

BAR BULLETIN

March 22, 2023 • Volume 62, No. 6



Spaced Stared All Around, by Sarah Hartshorne (see page 5)

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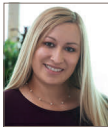
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— SPECIAL INSERT —
New Mexico
State Bar Foundation
2023 Board of Directors

CELEBRATING OUR WOMEN TRAILBLAZERS

Modrall Sperling salutes our women attorneys, who continue the tradition of service established by the firm's founders over 85 years ago. Roberta Cooper Ramo was the first woman in history to lead the American Bar Association, and also served as the first woman president of the American Law Institute. Modrall Sperling's women lawyers are carrying on that legacy of leadership. Many are and have been leaders in professional and community organizations including the State Bar of New Mexico, the New Mexico Women's Bar Association, the Hispanic National Bar Association, New Mexico Defense Lawyers Association, International Association of Defense Counsel, the Foundation for Natural Resources and Energy Law, Equal Access to Justice, United Way of Central New Mexico, Economic Forum of Albuquerque, the Greater Albuquerque Chamber of Commerce, the Albuquerque Hispano Chamber of Commerce, and Albuquerque Regional Economic Alliance.



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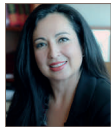
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MARCH 31ST
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EV

APRIL 1ST
10 A.M. - 2 P.M.

Dress to Impress!



NEW MEXICO STATE BAR

5121 MASTHEAD ST NE,
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WHAT TO BRING:

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INTERVIEWS WILL BE
CONDUCTED ON SITE!





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Meetings

March

**28
Intellectual Property Law Section**
noon, virtual

**31
Immigration Law Section**
noon, virtual

April

**4
Health Law Section**
9 a.m., virtual

**5
Employment and Labor Law Section**
12:30 p.m., virtual

**7
Elder Law Section**
noon, virtual

**11
Business Law Section**
11 a.m., virtual

**14
Cannabis Law Section**
9 a.m., virtual

**18
Solo and Small Firm Section**
9 a.m., virtual

**20
Public Law Section**
noon, virtual

**21
Family Law Section**
9 a.m., virtual

Workshops and Legal Clinics

March

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

April

**5
Divorce Options Workshop**
6-8 p.m., virtual

**26
Consumer Debt/Bankruptcy Workshop**
6-8 p.m., virtual

May

**3
Divorce Options Workshop**
6-8 p.m., virtual

**24
Consumer Debt/Bankruptcy Workshop**
6-8 p.m., virtual

June

**7
Divorce Options Workshop**
6-8 p.m., virtual

**28
Consumer Debt/Bankruptcy Workshop**
6-8 p.m., virtual

About Cover Image and Artist: The focus of Sarah Hartshorne's work has been on capturing the unique in the ordinary, the beauty in the mundane. Like the impressionists, she paints in oil from everyday life and the world around her, sharing what often goes unnoticed and exploring the play of light and shadow.

Notices

COURT NEWS

New Mexico Supreme Court Rule-Making Activity

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

Supreme Court Law Library

The Supreme Court Law Library is open to the legal community and public at large. The Library has an extensive legal research collection of print and online resources. The Law Library is located in the Supreme Court Building at 237 Don Gaspar in Santa Fe. Building hours: Monday-Friday 8 a.m.-5 p.m.(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://lawlibrary.nmcourts.gov>.

Third Judicial District Court Announcement of Investiture Ceremony

The Third Judicial District Court will be hosting an Investiture Ceremony for The Honorable Robert Lara, Division II on March 31 at 4 p.m. (MT). The investiture ceremony will be held in the ceremonial courtroom at the Third Judicial District Courthouse. The Third Judicial District Court will close to the public at 3 p.m. (MT) this day for the ceremony, but emergency filings will be accepted. There will be limited seating to individuals who received a hand delivered invitation and that have RSVP'd. The general public may view the ceremony via Google Meets by video at meet.google.com/jkj-aagp-nby or by phone at 502-791-5403 PIN: 510 944 436#.

Notice of Right to Excuse Judge

Third Judicial District Court Chief Judge Manuel Arrieta provides notice that as a result of an appointment of Mark D. Standridge to Division IV of the Third Judicial District Court, the Court is reassigning all cases previously assigned to Division IV to the Honorable Mark D. Standridge effective March 20. Pursuant to Supreme Court Rule 1.088.1, parties who have not yet exercised a preemptory excusal will have 10 days from March 20 to excuse Judge Standridge.

Professionalism Tip

With respect to the public and to other persons involved in the legal system:

I will keep current in my practice areas, and, when necessary, will associate with or refer my client to other more knowledgeable or experienced counsel.

U.S. District Court, District of New Mexico Notice of Judicial Nomination by U.S. Senate

Judge Matthew Garcia was appointed to the United States District Court for the District of New Mexico on Feb. 21. U.S. District Judge David Herrera Urias administered the oath of office to Judge Garcia on Feb. 23. Judge Garcia will serve in Albuquerque, where a formal ceremony will be held at the Pete V. Domenici U.S. Courthouse.

Administrative Office of the Courts Announcement of Transition of Secured Odyssey Public Access Accounts to re:Search[®]NM

The Judiciary is migrating all current Secured Odyssey Public Access (SOPA) accounts to re:Search[®]NM on April 7. If you currently have a SOPA account, no action needs to be taken ahead of time. re:Search[®]NM is a software application that replaces SOPA and provides access to Odyssey court case information and free documents to registered users based on guidelines developed by the New Mexico Supreme Court and the Online Access Subcommittee of the Judicial Technology Council per Supreme Court Order. Self-represented litigants and attorneys have been able to use the new software application since 2019. Expect to see several preliminary email announcements, including instructions for accessing the re:Search[®]NM account on the April 7 launch date. Please visit <https://www.nmcourts.gov/self-help/re-searchnm/> for training videos and user guides at the day of launch.

STATE BAR NEWS Access to Justice Fund Grand Commission Request for Proposals Open

The Access to Justice Fund Grant Commission announces the 2023-2024 Request for Proposals. If your organization intends to apply for an Access to Justice Fund Grant, send an email to Donna Smith at donna.smith@sbnm.org and provide a statement of intent to apply, the organization contact

person and his/her email, telephone number and mailing address. Donna will respond by email acknowledging receipt of the intent to apply and provide the application materials. Upon notification of a statement of intent to apply, prospective applicants will receive application materials and any further instructions, copies of all of the questions asked by potential applicants and the question responses. Submitting an "Intent to Apply" does not obligate your organization to submit an application, but you should notify Donna by email if you decide not to apply.

Board of Bar Commissioners Appointment to DNA - People's Legal Services, Inc. Board

The Board of Bar Commissioners will make one appointment to the DNA – People's Legal Services, Inc., Board for a four-year term. Attorneys licensed in New Mexico who wish to serve on the board should send a letter of interest and brief resume by May 1 to bbc@sbnm.org.

Appointment of Young Lawyer Delegate to American Bar Association House of Delegates

Pursuant to the American Bar Association Constitution and Bylaws (Rules of the Procedure House of Delegates) Article 6, Section 6.4, the Board of Bar Commissioners will make one appointment of a young lawyer delegate to the American Bar Association (ABA) House of Delegates for a two-year term, which will expire at the conclusion of the 2025 ABA Annual Meeting. Members wishing to serve as the young lawyer delegate to the ABA HOD must have been admitted to his or her first bar within the last five years or be less than 36 years old at the beginning of the term; they must also be a licensed New Mexico attorney and a current ABA member in good standing throughout the tenure as a delegate and be willing to attend meetings or otherwise complete his/her term and responsibilities without reimbursement or compensation from the State Bar; however, the ABA provides reimbursement for expenses to attend the ABA mid-year meeting. Qualified candidates should send a letter of interest and brief resume by May 31 to bbc@sbnm.org.

Equity in Justice Program Have Questions?

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

Legal Specialization Commission

Notice of Commissioner Vacancy

The State Bar of New Mexico is accepting applications for one available commissioner seat on the Legal Specialization Commission. Applicants must be lawyers who have passed the bar examination, are licensed and in good standing to practice law in New Mexico and have practiced law for a minimum of seven years. To apply, please send a letter of intent and resume to kate.kennedy@sbnm.org.

New Mexico Lawyer Assistance Program 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, to know you are not in this alone and feel a sense of belonging. We laugh, we cry, we BE together. Email Pam Moore at pam.moore@sbnm.org or Briggs Cheney at bcheney@dsc-law.com for the Zoom link.

NM LAP Committee Meetings

The NM LAP Committee will meet at 4 p.m. (MT) on May 18, July 13, Oct. 5 and Jan. 11, 2024. The NMLAP Committee was originally developed to assist lawyers who experienced addiction and substance abuse problems that interfered with their personal lives or their ability to serve professionally in the legal field. The NM LAP Committee has expanded their scope to include issues of depression, anxiety, and other mental and emotional disorders for members of the legal community. This committee continues to be of service to the New Mexico Lawyer Assistance Program and is a network of

more than 30 New Mexico judges, attorneys and law students.

The New Mexico Well-Being Committee

The N.M. Well-Being Committee was established in 2020 by the State Bar of New Mexico's Board of Bar Commissioners. The N.M. Well-Being Committee is a standing committee of key stakeholders that encompass different areas of the legal community and cover state-wide locations. All members have a well-being focus and concern with respect to the N.M. legal community. It is this committee's goal to examine and create initiatives centered on wellness.

UNM SCHOOL OF LAW Law Library Hours

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

The New Mexico Law Review Call for Abstracts Announcement

The UNM School of Law's *New Mexico Law Review* is calling for abstracts examining the impacts and implications of the New Mexico Civil Rights Act (NMCRA) passed in 2021. Topics may include communities protected by the NMCRA, how the NMCRA works with other New Mexico laws, its ramifications for rural areas and how it will pave the way for future legislative acts. The authors of selected papers will be featured in a special edition journal published in Spring 2024. Selected authors may also be invited to present their work at a potential symposium to be hosted by the *New Mexico Law Review* at the University of New Mexico School of Law. Further details about the event will be announced once confirmed. Please submit your abstract to Symposium Editor Shannel Daniels at nmlrarticles@gmail.com with "NMCRA Abstract" in the email's subject line no later than April 30. You may also submit questions at the same email address.

— *Featured* —

Member Benefit



The
Solutions
Group

Take advantage of a free employee assistance program, a service offered by the New Mexico Lawyer Assistance Program in cooperation with The Solutions Group. Get help and support for yourself, your family and your employees. Services include up to four FREE counseling sessions/issue/year for any behavioral health, addiction, relationship conflict, anxiety and/or depression issue. Counseling sessions are with a professionally licensed therapist. Other free services include management consultation, stress management education, critical incident stress debriefing, substance use disorder assessments, video counseling and 24/7 call center. Providers are located throughout the state.

