	2	3	4	5	8

PART D: FACTORS INFLUENCING THE HIRING AND ADVANCEMENT OF MINORITY LAWYERS

12. Among the assertions made to explain why minority lawyers are underrepresented in majority law firms are those listed below. Please indicate the degree to which you consider each of them a factor contributing to such underrepresentation. (Circle the appropriate number on the scale which ranges from (1) Not a factor at all to (5) Strong contributing factor. Circle the (8) for Don't know.)

	Not a Factor				Strong Factor		DK
Most majority law firms do not actively recruit minority lawyers.	1	2	3	4	5	8	
The pool of minority applicants who meet the academic standards of most law firms is too small to permit significant increases in the number of minority law firms.	1	2	3	4	5	8	
The screening, recruitment and interview procedures used by most law firms operate to the disadvantage of minority law students.	1	2	3	4	5	8	
The style and questions used by firm interviewers have a discriminatory tone and tend to alienate minority lawyers.	1	2	3	4	5	8	
Minorities are reluctant to practice in majority firms.	1	2	3	4	5	8	
Intentional discrimination against minorities still prevails in many majority law firms.	1	2	3	4	5	8	
Minority lawyers tend to seek public sector employment.	1	2	3	4	5	8	
Majority firms hiring partners are unmindful that discrimination still exists and reinforce it by their inaction.	1	2	3	4	5	8	

13. A number of reasons have been suggested for why many minority lawyers leave majority law firms before partnership decisions are made. Please indicate the degree to which you consider each reason given below a contributing factor. The scale ranges from (1) Not a factor at all to (5) Strong contributing factor; circle (8) for Don't know.

	Not Factor				Strong Factor		DK
Capable minority lawyers are in demand and are hired away.	1	2	3	4	5	8	
Minority lawyers feel obligated to work for social justice and see little opportunity to do so in majority firms.	1	2	3	4	5	8	
After gaining experience, minorities choose to form firms with other minority lawyers.	1	2	3	4	5	8	
Minority lawyers believe there is little chance of becoming a partner, regardless of their performance.	1	2	3	4	5	8	
Performance below that required for a partnership offer leads some minority lawyers to leave.	1	2	3	4	5	8	
Minority lawyers experience subtle forms of discrimination such as unimportant assignments or lack of evaluation and feedback.	1	2	3	4	5	8	
Majority lawyers do not "reach out" to make minority lawyers feel welcome.	1	2	3	4	5	8	

14. To what degree does each of the following factors contribute to the difficulty minority lawyers face in becoming partners in majority law firms? Continue using the 5 point scale used in the earlier questions.

	Not a Factor				Strong Factor	DK
Unwillingness of majority partners to act as mentors for minority lawyers.	1	2	3	4	5	8
Ineffectiveness of majority partners as mentors to minority associates.	1	2	3	4	5	8
Lack of minority partners to act as mentors to minority associates.	1	2	3	4	5	8
Inability to attract desirable clients.	1	2	3	4	5	8
Lack of personal compatability with colleagues.	1	2	3	4	5	8
Lack of opportunities to demonstrate talent.	1	2	3	4	5	8
Philosophical differences with firm's practices and goals.	1	2	3	4	5	8

15. Is it more difficult for minority lawyers, than for their majority colleagues, to achieve partnership in most majority law firms?

- ☐ Much more difficult ☐ No difference
☐ Somewhat more difficult ☐ Less difficult ☐ Don't know

16. Interpreting the term "discrimination" broadly to mean both deliberate and unintended occasions of unfairness and inequality of opportunity, please indicate the extent you perceive the following types of discrimination to exist in each of the areas of employment noted below. Write in the appropriate number of each line, using the scale:

- 1: Very prevalent and continuing
 2: Prevalent and continuing
 3: Prevalent but diminishing

- 4: Sporadic
 5: Non-existent
 6: Don't know, no opinion

	Racial Discrim.	Gender Discrim.	Religious Discrim.
Law teacher hiring	_____	_____	_____
Law firm hiring	_____	_____	_____
Law firm career advancement	_____	_____	_____
Corporate lawyer hiring	_____	_____	_____
Government and public interest employment	_____	_____	_____
Judicial clerkship hiring	_____	_____	_____
Judicial selection	_____	_____	_____

17. Are professional opportunities for beginning minority lawyers any better in your locality than elsewhere?

- ☐ Yes ☐ No

If Yes, why is that the case? (Check all that apply.)