**To access this service call
855-231-7737 or 505-254-3555
and identify with, NM LAP.
All calls are confidential.**

OTHER NEWS

New Mexico Christian Legal Aid Virtual Training Seminar Announcement

New Mexico Christian Legal Aid will be hosting a Virtual Training Seminar on April 28 from 1 - 5 p.m. (MT) via Zoom on the topics of justice for the poor and assisting the needy. Attendants will receive free CLE credits and up-to-date training in providing legal aid. For more information and registration, contact Jim Roach at 505-243-4419 or Jen Meisner at christianlegalaids@hotmail.com.

Opinions

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

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

Effective March 3, 2023

PUBLISHED OPINIONS

A-1-CA-39597	K Cook v. L Rockett	Reverse/Remand	02/27/2023
A-1-CA-38776	State v. J Lucero	Affirm/Reverse/Remand	02/28/2023
A-1-CA-39573	City of Las Cruces v. T Carbajal	Reverse/Remand	02/28/2023

UNPUBLISHED OPINIONS

A-1-CA-40339	State v. J Abeita	Affirm	02/27/2023
A-1-CA-40566	J Hamblin v. Mountain States Crane, LLC	Affirm	02/27/2023
A-1-CA-40728	State v. L Cory	Affirm	02/27/2023
A-1-CA-40783	S Brotherton v. NM Department of Corrections	Reverse	02/27/2023
A-1-CA-38438	State v. J Cerda	Affirm/Reverse/Remand	02/28/2023
A-1-CA-39329	State v. D McKinley	Reverse/Remand	03/01/2023
A-1-CA-40068	State v. H Dowdican	Affirm	03/01/2023
A-1-CA-38334	Beecher Carlson Insurance Serv. v California Medical Grp	Affirm	03/02/2023
A-1-CA-40416	State v. M Martinez	Affirm	03/02/2023

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

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



A Message from New Mexico State Bar Foundation President Hon. Carl J. Butkus

Dear Members of the State Bar,

As the charitable arm of the State Bar of New Mexico, the State Bar Foundation represents the legal community's commitment to serving the people of New Mexico and the profession. I am honored to be elected for a second term as President for 2023, along with President-Elect Gerald G. Dixon, Secretary-Treasurer Stefanie K. Davis, and Immediate Past President Aja N. Brooks. The Bar Foundation Board is comprised of nine members, which includes five Board of Bar Commissioners members, three active State Bar members who do not sit on the Board of Bar Commissioners, and one public member.

In the spirit of what the Foundation stands for, we're excited about the launch of the New Modest Means Helpline. In league with Legal Resources for the Elderly, the Modest Means Helpline enhances the assembly of legal services offered by the State Bar Foundation. In operation since October 2022, the Helpline provides in-depth brief legal services, particularly in Family Law, to fiscally limited New Mexicans.

As part of the family of legal services offered by the Bar Foundation, the Legal Resources for the Elderly Program (LREP) continues to benefit the community through access to legal services for underserved populations. The program provides free legal advice and information to seniors statewide through free legal workshops on Estate Planning, Probate and Institutional Medicaid, and is the NM state administrator of the ABA Free Legal Answers Program.

Additionally, the Center for Legal Education, one of the Bar Foundation's most significant tools, provides high-quality legal education on a variety of topics to members throughout the year. To take advantage of their programming, please join us for the 2023 Annual Meeting, July 27-29, at the Hyatt Regency Tamaya Resort where members can earn a year's worth of continuing legal education credits.

I look forward to watching the State Bar Foundation flourish in 2023, further enhancing its presence and services to State Bar members and New Mexican residents. If you are interested in making a direct donation to the Bar Foundation Legal Services Programs, you can access the Bar Foundation website at www.sbnm.org/Bar-Foundation and click "Donations" in the drop-down box.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl J. Butkus". The signature is fluid and cursive, written over a light-colored background.

Hon. Carl J. Butkus
President, New Mexico State Bar Foundation

STATE BAR OF NEW MEXICO
2023 ANNUAL MEETING

SAVE THE DATE

July 27–29

HYATT REGENCY TAMAYA RESORT & SPA

Discounted Early Bird Registration will open early April

www.sbnm.org/AnnualMeeting2023



KEYNOTE ADDRESS

Friday, July 28, 2023

ANTHONY C. THOMPSON

Professor of Clinical Law Emeritus,
New York University School of Law
Faculty Director Emeritus, The Center on Race, Inequality,
and the Law, New York University School of Law



**State Bar of
New Mexico**

Est. 1886

2023 Swearing-In of State Bar of New Mexico President-Elect Erinna M. “Erin” Atkins and Newly Elected Board of Bar Commissioners



*Erinna M. “Erin” Atkins,
President-Elect is sworn in*

2023 State Bar President-Elect Erinna M. “Erin” Atkins and Commissioners Steven S. Scholl (Second Judicial District), Rosenda Chavez-Lara (Third and Sixth Judicial Districts), Jessica A. Perez (Seventh and Thirteenth Judicial Districts), Simone M. Seiler (Seventh and Thirteenth Judicial Districts) and Damon J. Hudson (Young Lawyers Division Chair) were sworn in on Feb. 24, 2023 at the State Bar Center in Albuquerque. Justice Briana Zamora administered their oaths. President Benjamin I. Sherman and Secretary-Treasurer Aja N. Brooks took their oaths on Dec. 14, 2022, at the Inn & Spa at Loretto in Santa Fe.

The Board of Bar Commissioners is the elected governing board of the State Bar of New Mexico. The purposes of the State Bar of New Mexico are defined in Supreme Court Rule 24-101. The Board is made up of 23 members, consisting of 20 Commissioners elected by the membership representing New Mexico’s judicial districts with one Commissioner elected by and representing out-of-state members, a Senior Lawyers Division Delegate, the Young Lawyers Division Chair, and a non-voting Paralegal Division Liaison.



Steven S. Scholl is sworn in



Rosenda Chavez-Lara is sworn in



Jessica A. Perez is sworn in



Simone M. Seiler is sworn in



Damon J. Hudson is sworn in



The Professional Development Program offers law practice management services and resources to State Bar of New Mexico members. This includes continuing education courses, “how-to” manuals and workshops, confidential practice consultations, a confidential ethics advisory helpline and information, sample forms, checklists and assessments on best practices for lawyers.

For more information, please visit www.sbnm.org/PDP or call the program at 505-797-6079.



Sustaining a Legal Community Committed to Equity, Access and Belonging

Make the most of the Equity in Justice Program! We can provide:

- * Training and education in equity and inclusion.
- * Book Groups
- * Learning Groups
- * Consultation for individual firms on policy and strategic planning
- * Individual Coaching



**Sign up for Equity in Justice communications on www.sbnm.org/eij
Email Dr. Amanda Parker, Equity in Justice Director at amanda.parker@sbnm.org**

Legal Education

March

- | | | |
|---|---|--|
| <p>23 REPLAY: Women in the Court Room (2021)
1.0 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>28 Trust and Estate Planning with Rising and Volatile Interest Rates
1.0 G
Teleseminar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>30 REPLAY: Structural Impediments to Equal Pay (2021)
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>28 Ethics, Attorneys, and Social Media: How to Keep the Disciplinary Counsel from Knocking at Your Door
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>29 The Paperless Law Firm: A Digital Dream
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>31 Ethics: Practical and Budget-Friendly Cybersecurity for Lawyers
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |

April

- | | | |
|---|---|--|
| <p>1-30 Self-Study - Tools for Creative Lawyering: An Introduction to Expanding your Skill Set
1.0 G, 2.0 EP
Online On-Demand
The Ubuntuworks Project
www.ubuntuworksschool.org</p> | <p>13 REPLAY: Drug Testing and the Chain of Custody (2022)
2.0 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>24 Tools for Creative Lawyering: An Introduction to Expanding your Skill Set
1.0 G, 2.0 EP
Video Replay with Monitor Credits (Live Credits)
The Ubuntuworks Project
www.ubuntuworksschool.org</p> |
| <p>3 Roadways to the Bench
2.3 G
Webcast
U.S. District Court,
District of New Mexico
www.nmd.uscourts.gov</p> | <p>14 Family Mediation
30.0 G, 2.0 EP
Live Program
University of New Mexico
School of Law
lawschool.unm.edu</p> | <p>26 Wellness Wednesday: REPLAY: Policing the Mentally Ill (2021)
1.0 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>5 Wellness Wednesday: REPLAY: What a Healthy Lawyer Looks Like
1.0 EP
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>19 Wellness Wednesday: REPLAY: Emotional Intelligence (2021)
1.0 EP
Webcast
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>27 REPLAY: Cybersecurity: How to Protect Yourself and Keep the Hackers at Bay (2022)
1.0 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| <p>12 Wellness Wednesday: REPLAY: Resiliency (2021)
1.0 EP
Webcast
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>20 REPLAY: Business of Cannabis (2022)
1.0 G
Webcast
Center for Legal Education of NMSBF
www.sbnm.org</p> | <p>28 REPLAY: Determining Competency and Capacity in Mediation (2022)
2.0 G
Webinar
Center for Legal Education of NMSBF
www.sbnm.org</p> |
| | <p>21 REPLAY: Wait, My Parents Were Wrong? It's Not all About Me? (2022)
3.0 EP
Webcast
Center for Legal Education of NMSBF
www.sbnm.org</p> | |

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

May

- | | | | |
|----|---|----|---|
| 22 | Dean Erwin Chemerinsky -
An Amazing Time in the Supreme
Court
1.0 G
Web Cast (Live Credits)
Federal Bar Association
New Mexico Chapter
www.fedbar.org | 31 | 60 Years of Asking the Difficult
Questions
20.5 G
Live Program
Association of Family and
Conciliation Courts
www.afcnet.org |
|----|---|----|---|

Rules/Orders

From the New Mexico Supreme Court

<http://nmsupremecourt.nmcourts.gov>

NOTICE OF PUBLICATION FOR COMMENT

PROPOSED AMENDMENTS TO SUPREME COURT RULES OF PRACTICE AND PROCEDURE

MARCH 24, 2023

In accordance with the Supreme Court's annual rulemaking process under Rule 23-106.1 NMRA, which includes an annual publication of proposed rule amendments for public comment every spring, the following Supreme Court Committees are recommending proposed amendments to the rules of practice and procedure as summarized below. To view the text of a proposal, you may click on its corresponding proposal number below. To comment on the proposed amendments before they are submitted to the Court for final consideration, you may submit your comment electronically through the Supreme Court's website at <http://supremecourt.nmcourts.gov/open-for-comment.aspx>, by email to nmsupremecourtclerk@nmcourts.gov, by fax to 505-827-4837, or by mail to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P O Box 848
Santa Fe, New Mexico 87504-0848

Your comments must be received by the Clerk's Office on or before April 24, 2023, to be considered by the Court. Please note that submitted comments may be posted on the Supreme Court's website for public viewing.

Children's Court Rules Committee

Proposal 2023-001 - Detention Hearings and Conditions of Release
[Rule 10-225 NMRA]

The Children's Court Rules Committee recommends amendments to the detention hearing rule to harmonize language in subparagraphs (A)(1) to (4) and eliminate any possible conflict between the subparagraphs and any burden shifting issue arising from the rule in its current form.