- ☐ Many minority clients to serve.
☐ Active network of minority lawyers and minority law students to assist with employment.
☐ Minorities hold sufficient economic and political power to create opportunities for minority lawyers in the area.
☐ Majority law firms are very willing to hire minorities.
☐ "National" law school in area assures a pool of qualified minority graduates.
☐ Other (please specify) _____

PART E: POSSIBLE PROGRAMS AND RECOMMENDATIONS

18. Listed below are some proposals for projects that could improve educational and professional opportunities for minority students and lawyers. Please indicate the degree to which firms like your own might support each activity if it were to be implemented in your area. (Circle the appropriate number on the scale which ranges from (1) No support at all to (5) Strong support. Circle (8) for Don't know.)

	No Support					Strong Support	DK
Programs to identify outstanding minority high school graduates and college undergraduates and encourage them to study law.	1	2	3	4	5	8	
Law school scholarships, with living expenses, so that minority students could pursue full-time study.	1	2	3	4	5	8	
Individual mentoring and counseling programs for minority law and pre-law students by members of majority firms.	1	2	3	4	5	8	
Law firm programs, wholly apart from recruitment, to provide clerkships and law-related summer employment to minority law students.	1	2	3	4	5	8	
CLE programs geared to improve the practice skills of solo and small firm minority lawyers.	1	2	3	4	5	8	
Programs to promote mentor relationships between majority lawyers and solo and small firm minority practitioners to foster their professional development.	1	2	3	4	5	8	
Programs geared to assist majority firms in referring matters to experienced minority practitioners.	1	2	3	4	5	8	
Programs for recruitment interviewers to sensitize them regarding discriminatory questions and behavior.	1	2	3	4	5	8	
Programs to sensitize majority firms to the institutional discrimination in the profession and to recommend changes in current methods used to recruit associates.	1	2	3	4	5	8	

19. Listed below are possible activities/programs that might be fostered and implemented by the ABA and state and local bar entities to promote educational and professional opportunities for minority lawyers. Please assign a priority to each activity. (Use the following scale which ranges from (1) Not a priority at all to (5) Very high priority; circle (8) for Don't know.)

	Not a Priority					Very High	DK
Efforts to encourage minority lawyers and law students to join national and local bar associations, coupled with commitments that entities within these associations invite minority participation and enlist minority involvement in their activities/programs.	1	2	3	4	5	8	
Direct appeals by the State Bar of New Mexico to encourage national and local bar associations, law firms, law schools, and the judiciary to promote and practice equality of opportunity for minorities.	1	2	3	4	5	8	
Design of detailed action programs such as those listed in Question 18, which would be specifically structured for implementation at the state and local levels to promote equality of opportunity for minority law students and lawyers.	1	2	3	4	5	8	
Establishment of permanent liaison arrangements between the State Bar of New Mexico and minority bar associations.	1	2	3	4	5	8	

Appendix VI

***Questionnaire for
Employers of
Attorneys Other
Than Law Firms***

March 30, 1989

**Responses to this questionnaire shall be submitted anonymously
and treated confidentially.**

**Only generalized summaries and statistical data
derived from the responses will be published.**

Questionnaire for Employers of Attorneys Other Than Law Firms

State Bar of New Mexico's Task Force on Minority Involvement in the Profession

RESPONSES TO THIS QUESTIONNAIRE SHALL BE SUBMITTED ANONYMOUSLY AND TREATED CONFIDENTIALLY.
ONLY GENERALIZED SUMMARIES AND STATISTICAL DATA DERIVED FROM THE RESPONSES WILL BE PUBLISHED.