Proposal 2023-002 - Notification to Tribes of Change of Placement
[Forms 10-565 and 10-566 NMRA]

The Committee recommends amendments to forms for Notice of Change of Placements that would ensure consistency with federal law, Bureau of Indian Affairs (BIA) Regulations, and BIA Guidelines related to placement of Indian children. In proposing these amendments, the Committee also seeks to incorporate provisions of the New Mexico Indian Family Protection Act, which requires the filing of a notice demonstrating that the relevant tribe was notified of the change of placement.

Proposal 2023-003 - Consent Decree Order
[Form 10-714 NMRA]

The Committee recommends amendments to the consent decree form that would incorporate the statutory protection provided under NMSA 1978, Section 32A-2-22(E) (2005). The Committee's proposed language is intended to ensure a child is properly informed of the statutory protection and that the child receives the benefit of a dismissal with prejudice upon completion of the terms of a consent decree.

Proposal 2023-004 - Educational Decision Maker Form
[Form 10-564 NMRA]

The Committee recommends amendments to Form 10-564 to ensure consistency with NMSA 1978, Section 32A-4-2(D) (2018) and federal law related to the privacy of educational records. The Committee has proposed changes to clarify the duties of an appointed educational decision maker to ensure the child's education and care are not negatively impacted when a parent is unable or unwilling to make decisions regarding their child's education.

Code of Judicial Conduct Committee

Proposal 2023-005 - Acceptance of Gifts
[Rule 21-313 NMRA]

The Code of Judicial Conduct Committee proposes to amend the committee commentary to Rule 21-313 NMRA to clarify that, in nearly all situations, free or discounted legal services are gifts that judges are prohibited from accepting.

Proposal 2023-006 - Judicial Disqualification
[Rule 21-211 NMRA]

The Code of Judicial Conduct Committee proposes to amend Rule 21-211 NMRA and its associated committee commentary to increase transparency regarding the procedures for disqualification of a judge and to delineate the circumstances under which a judge's present or prior attorney-client relationships are grounds for disqualification.

Code of Professional Code Committee

Proposal 2023-007 - Safekeeping Property
[Rule 16-115 NMRA]

The Rules of Professional Conduct Committee proposes to amend Rule 16-115 NMRA to clarify procedures for trust account balances containing a lawyer's own funds and methods of paying bank service charges on lawyer trust accounts.

Rules of Criminal Procedure for State Courts Committee

Proposal 2023-008 - Judgment Notwithstanding the Verdict
[New Rules 5-614.1 and 7-611.1, and Rules 5-607, 5-701, 6-603.1, 6-701, 7-603.1, and 7-701 NMRA]

The Rules of Criminal Procedure for State Courts Committee recommends amendment of various rules of criminal procedure for the district, magistrate, and metropolitan courts to address procedures for post-verdict judgment of acquittal in light of *State v. Martinez*, 2022-NMSC-004, 506 P.3d 313.

Proposal 2023-009 - Definition of Local Detention Center
[Rules 5-401, 5-403, 6-401, 6-403, 6-506, 6-802, 7-401, 7-403, 7-506, 7-802, 8-401, 8-403, 8-506, and 8-802 NMRA]

The Rules of Criminal Procedure for State Courts Committee recommends amendment of various rules of criminal procedure for the district, magistrate, and metropolitan courts to define local detention centers and to clarify that a local detention center is one that is commonly used by the district court and need not necessarily be within the territorial jurisdiction of the court.

Proposal 2023-010 – Filing of Criminal Complaint in District Court
[Rule 5-201 NMRA]

The recommendations for proposed amendments to the commentary of Rule 5-201 NMRA are intended to dispel confusion about the proper process and venue for the filing of a criminal complaint in district and inferior courts.

Proposal 2023-011 – Citizen Grand Jury
[Rule 5-302.3 NMRA]

The Court has asked the Committee to make a recommendation regarding Rule 5-302(B) NMRA (amended and recompiled as Rule 5-302.3 NMRA) to determine whether it should be amended to provide an identified target of a citizen grand jury petition with notice and opportunity to intervene and whether Rule 5-302(B) NMRA (amended and recompiled as Rule 5-302.3 NMRA) should explicitly require the district court to rule on the legal validity of a citizen grand jury petition. These recommendations are intended to clarify the processes related to grand jury proceedings, including verification of the petition, determining the validity of the petition, assignment of the prosecuting attorney, and notice to the target.

Proposal 2023-012 – Grand Jury Time Limits
[Rule 5-302.2 NMRA]

The Rules of Criminal Procedure for State Courts Committee recommends that the Supreme Court amend Rule 5-302.2 NMRA to address grand jury time limits. The proposed amendments are intended to address the ambiguity in the grand jury rule regarding the time limits for commencing a grand jury proceeding and to amend the rules to conform with the law requiring that a grand jury be impaneled within the time limits for commencing a preliminary examination.

Proposal 2023-013 – Incorporation of Plea Deadlines
[Rules 6-302 and 7-302 NMRA]

The proposed amendments to Rules 6-302 NMRA and 7-302 NMRA are intended to impose deadlines for the submission of plea agreements that would eliminate the need for a trial. The Committee has sought to create reasonable deadlines that conform to Supreme Court Order No. 22-8500-018.

Proposal 2023-014 – Right to Jury Trials in Magistrate Court
[Rules 6-602, 6-603, 7-602, and 7-603 NMRA]

The proposed amendments to these rules are intended to align the procedures for jury trials in the metropolitan and magistrate courts. The Committee has also recommended technical changes to create conformity with the NMRA.

Proposal 2023-015 – Criminal Complaints
[Form 9-201 NMRA]

The Committee recommends amending the form to remove the option, “complaint dismissed without prejudice,” based on the Committee’s assessment that the option is not relevant to a probable cause determination.

Proposal 2023-016 – Contempt
[Rules 5-112, 6-111, 7-111, and 8-110 NMRA and Form 9-611 NMRA]

In November 2021, at the request of the District and Metropolitan Judges Association, the Supreme Court suspended the civil, criminal, and children’s court rules governing criminal contempt. The Court then asked the Committee to make a recommendation about potential amendments to the rules to comport with constitutional due process. The Committee has proposed the reinstatement of the rules with amendments to provide guidance to judges in executing contempt sanctions, to draw a clear distinction between the procedures required for punishment of direct and indirect contempt, and to detail the process afforded to contempt defendants.

Rules of Evidence Committee

Proposal 2023-017 – Fifth Amendment Invocation
[Rule 11-513 NMRA]

The Rules of Evidence Committee recommends amendments to Rule 11-513 NMRA to clarify that the prohibition of a comment on the invocation of the privilege against self-incrimination would not apply in non-criminal proceedings.

Uniform Jury Instructions-Civil Committee

Proposal 2023-018 – Bad Faith Duty to Defend
[Chapter 17 Introduction and UJIs 13-1701, 13-1702, 13-1703A, 13-1703B, 13-1704, 13-1705, 13-1706, 13-1707, 13-1708, 13-1709, 13-1710, 13-1711, 13-1712, 13-1713, 13-1714, 13-1715, 13-1716, 13-1717, and 13-1718 NMRA]

The Uniform Jury Instructions – Civil Committee has recommended amendments to the Uniform Jury Instructions in Chapter 17, the adoption of 13-1703A, to recompile 13-1703 as 13-1703B, and the withdrawal of 13-1717 NMRA. This proposal is intended to implement changes in the law and provide a thorough review and revision of substantive instructions, use notes, and committee commentary throughout the chapter.

Uniform Jury Instructions-Criminal Committee

Proposal 2023-019 – Leaving the Scene of an Accident
[New UJIs 14-4513, 14-4514, 14-4515, and 14-4516 NMRA]

The Uniform Jury Instructions – Criminal Committee has recommended the adoption of four new uniform jury instructions to address a void in the jury instructions noted by the Court of Appeals in *State v. Esparza*, 2020-NMCA-050, 475 P.3d 815. The proposed UJIs address various crimes described in NMSA 1978, Sections 66-7-201 and 66-7-202, including failing to stop or give information or render aid where an accident results in great bodily harm or death, knowingly failing to stop or give information or render aid where an accident results in great bodily harm or death, failing to stop or give information or render aid where an accident does not result in that degree of injury, and failing to stop or give information or render aid when an accident only involves damage to a vehicle.

Proposal 2023-020 – Facilitative Use of Deadly Weapon
[New UJI 14-315 NMRA and UJIs 14-305, 14-306, 14-355, 14-356, 14-375, 14-376, 14-2202, and 14-2203 NMRA]

The Court requested the Committee offer recommendations consistent with the Court's definition of use of a deadly weapon in the context of assault as set forth in *State v. Zachariah G.*, 2022-NMSC-003, 501 P.3d 451. As a result, the Committee has recommended new UJI 14-135 to clarify the definition of use of a deadly weapon and amendments to related UJIs concerning use of a deadly weapon and facilitative use.

Proposal 2023-021 – Aggravated Fleeing in the Third Degree [UJI 14-2217 NMRA]

The amendments proposed by the Committee are intended to address revised statutory language concerning NMSA 1978, Section 30-20-1.1 (2022) in the elements and use notes of UJI 14-2217 NMRA.

Board of Bar Examiners

Proposal 2023-0022 - Rules Governing Admission to the Bar [Rule Set 15 NMRA]

The New Mexico Board of Bar Examiners recommends that the Supreme Court amend Rule Set 15 Rules Govern-

ing Admission to the Bar to adopt new rules and amend, recompile, or withdraw the existing rules. The Board of Bar Examiners recommends an overhaul of the Rule Set to address changes in the law, changes to the bar exam, and to create a coherent and consistent process for admission to the bar.

The proposed rule amendments summarized above can be viewed in their entirety at the New Mexico Supreme Court website at supremecourt.nmcourts.gov/open-for-comment.aspx.

Clerk's Certificates

From the Clerk of the New Mexico Supreme Court

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2023



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New Mexico
State Bar Foundation

2023 Officers



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Retired Judge Carl J. Butkus is a graduate of the University of Pennsylvania (1971) and the Gonzaga U. School of Law (1977). He was appointed District Judge in the Second Judicial District in 2005 and retired at the end of 2020. He was selected as the 2015 State District Court Judge of the Year by the New Mexico Chapter of the American Board of Trial Advocates. Prior to that he was in the private practice of law state-wide from 1978-2005. From 1977-78, he was law clerk to Hon. William R. Hendley of the Court of Appeals of New Mexico. Among other things, he has been Chair of the New Mexico Supreme Court Rules of Civil Procedure Committee, President of the H. Vearle Payne Inn of Court, Member of the State Bar Civil Justice Reform Committee and State Bar Liason to the Federal Judicial Conference.