1. Type of law practice your organization is engaged in?

- | | | |
|---|---|--|
| <input type="checkbox"/> Academic | <input type="checkbox"/> Judiciary | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Corporate law department | <input type="checkbox"/> Public interest/community legal services | _____ |
| <input type="checkbox"/> Governmental/public agency | <input type="checkbox"/> Tribal government/agency | _____ |

2. How many attorneys does your organization employ? _____

3. Please indicate whether your organization practices the following types of law by placing a check mark in the box to the left of each type of practice that applies. If a type of practice applies, indicate on the right side the approximate number of minority attorneys* in your organization who spend at least 25% of their time in that area.

- | | | | |
|--|-------|---|-------|
| <input type="checkbox"/> Administrative law | _____ | <input type="checkbox"/> Immigration law | _____ |
| <input type="checkbox"/> Appellate practice | _____ | <input type="checkbox"/> Indian law | _____ |
| <input type="checkbox"/> Business/corporate/banking | _____ | <input type="checkbox"/> Insurance defense | _____ |
| <input type="checkbox"/> Civil litigation practice | _____ | <input type="checkbox"/> Labor law | _____ |
| <input type="checkbox"/> Civil rights | _____ | <input type="checkbox"/> Natural resources | _____ |
| <input type="checkbox"/> Collections | _____ | <input type="checkbox"/> Patents, trademarks and copyrights | _____ |
| <input type="checkbox"/> Community legal services representation | _____ | <input type="checkbox"/> Personal injury/wrongful death | _____ |
| <input type="checkbox"/> Complex commercial litigation | _____ | <input type="checkbox"/> Products liability | _____ |
| <input type="checkbox"/> Criminal (trial or appellate) | _____ | <input type="checkbox"/> Professional malpractice | _____ |
| <input type="checkbox"/> Criminal public defender (trial or appellate) | _____ | <input type="checkbox"/> Real estate/quiet title | _____ |
| <input type="checkbox"/> Education law | _____ | <input type="checkbox"/> Securities law | _____ |
| <input type="checkbox"/> Estates/probate | _____ | <input type="checkbox"/> Tax law | _____ |
| <input type="checkbox"/> Family law/domestic relations | _____ | <input type="checkbox"/> Utilities law | _____ |
| <input type="checkbox"/> General office practice (non-litigation) | _____ | <input type="checkbox"/> Workmen's Compensation | _____ |
| | | <input type="checkbox"/> Other ((specify) _____ | _____ |

4. How many attorneys does your organization hire annually? _____

5. How many attorneys employed by your organization are members of a minority group? (Please provide these numbers)

Hispanic _____	Native American _____	Other (specify) _____
Black _____	Asian American _____	

6. Do you have a hiring program that targets recruitment of minority lawyers? (Please check one)
☐ Yes ☐ No

(a) If Yes, please explain your organization's program and efforts to recruit minority lawyers.

(b) If Yes, please rate the success of your organization's minority recruitment efforts. (Check one)

- ☐ Exceeds expectations ☐ Meets expectations ☐ Below expectations

* For purposes of this questionnaire "minority" means Afro-American/Blacks, Native Americans, Hispanics, Mexican-Americans, Pacific Islanders and Asian Americans.

7. What problems, if any, does your organization encounter in attracting qualified minority lawyers to interview with your organization for employment?
8. What problems, if any, does your organization encounter in attracting and retaining lawyers to whom you have made offers of employment?
9. Does your organization believe that there is a need to increase the level of representation of minority lawyers employed in this state in
 (a) the government sector? ☐ Yes ☐ No (c) corporate law departments? ☐ Yes ☐ No
 (b) private law firms? ☐ Yes ☐ No (d) the judiciary? ☐ Yes ☐ No
10. What role, if any, should the State Bar play in promoting the recruitment by the private sector of minority lawyers?
11. From your perspective, do minority lawyers face any barriers to employment and/or retention by public sector employers in this state that are not equally faced by non-minority lawyers?
☐ Yes ☐ No
 Please explain your views.
12. From your perspective, do minority lawyers face any barriers to employment and/or retention by law firm employers in this state that are not equally faced by non-minority lawyers?
☐ Yes ☐ No
 Please explain your views.
13. From your perspective, do ethnic minority lawyers face any barriers to the development of a successful law practice in this state that are not equally faced by non-minority lawyers?
☐ Yes ☐ No
 Please explain your views.
- 14 (a). From your perspective, is there a need and justification for a State Bar Association sponsored referral program for ethnic minority lawyers in New Mexico to assist in creating employment in private law firms? ☐ Yes ☐ No
 Please explain why or why not.