Gerald G. Dixon

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Jerry Dixon was born and raised in Santa Fe. He is a shareholder at Dixon•Scholl•Carrillo•P.A. and practices in the areas of professional malpractice defense, licensing, commercial and construction litigation and real estate. He is a frequent speaker to professionals on ethics, professional liability and risk management issues. Jerry is admitted to practice law in Colorado and New Mexico. He attended Texas Tech University (BBA 1977, JD 1981). Jerry was President of the Albuquerque Bar Association in 1994 and has served as a Trustee for the Texas Tech School of Law Foundation since 2005. He has participated in the New Mexico high school mock trial program as a coach or judge since 1988. Jerry was named Outstanding Attorney of the Year by the Albuquerque Bar Association in 2014 and received the 2014 Distinguished Service Award from Texas Tech School of Law. He provides pro bono services through New Mexico Christian Legal Aid. Jerry served as a Visiting Professor of Law in 2012 at the University of National and World Economy in Sofia, Bulgaria and in 2015 at South-West University in Blagoevgrad, Bulgaria. He currently serves as Chair of the Lawyers Professional Liability and Insurance Committee for the State Bar.



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Stefanie K. Davis is the Senior Associate General Counsel for Regulations and Ethics Officer at the Legal Services Corporation. Her portfolio includes regulatory drafting and oversight, managing LSC's Opioid and Veterans Task Forces, and coordinating the Graduate Law Fellow program in LSC's Office of Legal Affairs. She joined LSC in 2013 after nearly ten years in the Office of the General Counsel at the U.S. Department of Health and Human Services and two years teaching English as a Foreign Language in Iwate Prefecture, Japan. She began her legal career as a staff attorney at the Washington Legal Clinic for the Homeless in Washington, D.C.

Ms. Davis currently serves as the secretary-treasurer of the New Mexico State Bar Foundation Board of Directors. She is licensed to practice law in New Mexico, the District of Columbia, and Maryland. She is a 2002 graduate of Georgetown University Law Center and a 1997 graduate of the University of New Mexico.



Aja N. Brooks

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Aja Nicole Brooks is a native New Mexican, born in Hobbs. She attended Wake Forest University in Winston-Salem, N.C. (B.A., English and Spanish) and the University of New Mexico School of Law (J.D., 2008). She is currently employed at the United States Attorney's Office as the Executive Assistant United States Attorney for the District of New Mexico. Prior to that, she was the Director of the Center for Self-Help and Dispute Resolution at the Second Judicial District Court. She is involved with the Committee on Diversity in the Legal Profession and is a member of the Iota Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated. Additionally, she serves as the president of the New Mexico Black Lawyers Association, the secretary of Region X of the National Bar Association, and as a Board member of the New Mexico Black Central Organizing Committee.

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Allison Block-Chavez is partner and attorney at Aldridge, Hammar & Wexler, PA, in Albuquerque, where her law practice focuses on fiduciary services, adult guardianships and conservatorships, estate planning, and probate matters, real estate, and creditors' rights. Allison previously served as the Chair of the Young Lawyers Division of the State Bar of New Mexico and as the young lawyer delegate to the ABA House of Delegates. She graduated from the University of New Mexico School of Law and served as the judicial law clerk for Chief Judge Michael E. Vigil of the New Mexico Court of Appeals. In her spare time, Allison and her husband Mo try to keep up with their twin toddlers.



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Mitchell Mender is a founding partner of The Law Offices of Larsen and Mender P.C., located in Clovis, NM. His practice focuses primarily on criminal law, family law, and personal injury. Mitch is a graduate of Brigham Young University. He graduated from Vermont Law School in their accelerated Juris Doctorate program. He started his career as a prosecutor with the Ninth Judicial District Attorney's Office, where he was awarded prosecutor of the year for the District in 2018 and 2019. Subsequently, he worked at the New Mexico Law Offices of the Public Defender where he represented indigent clients. Additionally, he sits on the Board of Directors for the Hartley House, the local domestic violence shelter. He and his wife, Robyn, enjoy traveling and spending time with their three children.



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Lucy Sinkular is a shareholder at Atkinson & Kelsey, P.A., in Albuquerque, where she limits her practice to family law matters. Practicing for 28 years, Lucy comes from a family of lawyers and truly loves the law. In addition to her volunteer work for the Foundation, Lucy is the Secretary of the Family Law Section of the State Bar and a State Bar Commissioner. She is the immediate past president of the New Mexico Women's Bar Association. Lucy's immediate family includes her husband Scott and their daughter and son who are both finishing graduate studies. Lucy is also "mom" to one very spoiled pandemic puppy, a Labrador Retriever and his older sister, a rescued greyhound/Lab mix. Lucy serves as the Senior Warden for her Episcopal Church in Albuquerque. When not practicing law or volunteering for the Bar, Lucy can frequently be found with her husband pursuing outdoor hobbies of camping, running, cycling and hiking.



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Elizabeth J. Travis is a deputy general counsel with the New Mexico Department of Transportation, serving as counsel for the Department's construction, operations and finance organizations, a practice which includes construction, environmental, procurement and contract law. Prior to working for the State, Liz served as an assistant county attorney for Santa Fe County. She also serves on the Supreme Court's Disciplinary Board and on the State Bar Ethics Advisory Committee. She is an active member of the ABA, participating in the public contract law section and the construction industry forum. Liz is licensed to practice in state and federal court in New Mexico and California.

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Stephanie Wagner is the AVP of Business Development for Nusenda Credit Union. She oversees a team of eight team members that focus on providing free financial education, financial tools and resources, and support to businesses and organizations throughout New Mexico. Stephanie's background is in Communications, Business Development and she has worked in the non-profit sector for over 15 years. Stephanie's relationship with the State Bar of New Mexico began in 2016 when she was the Director of Development and oversaw all fundraising efforts. She has continued to be part of the Bar Foundation's board and continues to have strong relationships with the legal community. Stephanie enjoys spending time with her husband Mike and five-year-old daughter Emma.

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From the New Mexico Supreme Court and Court of Appeals

From the New Mexico Court of Appeals

Opinion Number: 2022-NMCA-042

No: A-1-CA-38534 (filed April 5, 2022)

AUDREY JUNE AUTREY,
Petitioner/Counterrespondent-Appellant,

v.

CLINT A. AUTREY,
Respondent/Counterpetitioner-Appellee.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

Jane C. Levy, District Judge

Michael Danoff & Associates, P.C.

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OPINION

YOHALEM, Judge.

{1} In this divorce proceeding, Audrey June Autrey (Wife) appeals the district court's characterization of assets and debts as separate or community property and the division of marital assets and debts between her and Clint A. Autrey (Husband). Wife contends that twenty-eighty of the district court's findings of fact are without supporting evidence in the record, and, that as a result, the district court erred in concluding that (1) the business started by the couple during the marriage, AJAC Enterprises, Inc. (AJAC), is community property, rather than the separate property of Wife; (2) the rent allegedly charged and a loan allegedly made to AJAC by Wife's father and the company owned by him are Wife's separate debts; (3) Wife is not entitled to interim support; (4) Wife is not entitled to reimbursement for the gambling losses she alleged Husband incurred during the marriage and paid with community funds; and (5) the parties' Albuquerque residence (the Corona home) is an asset of a revocable trust and is therefore divisible marital property. With the exception of the court's finding that the Corona home was held in a revocable trust, and the court's conclusion that the home

was, therefore, marital property, we hold that the district court's findings of fact are supported by substantial evidence and that the court correctly applied the law to its findings. With regard to the Corona home, we find that the Corona home was held in an irrevocable trust for the benefit of the parties' son, and was therefore not marital property. We affirm on all issues with the exception of the court's treatment of the Corona home as community property and remand for further proceedings consistent with this opinion.

BACKGROUND

{2} The parties were married on April 6, 1991. Their one child, Phoenix Autrey, was a minor at the time of trial, but turned eighteen in July 2019, just before the judgment was entered. Phoenix was not separately represented in the district court proceedings characterizing and dividing the parties' property. The district court determined it had jurisdiction over Phoenix at the time of trial, but not as of July 2019 when Phoenix reached the age of majority.

{3} The parties separated in 2006. Wife petitioned for legal separation in 2006, but that petition was dismissed in 2007 for lack of prosecution. Husband and Wife remained married for ten more years, continuing to work together, but living apart until 2017, when Husband

reopened the divorce case and filed a counterpetition for dissolution of marriage.

{4} During the marriage, AJAC was a highly successful construction business that earned a sizeable income. The parties acquired substantial real property during the marriage, including two homes in New Mexico and a condominium in Arizona.

{5} In 2002, with the assistance of legal counsel, the parties created three trusts: a Family Revocable Trust, and two identical irrevocable Qualified Personal Residential Trusts (QPRTs). Husband and Wife put the Corona home, their marital residence, into the QPRTs—the Audrey June Autrey Irrevocable Trust, and the Clint A. Autrey Irrevocable Trust.

{6} The district court was asked to address the characterization and distribution of these assets, to address Wife's claim for interim support, and to consider whether gambling losses during the marriage paid with community property must be reimbursed to the community.

{7} Following a three-day trial, where more than two hundred exhibits were admitted into evidence, both parties filed extensive proposed findings of fact and conclusions of law. After considering both filings, the district court entered 141 findings of fact and 56 conclusions of law, along with a final decree of dissolution of marriage.

{8} Additional facts concerning each of the contested issues are detailed below to the extent necessary to our decision.

DISCUSSION

{9} We note at the outset that in our review of the district court's findings of fact, we do not reweigh the evidence but instead decide whether each challenged finding was supported by substantial evidence, indulging every reasonable inference in favor of the district court's disposition. *Wisznia v. N.M. Hum. Servs. Dep't*, 1998-NMSC-011, ¶ 10, 125 N.M. 140, 958 P.2d 98. The testimony of a single witness, if found credible by the district court, is sufficient to constitute substantial evidence supporting a finding. *State v. Hamilton*, 2000-NMCA-063, ¶ 20, 129 N.M. 321, 6 P.3d 1043. "As a reviewing court we do not sit as a trier of fact; the district court is in the best position to resolve questions of fact and to evaluate the credibility of witnesses." *State v. Urioste*, 2002-NMSC-023, ¶ 6, 132 N.M. 592, 52 P.3d 964. "[W]hen there is a conflict in the testimony, we defer to the trier of fact." *Buckingham v. Ryan*, 1998-NMCA-012, ¶ 10, 124 N.M. 498, 953 P.2d 33.

I. The District Court Did Not Err in Determining That AJAC Was Community Property and Not Wife's Separate Property

{10} Wife argues that the district court erred by designating the parties' business, AJAC, as community property. Wife makes two arguments in support of her claim that AJAC is her separate property. First, although Wife admits that the business was started after the parties' marriage, Wife claims that it was funded solely with her separate property and retained its status as her separate property throughout the marriage. Wife next argues that, even if AJAC was funded with community property, Husband knowingly and intentionally waived his community interest in the business.

A. Wife Failed to Rebut the Presumption That Property Acquired During Marriage Is Community Property

{11} The status of property acquired during a marriage is determined at the time the property is acquired and by the manner of its acquisition. *Bayer v. Bayer*, 1990-NMCA-106, ¶ 12, 110 N.M. 782, 800 P.2d 216. Property acquired by either or both spouses during their marriage is presumptively community property. NMSA 1978, § 40-3-12(A) (1973). The party seeking to establish such property as separate—in this case, Wife—has the burden of rebutting that presumption by a preponderance of the evidence. *Hodges v. Hodges*, 1984-NMSC-031, ¶ 6, 101 N.M. 67, 678 P.2d 695. The presumption can be rebutted by a showing that property acquired during marriage was acquired with a spouse's separate funds, as Wife attempted to show in the district court. See NMSA 1978, § 40-3-8(A)(4) (1990) (noting that property acquired by either spouse by gift is separate property). Such property generally retains its status as separate property even if the other spouse later contributes funds or labor to that property. *Campbell v. Campbell*, 1957-NMSC-001, ¶ 80, 62 N.M. 330, 310 P.2d 266.