Date of response _____, 1989. Please complete and return this questionnaire by April 20, 1989 in the enclosed self-addressed envelope. Your cooperation in this study is genuinely appreciated.

Appendix VII

**NEW MEXICO BLACK LAWYERS ASSOCIATION
P.O. BOX 27724
ALBUQUERQUE, NEW MEXICO 87125**

January 31, 1990

Arturo L. Jaramillo, Chairman
State Bar of New Mexico
Task Force on Minority Involvement
in the Profession
The Jones Firm
215 Lincoln Avenue
Santa Fe, New Mexico 87504-2228

Dear Chairman:

Organized in 1982 by about six African-American lawyers, the New Mexico Black Lawyers Association survives with a small but dedicated membership. One of our principal concerns is the paucity of African-American attorneys in New Mexico and the opportunities available for them here. Jerome Schuman published a study of Black lawyers in the United States in the Howard Law Journal in 1971. The study reflected a single Black Attorney in New Mexico.

In 1990, twenty-one years after the first African-American graduated from the School of Law, the number of African-American attorneys has not noticeably increased in that time. A little more than half of the Association's twenty-four members graduated from the University of New Mexico School of Law. The number has been higher, but several African-American attorneys have left New Mexico for locales offering more opportunity. I was informed this week that another member of the Association recently left. With only four African-Americans currently enrolled at the School of Law, I foresee no visible upward change in the our numbers in the near future.

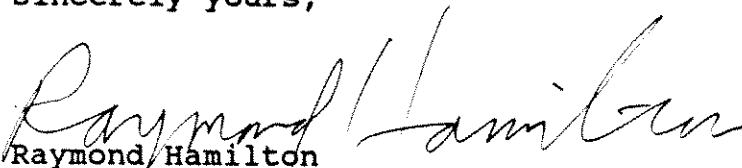
Today, African-American lawyers comprise less than one percent of the New Mexico bar, even though African-Americans make up three to five percent of the state's population. All but two of these lawyers are located in the Albuquerque area. I am not aware of any African-American attorneys serving eastern or southern regions of the state. Those regions contain significant portions of the New Mexico African-American population. The National Bar Association frequently refers African-Americans in those regions seeking representation by an African-American to officers of the Association.

I do not engage in mere conjecture when I state that African-Americans are underrepresented in the New Mexico bar; the statement is a tragic but irrefutable truth. To many, African-Americans are an invisible segment of the state's population or are too small in number to warrant serious attention. But if justice is to prevail in New Mexico society, all constituent groups of its population must be adequately represented by and within the bar. Although the twenty-four African-American lawyers in New Mexico may be found in a variety of practices, they still are underrepresented in the more prestigious areas of practice, if present at all. I am aware of only two African-American attorneys in large New Mexico firms. Two African-Americans serve on the Metropolitan Court in Albuquerque, but none has ever sat on the District Court (state or federal), Court of Appeals or Supreme Court.

If this distressing condition is to be remedied, the New Mexico State Bar should engage in, what many now consider dirty words, affirmative action. It should take affirmative action to increase the involvement of those African-American attorneys who are here in its affairs, including its governance, to let young African-Americans in New Mexico know that the profession is open to them, to encourage law firms to search for and hire African-American attorneys, to educate the governor and judicial qualifications commissions of the necessity for placing minority, including African-American lawyers on the bench and encourage their selection. It should take affirmative action to encourage young African-Americans in New Mexico in this state to attend the School of Law. Four students in a school of more than three hundred does not augur any substantial alleviation of the underrepresentation of African-Americans. In fact, at the present rate of growth and attrition, our number will be not more than thirty in the year 2000.