{12} Wife relies on these principles of law, claiming that because Husband did not specifically refute her testimony that AJAC was started with a \$2,000 gift to her from her mother, the district court was required to find that AJAC was acquired with Wife's separate funds and remained her separate property throughout the marriage. The district court found, however, that Wife's testimony that AJAC was funded with a \$2,000 gift from her mother was not credible, that Wife generally was not a credible witness, and the "vast majority of the evidence" supported AJAC being a community asset built during the marriage.

{13} "It is for the [district] court to weigh the testimony [and] determine the

credibility of witnesses." *Lopez v. Adams*, 1993-NMCA-150, ¶ 2, 116 N.M. 757, 867 P.2d 427. "If a finding is made against the party with the burden of proof, we can affirm if it was rational for the [district] court to disbelieve the evidence offered by that party." *Id.* Our review of the record reveals evidence that supports the rationality of the district court's decision not to credit Wife's testimony about having received a \$2,000 gift. Wife did not support her testimony with any documentation of the gift; the \$2,000 amount alleged was unlikely to have been sufficient to fund the launch of a corporation engaged in heavy earth-moving; and undisputed evidence showed that Husband was involved from the outset in every aspect of creating and running the corporation. Even the name of the corporation reflected Husband's ownership interest. Husband testified AJAC stood for "A.J. and Clint," a combination of Wife's and Husband's names. Notably also, the district court finding that it was the parties' joint efforts, as joint owners and business partners, that made the business a success for many years, is not challenged on appeal. Given the evidence before the district court, we conclude that the district court did not err in refusing to credit Wife's unsupported and self-serving testimony that she started the business with a \$2,000 gift.

B. Substantial Evidence Supports the District Court's Findings That Husband Did Not Intend to Waive His Community Property Interest in AJAC and That There Was No Consideration for Such a Waiver

{14} Wife next claims that even if AJAC was funded with community property, as the district court found, Husband waived his community interest in the corporation, thereby transmuting AJAC into her separate property. Wife relies on incorporation documents filed with the State of New Mexico at the start of the business that names her as the sole shareholder of AJAC, together with shares of stock issued in her name and, in particular, a statement in the incorporation documents signed by Husband, waiving his community property rights.

{15} Although the district court acknowledged the terms of these incorporation documents, it found that they were not sufficient to establish that Husband had intentionally waived his entire ownership interest in the jointly founded and jointly run company that was the couple's life work, in light of Husband's testimony that he did not understand that these documents would allow Wife to claim sole ownership of the company, and that, even if he did intend to give up his interest, there was no consideration for his waiver, as required by New Mexico law.

{16} The district court was correct that a waiver of a community property interest is effective only if the spouse signing the document understood that the spouse was giving up a significant community interest and intended to make that gift to the other spouse. See *Gabriele v. Gabriele*, 2018-NMCA-042, ¶ 21, 421 P.3d 828 (holding that clear and convincing evidence of a spouse's intent to transmute community property to the sole and separate property of the other spouse is required to overcome the presumption that property acquired during the marriage is community property).

{17} Wife argues that the signed incorporation documents show, on their face, that Husband understood he was giving up his ownership interest and that he intended to do so. Wife's argument minimizes Husband's testimony to the contrary. Husband testified that he signed the waiver to allow the company to qualify for a preference for women-owned companies in the award of government contracts and did not understand that Wife could subsequently claim that he had given up his community interest in the company. The testimony of a single witness constitutes substantial evidence if it is credited by the district court, as was Husband's testimony here. See *State v. Soliz*, 1969-NMCA-043, ¶ 8, 80 N.M. 297, 454 P.2d 779. We, therefore, reject Wife's claim that there is insufficient evidence in the record to support the district court's finding that Husband did not intend to give up his community interest in AJAC.

{18} We agree as well with the district court's conclusion of law that, to be enforceable in a divorce proceeding, a contract between spouses where one of them gives up a right to claim a community interest in an asset, effectively transmuting the property into the separate property of the other spouse, must be supported by consideration. See *Gilmore v. Gilmore*, 2010-NMCA-013, ¶ 27, 147 N.M. 625, 227 P.3d 115. Wife agrees that consideration is required and argues that Husband's consideration for giving her his interest in AJAC was his compensation for his duties as an officer and employee of AJAC. Such compensation, however, appears to have been consideration for work performed, not for his waiver of his community property interest. Moreover, the Court has held that the promise of at-will employment does not place any actual constraints on an employer's future conduct, and is, accordingly, an illusory promise that cannot serve as consideration. *Piano v. Premier Distrib. Co.*, 2005-NMCA-018, ¶¶ 8, 19, 137 N.M. 57, 107 P.3d 11 (holding that an arbitration agreement entered into by an employee in exchange for the "illusory promise" of continued at-will employ-

ment lacked consideration). Thus, to the extent that Wife argues that Husband's at-will employment at the company that he cofounded was consideration for his forfeiture of all ownership rights in that company, we are not persuaded. We will, therefore, not disturb the district court's conclusion that Wife failed to rebut the presumption that AJAC was community property.

II. The District Court's Findings Rejecting Wife's Claim That AJAC Was in Debt to Macchu Picchu, a Company Owned by Wife's Father, for Both Rent and Loan Repayment Were Supported by Substantial Evidence

{19} We next address Wife's arguments regarding debts allegedly owed by AJAC to Macchu Picchu, a company owned by Wife's father, Steven DeYapp. Macchu Picchu owned the building where AJAC's offices were located. Wife claimed at trial that AJAC owed Macchu Picchu substantial back rent, together with amounts due on a promissory note on a loan obtained by Macchu Picchu for the benefit of AJAC. Wife argues on appeal that, having determined that AJAC is community property, the district court was required to treat back-rent owed by AJAC and AJAC's debt on the promissory note as community debt. Wife seeks reversal of the district court's conclusion that, if AJAC has any debt for rent or on the promissory note, those amounts are Wife's separate debt.

{20} Wife's argument is based on a misunderstanding of the district court's decision. The district court treated the amounts allegedly owed to Macchu Picchu as Wife's separate debt because the evidence failed to show either that these amounts were actually owed by AJAC, or that, if they were owed, they were legitimate debts that benefited the corporation, as opposed to gifts or personal loans from Wife's father, Steve DeYapp, to Wife.

{21} The only evidence in the record showing these were actual debts was the testimony of Wife and Wife's father, Mr. DeYapp. Although Wife alleged that AJAC rented office space from Macchu Picchu for many years, Wife did not introduce into evidence either a rental agreement entered into by AJAC or documents verifying the rent paid, or the amount still unpaid. Mr. DeYapp gave conflicting testimony at trial as to whether AJAC owed any rent to Macchu Picchu and was unfamiliar with rental documents and unsure of the amount allegedly owed by AJAC each month. Mr. DeYapp also testified that he never expected AJAC to pay rent and that he would not charge AJAC rent if his daughter was experiencing financial difficulty. His testimony is sufficient to support the district court's finding that AJAC did

not owe Macchu Picchu money for unpaid rent and that, if any money was owed, there was no evidence of benefit to the company rather than to Wife personally. We, therefore, find no error in the district court's characterization of rental debt, if any, as the separate debt of Wife.

{22} With regard to the promissory note, Mr. DeYapp testified that Macchu Picchu had taken out a loan on the building AJAC occupied and lent the money to AJAC, entering into a promissory note with AJAC, signed by Mr. DeYapp and Wife, requiring AJAC to repay Macchu Picchu. The court found that there was no evidence of payments having been made by AJAC on the promissory note, though such payments had been due monthly since 2018. To the extent debt was actually owed, the district court again concluded that there was no evidence that this was a legitimate debt which benefited the corporation, as opposed to a gift or a loan from Wife's father, Mr. DeYapp, to Wife.

{23} The district court was permitted to resolve the conflict in Mr. DeYapp's testimony concerning the existence of rental debt and to find Wife's and Mr. DeYapp's self-serving testimony that AJAC was required to make the payments on Macchu Picchu's debt not credible. Wife had the burden to establish the existence of these debts. The district court, therefore, did not err in refusing to include these alleged, but unproven, debts in its list of community debt subject to division. We again find no basis for reversal.

III. The District Court Acted Within Its Discretion With Regard to Interim Support

{24} We next address Wife's arguments regarding interim support. On appeal, Wife claims that it was undisputed that she was entitled to at least \$128,360 in interim support and that the district court's decision to deny her those funds was without support in the record.

{25} The district court findings were based on the court's review of twenty-six interim worksheets Wife prepared and introduced into evidence. The district court reviewed the worksheets and found that Wife's calculation of her expenses during the course of the litigation, and her list of the community debts she had allegedly paid, were "not credible and lacked supporting evidence regarding payments of the community bills." The district court found, and this Court agrees, that the documents entered into evidence to support her request are "a series of bills without any evidence as to where the funds came from to pay the bills." Importantly, the district court found that the exhibits introduced by Wife did not reveal whether Wife was seeking repayment twice for payment of community debts: once as interim support,

and again by listing the same debts as divisible community debt. The court concluded that if Wife had indeed used community credit cards to charge these interim costs, "requiring Husband to pay Wife interim [support] while also assuming half of the current . . . debt [on those cards] would be inequitable." The district court also found that Wife had taken advances on the parties' community funds to support herself during the pendency of the case, without clearly accounting for those funds and had imputed income to Husband, but not to herself.

{26} Wife does not argue that the court's findings are without support in the record. Instead, she points to Husband's agreement that, under the court's temporary interim order, he would owe her approximately \$128,000 in interim support and asks that this Court to enforce the interim order. That order, however, reserved authority to make a decision about interim support following a full hearing on the division of the parties' assets and debts. The district court, therefore, was not bound to implement the terms of that order and was free to consider the evidence of the parties' circumstances and the availability of community property for division. "Whether to order spousal support, how much to order, and the duration of the order are within the sound discretion of the district court." *Rabie v. Ogaki*, 1993-NMCA-096, ¶ 5, 116 N.M. 143, 860 P.2d 785. Wife has not shown that the district court's reasons for denying interim spousal support were either unreasonable or without support in the evidence. We see no abuse of discretion in the district court's decision to deny Wife retrospective interim support given both the accounting issues raised by Wife's exhibits and Wife's substantial income during the separation, which was to continue after the decree was entered. The district court did not abuse its discretion in choosing to equitably divide the parties' community debts and assets, rather than awarding Wife interim support. We will, therefore, not disturb the district court's decision.

IV. The District Court's Conclusion That Wife Failed to Demonstrate That the Community Was Entitled to Reimbursement for Husband's Gambling Losses Incurred During the Marriage Is Supported by Substantial Evidence in the Record

{27} We next address Wife's argument that the district court erred in not requiring Husband to reimburse the community for Husband's gambling losses, which he incurred and paid with community funds during the marriage. Wife's argument assumes that she need only establish that the gambling losses were Husband's separate debt to support her claim that reimburse-

ment of the community is required. We do not agree.

{28} Although Wife challenges what she claims is the district court's finding that Husband's gambling losses were a community debt, the district court makes no such finding. The district court, instead, correctly concluded that even assuming the gambling losses were a separate debt, as provided by NMSA 1978, Section 40-3-9.1 (1997), whether the losses must be repaid to the community upon divorce depends on whether there was some special circumstance, such as breach of fiduciary duty to Wife by Husband or violation of a court order, so that the expenditure constituted waste of community assets. Otherwise, community funds once spent are not available assets subject to distribution in a divorce proceeding. *Irwin v. Irwin*, 1996-NMCA-007, ¶ 13, 121 N.M. 266, 910 P.2d 342 (“[O]nce community personal property or earnings are expended, . . . there is no community asset to be shared or managed, and the spouse making the expenditure has no duty to reimburse the community absent some special circumstance such as violation of a court order or breach of a fiduciary duty to the other spouse.”).

{29} In the context of a gift by one spouse of substantial community property to a third party, without the knowledge or consent of the other spouse and in contemplation of divorce, our Supreme Court adopted the following rule to guide when repayment to the community is required:

- (1) [E]ach spouse has the power to manage and dispose of the community's personal property;
- (2) subject to a fiduciary duty to the other spouse; and
- (3) absent intervening equities, a gift of substantial community property to a third person without the other spouse's consent may be revoked and set aside for the benefit of the aggrieved spouse.

Roselli v. Rio Cmty. Serv. Station, Inc., 1990-NMSC-018, ¶ 23, 109 N.M. 509, 787 P.2d 428. Payment to a creditor by one spouse of a separate debt with community property is subject to the same rules. See *Fernandez v. Fernandez*, 1991-NMCA-001, ¶¶ 11-12, 111 N.M. 442, 806 P.2d 582 (relying on *Roselli* to require a spouse to repay money paid to a creditor with community property without the consent of the other spouse and in violation of the fiduciary duty owed by one spouse to another).

{30} The question on appeal, therefore, is whether the district court's conclusion that there was no waste of community property occasioned by payment during the marriage of Husband's gambling

losses is supported by substantial evidence. Wife relies on the amount paid over the years (allegedly \$240,000), and on her own testimony that “she was not aware of [Husband] writing checks from AJAC to pay for his gambling debts” to claim that the district court's decision was without support in the record.

{31} We conclude that substantial evidence supports the district court's conclusion that Wife failed to establish that Husband used community funds to pay for his gambling losses without her agreement, or that the amount of Husband's losses was \$240,000, rather than being offset by gains. The record shows that Husband agreed in his testimony that he went on several gambling trips during the years he and Wife were married and were living together. He testified that Wife accompanied him on those trips and also gambled. Husband testified that while they sometimes incurred substantial losses, they also won substantial amounts, which offset those losses. Husband testified that Wife at one point told him that a safe deposit box they jointly controlled contained over \$600,000 in cash from gambling wins. Wife did not contradict this testimony. It was undisputed that the losses were paid with checks by AJAC, the parties' joint business. In sum, although the record is uncontroverted that gambling occurred during the marriage, Wife put forward no evidence other than her own testimony as to the amount of the net losses, that those losses were solely attributable to Husband's gambling and not Wife's gambling as well, and that she was unaware that the losses were paid by AJAC with community funds. We again defer to the district court's finding that Wife's testimony was not credible, and therefore agree with the district court that there was no evidence in the record that established the essential elements of a breach of fiduciary duty, a lack of consent by Wife, or even the amount of the separate debt, necessary to establish a right to reimbursement.

V. The District Court Erred in Finding That the Corona Home Was in a Revocable Trust and in Characterizing It as Community Property

{32} We note at the outset that the evidence of the terms of the various trusts created by the parties was entirely documentary. Where evidence is entirely documentary, the appellate court “is in as good a position as the trial court to determine the facts and draw its own conclusions.” *Flemma v. Halliburton Energy Servs., Inc.*, 2013-NMSC-022, ¶ 13, 303 P.3d 814 (internal quotation marks and citation omitted). We therefore review the questions concerning the disposition of the parties' QPRTs and the Autrey Revocable Trust de novo.

{33} In 2002, with the assistance of legal counsel, Husband and Wife established three trusts: the Autrey Revocable Trust, the Audrey J. Autrey Qualified Personal Residence Trust, and the Clint A. Autrey Qualified Personal Residence Trust. Husband and Wife transferred each of their interests in the Corona home, then the family residence, into their respective QPRTs.

{34} The parties' QPRTs are, by their terms, irrevocable trusts. A QPRT is a type of trust authorized by federal tax law as a way to transfer a residence to family members, usually to the children, without paying gift or estate tax. See 26 U.S.C. § 2702(a)(3)(A)(ii); 26 C.F.R. § 25.2702-5(a)(1) (2022). Husband and Wife each testified that they formed the QPRTs with the intent of ensuring that their home was protected for their son, Phoenix.

{35} For the first ten years of the trusts' existence, Husband and Wife, according to the terms of the trusts, had the right “to use and occupy the residence as a personal residence” and the right to receive any income from the trusts. Upon the expiration of the original period of ten years, the beneficial interest in the Corona home was transferred to the parties' only child, to be managed in a fiduciary capacity by the trustees. During Phoenix's minority, the home could be used by Husband and Wife for Phoenix's benefit and for their incidental benefit as his caretakers as well. When, however, Phoenix attained the age of majority, the Corona home was required to be held by the trustees for his sole benefit. Distributions of property, or earnings from rent or other use of the home are to be made to meet Phoenix's needs, at the discretion of the trustees. Husband was the trustee of his trust and Wife the trustee of her trust. The assets of the trusts need not be distributed in whole until Phoenix's death, in the discretion of the trustees based on Phoenix's needs.

{36} The trusts were created in 2002; the initial ten-year period expired in 2012 when Phoenix was eleven years old. Wife continued to live in the home while Phoenix remained a minor, a use permitted by the trust documents. Phoenix attained the age of majority in July 2019, after the divorce hearing, but before judgment was entered.

{37} The parties introduced into evidence both the Autrey Revocable Trust and the two QPRTs. The documents were authenticated by Vickie Wilcox, the attorney who drafted the trusts. Ms. Wilcox testified that the Corona home had been transferred to the parties' QPRTs, and the district court admitted the deeds showing the transfer to the trusts into evidence. Ms. Wilcox did not testify as an expert, and the district court relied on its own review of the trust documents.

{38} Following trial, the district court adopted verbatim Husband's proposed findings as to the Corona home. The court found that the Corona home was "[t]he only asset in the trust identified in Exhibit 31," the Autrey Revocable Trust. The court further found that "[n]either party testified that the Autrey Revocable Trust could not be revoked." Relying on these findings, the district court held that the Corona home is community property, and distributed the Corona home to Wife. The court also revoked all of the parties' trusts in its final decree.

{39} We agree with Wife that the district court's finding that the Corona home was held in the revocable Autrey Trust is not supported by substantial evidence in the record. The district court's finding appears to be a mistake. The testimony of Ms. Wilcox and the documents in evidence conclusively establish that the Corona home is an asset of the parties' *irrevocable* QPRTs, and not of the *Autrey Revocable* Trust. The court's findings are therefore not supported by substantial evidence in the record and "may not be sustained on appeal." *Hertz v. Hertz*, 1983-NMSC-004, ¶ 23, 99 N.M. 320, 657 P.2d 1169.

{40} Husband invites us to affirm the district court's decision that the Corona home is community property under the "right for any reason" doctrine. See *State v. Gallegos*, 2007-NMSC-007, ¶ 26, 141 N.M. 185, 152 P.3d 828 ("[W]e will affirm the trial court's decision if it was right for any reason so long as it is not unfair to the appellant for us to do so."). Husband urges this Court to conclude that it would be inequitable to not revoke the QPRTs because the gift and estate tax benefits are no longer useful

to Husband and Wife given their changed financial circumstances, and by revoking the QPRTs, more property would be available to the community.

{41} We decline Husband's invitation to decide this issue under our "right for any reason doctrine." Husband's argument that the district court in a divorce case can exercise its equitable powers to divide property held in an irrevocable trust has been rejected by this Court in *Vanderlugt v. Vanderlugt*, 2018-NMCA-073, ¶ 21, 429 P.3d 1269. *Vanderlugt* holds that although property held in a revocable trust is considered marital property subject to division because the settlor spouse can revoke the trust and thus continues to own the property, the same cannot be said for an irrevocable trust. *Id.* ¶¶ 15-16. The equitable interest in the trust property belongs to the beneficiary of an irrevocable trust and cannot be modified by the settlor. {42} In this case, at the time of the divorce, the full equitable interest in the Corona home had vested in Phoenix. Although Husband and Wife retained some control of the property as trustee of their respective QPRT, this is not an ownership interest: they are bound by fiduciary duty to protect and use the trust assets solely for the benefit of Phoenix. There is, therefore, no beneficial community interest to divide. See *id.* ¶ 16.

{43} To the extent Husband is arguing that the district court had the authority to revoke the QPRTs, even if Husband and Wife do not, we do not agree. Our Supreme Court held in *Oldham v. Oldham* that revocation of an irrevocable trust can be accomplished only pursuant to the provisions of the Uniform Trust Code

(UTC). 2011-NMSC-007, ¶ 15, 149 N.M. 215, 247 P.3d 736 ("Revocation of wills and trusts is governed by mandatory statutes. We must honor legislative intent that wills and trusts be revoked in strict accordance with the statutory methods and formalities established by the . . . UTC."). Pursuant to the UTC, revocation of an irrevocable trust cannot be accomplished without the agreement of the beneficiary, together with other specific conditions. See NMSA 1978, §§ 46A-4-410 (2003), -411 (2007). Phoenix, the beneficiary of the trust, was not joined in this proceeding, and revocation of the trust was, therefore, not permissible under the UTC. It was therefore error for the district court to revoke the QPRTs.

{44} Our decision is without prejudice to any claim that Husband may assert to seek modification or termination of the QPRTs in a proceeding where all parties are joined. We express no opinion on the merits of such a challenge.

CONCLUSION

{45} We reverse solely with respect to Wife's claim of error regarding the treatment of the Corona home as community property and the revocation by the court of the irrevocable QPRTs. In all other respects, we affirm. We remand to the district court to address, in the exercise of its discretion, the change in the value of the couple's community assets required by the restoration of the Corona home to the irrevocable QPRTs.

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

JANE B. YOHALEM, Judge

WE CONCUR:

J. MILES HANISEE, Chief Judge

JACQUELINE R. MEDINA, Judge



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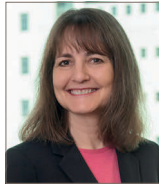
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WELCOME TO OUR NEW ATTORNEYS



Shannon Nair

Shannon Nair has joined Modrall Sperling as Of Counsel, practicing in the litigation department. During her more than two decades as an attorney, Shannon has handled a broad array of legal issues including advising on contractual matters, privacy concerns, and compliance issues as well as Indian housing issues, criminal matters, and appellate briefs. For 15 years, Shannon worked for the federal courts. She also spent time as a contract attorney for the Assistant United States Attorney's office.