In short, the African-American community in New Mexico is not invisible. Its members should have the same pathways to the profession that are available to other communities and cultures in New Mexico. We do not say that our problems are more pressing or that barriers to our entry are higher than they are for other minority groups; we do say that the doors are locked for many African-Americans and therefore, keys must be specifically provided to them.

Sincerely yours,


Raymond Hamilton
President
New Mexico Black Lawyers Association

Appendix VIII

D AUG 28 1989

New Mexico Press Clipping Bureau
Albuquerque, N.M.

Carruthers Blamed For Lack of Hispanic Judicial Appointments

By Susanne Burks

JOURNAL STAFF WRITER

679

Hispanics are batting zero when it comes to getting appointed to judgeships under New Mexico's new judicial selection process.

But supporters and opponents of the process say it's not the system's fault all nine vacancies have been filled by Anglos. ~~Some say~~ ~~blame a Republican governor and~~ ~~the small number of experienced~~ ~~Hispanic lawyers.~~

Some also speculate that Hispanic lawyers, like most Democrats, may not bother to apply because they believe they have little chance of being appointed. ~~And more experi-~~ ~~enced Hispanic lawyers may be~~ ~~discouraged by low salaries.~~

"I don't feel that it's the fault of the constitutional amendment that this is happening," said Supreme Court Chief Justice Dan Sosa Jr., an outspoken opponent of the process. ~~"I think there are not enough Hispa-~~ ~~nics in law school that anywhere~~ ~~equals the number of Hispanics in~~ ~~the population."~~

He also blamed Gov. Garrey Carruthers.

"I think it would be different with somebody else," Sosa said. "I don't

think Gov. Carruthers is particular-ly sensitive to Hispanics or other minorities."

The selection system is part of a voter-approved constitutional amendment that went into effect Jan. 1. It requires a nominating commission be established for appellate and judicial district vacancies.

Each commission selects candidates by a prescribed procedure and recommends names to the governor, who must appoint from the list submitted.

District Judge W. John Brennan of Albuquerque, a staunch supporter of the amendment, said it ensures qualified appointees.

Appointees must run once in a partisan election to retain their seats and periodically thereafter in retention-rejection elections.

The system, a variation of "merit selection" used in many states, replaced a process in which judicial candidates sought positions in regular partisan elections.

Sosa said Hispanics have a better chance of winning elections than being appointed.

MORE: See HISPANICS on PAGE A3

Hispanics Excluded From Judicial Appointments

CONTINUED FROM PAGE A1

Four or five candidates were recommended for each of the nine vacancies. Two were Hispanic — state District Judge Rozier Sanchez of Albuquerque twice for Supreme Court vacancies and Metropolitan Judge Theresa Baca for a vacancy in the Second Judicial District.

Ted Parnall, who as dean of the University of New Mexico School of Law heads all nominating commissions, said few Hispanics or other minorities have applied for appointments.

Lists provided by Parnall show that of about 80 people who have applied — many of them more than once — only six were Hispanic-surnamed: Sanchez, Baca, state District Judge Petra Jiminez-Maes of Santa Fe, Court of Appeals Judge

Rudy Apodaca and attorneys Presiliano Torrez and Floyd Lopez.

"Unless more Hispanics graduate from the law school, there won't be more Hispanic lawyers," Sanchez said. He said to increase the numbers "you have to go to the high schools, to the communities . . . and encourage them to be lawyers."

But Parnall said UNM's minority law school enrollment — 40 percent in this fall's first-year class — is the highest in the country for law schools not established specifically for minorities, and most minorities graduate.

More than half of the minority students are Hispanic.

Parnall also said the premise that the state must look to UNM's law school is incorrect. He said less than half of those who took the state bar exam in July were UNM graduates.

The State Bar of New Mexico reported in July that only 13 percent of its members are Hispanic, based on 1988 dues forms. (Lawyers must be bar members to practice law in New Mexico).