Kateri Garcia West

Kateri Garcia West has joined Modrall Sperling as Associate, practicing in general litigation and public finance law. Upon graduation from UNM School of Law, Kateri received the Ann C. Scales Jurisprudence Award for her innovative work with the Moms of Law student group, which she co-founded. Prior to joining Modrall Sperling, Kateri gained experience at another prominent New Mexico law firm. Kateri co-coaches the Hispanic National Bar Association's moot court team at UNM School of Law.



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Positions

Associate Attorneys

Hinkle Shanor LLP is seeking two associate attorneys to join their Santa Fe medical malpractice defense team in 2023! Ideal candidates will demonstrate strong academic achievement, polished writing skills, and a desire to be a litigator. Substantial consideration will be given to candidates with prior medical litigation and experience. Interested candidates should submit a resume, cover letter, writing sample, and unofficial transcript. Highly competitive salary and benefits. All inquiries will be kept confidential. Please email application documentation to Recruiting@hinklelawfirm.com.

Associate Attorney – Civil Litigation

Sutin, Thayer & Browne is seeking a full-time Civil Litigation Associate. The candidate must have at least 3 years of experience relevant to civil litigation, and must have excellent legal writing, research, and verbal communication skills. Competitive salary and full benefits package. Visit our website <https://sutinfirm.com/> to view our practice areas. Send letter of interest, resume, and writing sample to sor@sutinfirm.com.

Prosecutors

Immediate openings for Prosecutors in Las Vegas, New Mexico. Work with a diverse team of professionals, a manageable caseload with a competitive salary in a great workplace environment. If you are interested in learning more about the positions or wish to apply, contact us at (505) 425-6746, or forward your letter of interest and resumé to Thomas A. Clayton, District Attorney, c/o Mary Lou Umbarger, Office Manager, P.O. Box 2025, Las Vegas, New Mexico 87701 or e-mail: mumbarger@da.state.nm.us

Litigation Attorney

Cordell & Cordell, P.C., a domestic litigation firm with over 100 offices across 36 states, is currently seeking an experienced litigation attorney for an immediate opening in its office in Albuquerque, NM. The candidate must be licensed to practice law in the state of New Mexico, have minimum of 3 years of litigation experience with 1st chair family law preferred. The firm offers 100% employer paid premiums including medical, dental, short-term disability, long-term disability, and life insurance, as well as 401K and wellness plan. This is a wonderful opportunity to be part of a growing firm with offices throughout the United States. To be considered for this opportunity please email your resume to Hamilton Hinton at hhinton@cordelllaw.com

Senior Trial Attorney

Senior Trial Attorney wanted for immediate employment with the Seventh Judicial District Attorney's Office, which includes Catron, Sierra, Socorro and Torrance counties. Employment will be based primarily in Socorro County (Socorro, NM). Socorro is an hour drive from Albuquerque. Must be admitted to the New Mexico State Bar. Salary range will be \$76,611 - \$95,763, and commensurate with experience and budget availability. Will also have full benefits and excellent retirement plan. Send resume to: Seventh District Attorney's Office, Attention: J.B. Mauldin, P.O. Box 1099, 302 Park Street, Socorro, New Mexico 87801. Or email to: jbmauldin@da.state.nm.us

Prosecutor– Pueblo of Santa Ana

The Pueblo of Santa Ana is accepting contractual bids for the position of the Prosecutor (32-to-40-hours a week). Please see the RFP for the position at <https://santaana-nsn.gov/tribalcourt-front-page/>. The bid process will close on April 5, 2023.

Entry Level and Experienced Attorneys

The Thirteenth Judicial District Attorney's Office is seeking both entry level and experienced attorneys. Positions available in Sandoval, Valencia, and Cibola Counties. Enjoy the convenience of working near a metropolitan area while gaining valuable trial experience in a smaller office, providing the opportunity to advance more quickly than is afforded in larger offices. The 13th Judicial District offers flex schedules in a family friendly environment. Competitive salary 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!

Associate Attorney

Dixon Scholl Carrillo PA is seeking an associate attorney with 3 or more years of experience to join them in their thriving litigation practice. We seek a candidate with excellent writing and oral advocacy skills and a strong academic background who is ready to be part of a hard-working team in a fun and friendly office. For consideration, please submit your resume to lcarrillo@dsc-law.com.

Deputy District Attorney, Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys

The Third Judicial District Attorney's Office in Las Cruces is seeking a Deputy District Attorney, Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys. You will enjoy the convenience of working in a metropolitan area while gaining valuable trial experience alongside experienced Attorney's. Please see the full position descriptions on our website <http://donaanacountyda.com/> Submit Cover Letter, Resume, and references to Whitney Safranek, Human Resources Administrator at wsafranek@da.state.nm.us

Associate Attorney

Do you want to work among colleagues, not cutthroats? Do you want to refine your case presentation skills? Do you want plenty of time in front of mediators and judges? Do you want to have the ability to work from home, from the office, or a combination of both? We specialize in workers' compensation defense, run a completely paperless office, and do a variety of district court work. We are a litigation focused firm looking for a newly licensed attorney or an attorney looking for a new challenge. If you think you are up to the task, submit a resume and cover letter to: jeffrey@hklfirm.com. Competitive salary and benefits.

Various Assistant City Attorney Positions

The City of Albuquerque Legal Department is hiring for various Assistant City Attorney positions. The Legal Department's team of attorneys provides a broad range of legal services to the City, as well as represent the City in legal proceedings before state, federal and administrative bodies. The legal services provided may include, but will not be limited to, legal research, drafting legal opinions, reviewing and drafting policies, ordinances, and executive/administrative instructions, reviewing and negotiating contracts, litigating matters, and providing general advice and counsel on day-to-day operations. Attention to detail and strong writing and interpersonal skills are essential. Preferences include: Five (5)+ years' experience as licensed attorney; experience with government agencies, government compliance, real estate, contracts, and policy writing. Candidates must be an active member of the State Bar of New Mexico in good standing. Salary will be based upon experience. Current open positions include: Assistant City Attorney – EHD – Air Quality; Assistant City Attorney – Property & Finance. For more information or to apply please go to www.cabq.gov/jobs. Please include a resume and writing sample with your application.

Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys

The Eleventh Judicial District Attorney's Office, Div. II, in Gallup, New Mexico, McKinley County is seeking applicants for Assistant Trial Attorneys, Trial Attorneys and Senior Trial Attorneys. You will enjoy working in a community with rich culture and history while gaining invaluable experience and making a difference. The McKinley County District Attorney's Office provides regular courtroom practice, supportive and collegial work environment. You are a short distance away from Albuquerque, Southern parts of Colorado, Farmington, and Arizona. We offer an extremely competitive salary and benefit package. Salary commensurate with experience. These positions are open to all licensed attorneys who have knowledge in criminal law and who are in good standing with the New Mexico Bar or any other State bar (Limited License). Please Submit resume to District Attorney Bernadine Martin, 201 West Hill, Suite 100, Gallup, NM 87301, or e-mail letter to Bmartin@da.state.nm.us. Position to commence immediately and will remain opened until filled.

Lawyers

Montgomery & Andrews, P.A. is seeking lawyers with 3+ years of experience to join its firm in Santa Fe, New Mexico. Montgomery & Andrews offers enhanced advancement prospects, interesting work opportunities in a broad variety of areas, and a relaxed and collegial environment, with an open-door policy. Candidates should have strong written and verbal communication skills. Candidates should also be detail oriented and results-driven. New Mexico licensure is required. Please send resumes to rvalverde@montand.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 (\$ 65,000.00) to a Senior Trial Attorney (\$76,600.00), based upon experience. These positions are located in the Carlsbad, NM office. Please send resume to Dianna Luce, District Attorney, 100 N Love Street, Suite 2, Lovington, NM 88260 or email to 5thda@da.state.nm.us

Associate Lawyer – Commercial

Sutin, Thayer & Browne is looking to hire a full-time associate, with at least 3 years of transactional experience, for our Commercial Group. The successful candidate must have excellent legal writing, research, and verbal communication skills. Competitive salary and full benefits package. Send letter of interest, resume, and writing sample to sor@sutinfirm.com.

Civil Litigation Defense Firm Seeking Associate and Senior Associate Attorneys

Ray Pena McChristian, PC seeks both new attorneys and attorneys with 3+ years of experience to join its Albuquerque office either as Associates or Senior Associates on a Shareholder track. RPM is an AV rated, regional civil defense firm with offices in Texas and New Mexico handling predominantly defense matters for businesses, insurers and government agencies. If you're a seasoned NM lawyer and have clients to bring, we have the infrastructure to grow your practice the right way. And if you're a new or young lawyer we also have plenty of work to take your skills to the next level. RPM offers a highly competitive compensation package along with a great office environment in Uptown ABQ and a team of excellent legal support professionals. Email your resume and a letter of interest to cray@raylaw.com.

Associate Position

The Santa Fe office of Hinkle Shanor LLP is looking for an experienced attorney to join the firm. Hinkle Shanor has multiple practice groups with a large volume of work and is looking for an attorney who can contribute in a meaningful way to our busy practices in the areas of oil and gas regulation, environmental law, public utility law, the ski industry, and commercial litigation. We are passionate about our work and clients and would love to find someone who has the same excitement for litigation. The attorney's job duties will be focused on legal research and writing, motions practice and discovery, communicating with clients, court and deposition appearances, and working closely with other attorneys on matters. Experience in litigation is preferred, and candidates should have a strong academic background, excellent research and writing skills, and the ability to work independently. The individual must live in or be willing to relocate to Santa Fe. Please send resume, law school transcript, and writing sample to Hinkle Shanor LLP's office manager, Gilbert Romero, at gromero@hinklelawfirm.com.

Briefing/Research/Writing Attorney

Scherr Law is currently seeking an excellent and career-driven Briefing/Research/Writing Attorney with strong education, experience and appellate qualifications to join our team! Duties include drafting motions, appeals, pleadings, memos as well as preparation and research for depositions, hearings and at trial for both state and federal Courts, including Texas, New Mexico and other states. This role requires a JD, licensure as an attorney, strong research and writing skills along with creative critical analysis skills. Full-time salary range: \$80,000.00 - \$150,000.00+ per year. Please submit resume and writing sample to jim@jamesscherrlaw.com

Senior Civil Litigation Associate

Tucker Holmes, PC, a well-established Denver area insurance defense firm is seeking a senior civil litigation associate with a minimum of seven years' experience in insurance defense. Job responsibilities will include independent handling of all aspects of first and third-party litigation from assignment through resolution or trial. Candidates must have strong research and writing skills, and be licensed in Colorado, or willing to get licensed in Colorado. Salary range is \$120,000-\$145,000 depending on years in practice, and level of experience in the field of insurance defense. There is some flexibility for candidates with both exceptional qualifications, and portable clients. To learn more about our firm please visit tucker-holmes.com. Please submit a cover letter, resume, writing sample, references & salary requirements to bdt@tucker-holmes.com.