Sosa said most of them are "of recent origin" — members of less than 10 years — meaning they are relatively young and not ready to be judges.

The bar's 1988 directory shows 20 of the state's 86 justices and judges are Hispanic-surnamed — 23.2 percent of the total.

Brennan, until recently a member of the Second Judicial District selection commission, blamed Carruthers for the Hispanic appointment goose egg.

"In my opinion this governor has not been sensitive to women and minorities," he said.

He noted, however, that gov-

ernors have traditionally appointed members of their own parties, and he predicted the current trend will change when the state again has a Democrat as governor, a thought also expressed by Sosa.

Carruthers has appointed three Democrats, one the lone female appointee to date.

Republican Albuquerque lawyer Arturo Ortega, a member of the appellate selection commission, said he doesn't believe Carruthers is insensitive, but agrees, "Governors do tend to appoint from their own party."

Carruthers spokesman Eddie Binder said the governor "takes the names given him by the commission and in accord with the constitution appoints the best qualified."

"That's not to say Hispanics are not qualified, just that based on the names given him, he has chosen the

best candidates," Binder said.

Brennan and Albuquerque attorney Michael Vigil speculated that Hispanic lawyers, believed to be mostly Democrats, may not be applying because they think Carruthers won't appoint them.

"I don't know if having Carruthers as governor discourages Hispanics from applying, but I would be sensitive to that view," Sosa said.

Sosa, Ortega and Parnall also cited low salaries as a disincentive for applying, and Parnall noted that becoming a judge is "a tremendous sacrifice" for skilled lawyers in their 40s and 50s.

Judges' annual salaries range from \$44,765 for Albuquerque metropolitan judges to \$63,268 for the chief justice. The 1989 Legislature approved increases effective in 1990.

Appendix IX

1-76

Hispanics being excluded from judgeship process

ALBUQUERQUE (AP) —

Hispanics have a better chance of winning elections than of being appointed to a judgeship in New Mexico under a new selection process, state Supreme Court Chief Justice Dan Sosa Jr. said.

No Hispanics have been appointed judges in New Mexico in the eight months the selection process has been in force.

"I don't feel that it's the fault of the constitutional amendment that this is happening,"

said Sosa, an opponent of the process. "I think there are not enough Hispanics in law school that anywhere equals the number of Hispanics in the population."

But he also blamed Gov. Garrey Carruthers that all nine vacancies in the courts have been filled by Anglos.

"I think it would be different with somebody else," Sosa said. "I don't think Governor Carruthers is particularly sensitive to Hispanics or other minorities."

The selection process is part of a constitutional amendment approved by voters last November that went into effect Jan. 1. It requires nominating commissions to be established for appellate and judicial district vacancies.

Each commission selects candidates and recommends names to the governor, who must appoint from the list submitted. Appointees must run once in a partisan election to retain their seats and periodically thereafter in retention-

rejection elections.

The system replaced a process in which judicial candidates sought positions in regular partisan elections.

Four or five candidates were recommended for each of the nine vacancies. Two were Hispanic: state District Judge Rozier Sanchez of Albuquerque twice for state Supreme Court vacancies and Metropolitan Judge Theresa Baca for a vacancy in the 2nd Judicial District.

Ted Parnall, dean of the Uni-

versity of New Mexico law school and head of all nominating commissions, said few Hispanics or other minorities have applied for appointments.

The State Bar of New Mexico reported in July that 13 percent of its members are Hispanic based on 1988 dues forms. Sosa said most of them are members of less than 10 years, meaning they are relatively young and not ready to be judges.

The bar's 1988 directory shows 20 of the state's 86 jus-

tices and judges are Hispanic-surnamed, or 23.2 percent of the total.

State District Judge W. John Brennan of Albuquerque, a supporter of the judicial reform amendment, blames Carruthers for the lack of Hispanic appointees.

"In my opinion this governor has not been sensitive to women and minorities," he said.

Brennan said governors have traditionally appointed members of their own parties.