Civil Assistant U.S. Attorney(s)

The U.S. Attorney's Office for the District of New Mexico is recruiting one or more Civil Assistant U.S. Attorney(s) (AUSA) in the Albuquerque office. Civil AUSAs enforce federal civil rights, environmental statutes, combat fraud in the government, and defend agencies and employees in the federal government in civil litigation. The Civil Division seeks to be a force for that which is right, uphold the rule of law, and make fairness, equality, and impartiality the hallmarks of its work. Applicants must be able to independently manage all aspects of their assigned cases, including overall strategy, preparing pleadings and motions, taking depositions, preparing and answering discovery, negotiating settlements, and trying cases. If you are interested in serving the public and representing the people of the United States in a manner that will instill confidence in the fairness and integrity of the USAO and the judicial system, and have the experience necessary to do so, please apply before the vacancy closes on March 27, 2023. Qualification: Applicants must possess a J.D. Degree, be an active member in good standing of a bar (any jurisdiction) and have at least one (1) year of post-J.D. legal or other relevant experience. Salary: AUSA pay is administratively determined based, in part, on the number of years of professional attorney experience. The pay for this position is \$69,107 - \$163,721 including locality pay. The complete vacancy announcement may be viewed at <https://www.usajobs.gov/GetJob/ViewDetails/706396500> (USAJobs). All applicants must apply through USAJobs.

Hiring 40 Prosecutors

Are you ready to work at the premiere law firm in New Mexico! The Bernalillo County District Attorney's Office is hiring 40 prosecutors! Come join our quest to do justice every day and know you are making a major difference for your community. We offer a great employment package with incredible benefits. If you work here and work hard, you will gain trial experience second to none, collaborating with some of the most seasoned trial lawyers in the state. We are hiring at all levels of experience, from Assistant District Attorneys to Deputy District Attorneys. Please apply to the Bernalillo County District's Attorney's Office at: <https://berncoda.com/careers-internships/>. Or contact us at recruiting@da2nd.state.nm.us for more information.

Criminal Assistant U.S. Attorney (AUSAs)

There is only one Cabinet Department named after an ideal: The Department of Justice. If you care deeply about justice, if you want to make a difference, or if you are looking for an exciting and challenging career in public service, the U.S. Attorney's Office has an opportunity for you as a criminal Assistant U.S. Attorney (AUSAs). Criminal AUSAs in the District of New Mexico uphold the rule of law, keep New Mexico and the nation safe, and protect civil rights. The U.S. Attorney's Office earns the public trust by following the facts wherever they lead, without fear or favor. The Office adheres to the highest standards of excellence and ethical behavior, interested not in winning cases but in ensuring justice is done. And the Office values differences in people and in ideas, treating defendants, victims, witnesses, and colleagues with dignity, compassion, and fairness. Applicants must be able to independently manage all aspects of their assigned cases, including overall strategy, preparing pleadings and motions, managing discovery, advocating at hearings, and trying cases. Please apply before the vacancy closes on March 27, 2023. Qualification: Applicants must possess a J.D. Degree, be an active member in good standing of a bar (any jurisdiction) and have at least one (1) year of post-J.D. legal or other relevant experience. Salary: AUSA pay is administratively determined based, in part, on the number of years of professional attorney experience. The pay for this position is as follows, including locality pay: Albuquerque, N.M., Salary is \$69,777 to \$163,721 which includes a 17.63% locality pay. Las Cruces, N.M., Salary is \$69,107 to \$162,148 which includes a 16.50% locality pay. The complete vacancy announcement may be viewed at <https://www.usajobs.gov/job/706818300> (USAJobs). All applicants must apply through USAJobs.

Attorneys

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

Judge

Pueblo of Laguna, NM – Great employer and benefits, competitive pay DOE! Seeking full-time Judge for the Pueblo Court with at least 5 years of legal experience to adjudicate criminal and civil cases. Leisurely commute from Albuquerque metro, Los Lunas, or Grants. Apply by March 27. Application instructions and position details at: [Employment | Pueblo of Laguna \(lagunapueblo-nsn.gov\)](https://www.pueblooflaguna.org/employment)

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By joining the NMGCO family, you can count on a safety-focused work environment, competitive pay and benefits and opportunities for training and personalized development to ignite your career. We embrace diversity and the inclusion of all; our difference, unique perspectives and talents are our strengths and integral to the success of our company. Position Concept: Provides professional legal guidance and assistance internally for the Company. Prepares legal research and analysis of issues. May represent the company in various proceedings. Candidate should have substantial transactional experience, including leading efforts in drafting and negotiating contracts in one or more of the following subject matter areas: construction contracts; professional services agreements; procurement contracts; information technology (including software and SaaS) contracts; and real property. Education: Juris Doctorate. Licenses/Certifications: Membership in New Mexico State Bar, in good standing. Must maintain annual continuing legal education (CLE) requirements and must maintain state licensure. Must possess a valid driver's license and meet the acceptable driving record requirements of the Company. Experience: Visit www.nmgco.com/careers for more details on the duties and responsibilities of this position and the experience requirements for each level. Salary: Starting salary for a Legal Counsel is \$101,440 to \$126,800; Legal Counsel II is \$112,800 to \$141,000; and Senior Legal Counsel is \$134,120 to \$167,650. Benefits Package: *Short Term Incentive Program *401k Savings plan w/ company matching * Pension plan * PTO * Paid Holiday time * Medical, Dental and Vision Coverage * Tuition Assistance Program * Gym Subsidy * Employee Common Share Purchase Plan. Please visit www.nmgco.com/careers to apply. SUBMISSION DEADLINE is Sunday April 16th, 2023.

Court Of Appeals Staff Attorney

THE NEW MEXICO COURT OF APPEALS is accepting applications for one or more full-time permanent Associate Staff Attorney or Assistant Staff Attorney positions. The positions may be located in either Santa Fe or Albuquerque, depending on the needs of the Court and available office space. The target pay for the Associate position is \$84,000, plus generous fringe benefits. The target pay for the Assistant position is \$79,000, plus generous fringe benefits. Eligibility for the Associate position requires three years of practice or judicial experience plus New Mexico Bar admission. Eligibility for the Assistant positions requires one year of practice or judicial experience plus New Mexico Bar admission. Either position requires management of a heavy caseload of appeals covering all areas of law considered by the Court. Extensive legal research and writing is required. The work atmosphere is congenial, yet intellectually demanding. Interested applicants should submit a completed New Mexico Judicial Branch Resume Supplemental Form, along with a letter of interest, resume, law school transcript, and writing sample of 5-7 double-spaced pages to Cynthia Hernandez Madrid, Interim Chief Appellate Attorney, c/o AOC Human Resources Division, aochrd-grp@nmcourts.gov, 237 Don Gaspar Ave., Santa Fe, New Mexico 87501, no later than 5:00 p.m. on Friday, April 21, 2023. More information is available at www.nmcourts.gov/careers. The New Mexico Judicial Branch is an equal opportunity employer.

Civil Litigation Attorney

Rodey, Dickason, Sloan, Akin & Robb, P.A. is currently interviewing lawyers with 2 or more years of Civil Litigation experience to work in our Albuquerque office. Qualifications: Ideal candidate must have strong academic credentials, excellent references, solid writing skills, and must be licensed in New Mexico. Rodey offers 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. We are excited about our opportunity to partner with qualified candidates looking to advance their legal career. Please send cover letter, resume, law school transcript and writing sample and submit to Adrian Salazar, Human Resources Director, via email to jobs@rodey.com with "Litigation Attorney" in the subject line, or PO Box 1888 Albuquerque, NM 87103. All inquiries will be kept confidential. Rodey is an Equal Opportunity Employer.

City Attorney

Full-Time Regular Exempt position. The chief legal advisor to the City Manager and City Council, and Director of the Legal Department. Provide legal opinions and strategy, minimize risk and liability, manage legal issues, and represent the City in administrative proceedings and legal actions. Juris Doctor Degree AND seven (7) years of experience in a government legal practice, including three (3) years of administrative and management experience to include supervising personnel. Must be a member of the New Mexico State Bar Association, licensed to practice law in the State of New Mexico, and remain active with all New Mexico Bar annual requirements. If not licensed in the State of New Mexico at the time of hire, applicant must apply for a Public Employee Limited License issued under NMRA 15-301.1 and must obtain a regular State of New Mexico bar license within one (1) year of the date of hire. Associated costs will be the responsibility of the applicant. Individuals should apply online through the Employment Opportunities link on the City of Las Cruces website at www.lascruces.gov. Resumes and paper applications will not be accepted in lieu of an application submitted via this online process. This will be a continuous posting until filled. Applications may be reviewed every two weeks or as needed. SALARY: \$148,239.79 - \$217,571.79 / Annually OPENING DATE: 12/28/22 CLOSING DATE: Continuous

Attorney

The New Mexico Foundation for Open Government (FOG) seeks a full-time attorney. We seek a highly motivated self-starter with civil trial court experience to strategically select and pursue lawsuits that will advance FOG's mission, which includes enforcing and protecting the New Mexico Inspection of Public Records Act (IPRA), Open Meetings Act (OMA), and The First Amendment. Remote work is an option. Some travel. Candidates are asked to send a cover letter detailing experience, education and background and a sample legal brief to info@nmfog.org. Salary range \$80,000 to \$100,000.

Associate Attorney

Frazier & Ramirez Law is seeking a New Mexico licensed attorney with experience in litigation. Experience in family law is not required but would be a bonus. We offer a competitive salary based on experience plus benefits. We are a growing firm looking for the right attorney who will work hard, has developed excellence as a habit and who shows a willingness to grow with us. Please submit a letter of interest, writing sample and resume to sean@frazierramirezlaw.com. All inquiries will remain confidential.

Inaugural Director Administrative Office of the Courts Court Education Services Division

The New Mexico Judicial Branch is seeking an inaugural director for the Administrative Office of the Courts Court Education Services Division. The CES Director works closely with the AOC Director and Deputy Director under the guidance of the New Mexico Supreme Court directing and managing court education in New Mexico. The CES Director will have the opportunity to play a crucial role in developing and implementing training and education programs for judges and employees in the state of New Mexico, including managing a budget of approx. \$1.5 million, identifying staff needs, and hiring for this new division. The office location is Albuquerque, New Mexico with occasional statewide travel. The salary range is \$91,168 - \$145,000. To apply : www.nmcourts.gov under Career Opportunities. Equal Opportunity Employer

Associate Attorney

Immediate opportunity in downtown Albuquerque for an Associate Attorney. Practice area is Real Estate. Litigation and transactional experience are required. Experience with Home Owners Associations is a plus WordPerfect knowledge and experience is highly desirable. Send resume and writing sample to: Steven@BESTstaffJobs.com

Deputy District Attorney, Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys

The Third Judicial District Attorney's Office in Las Cruces is seeking a Deputy District Attorney, Senior Trial Attorneys, Trial Attorneys, and Assistant Trial Attorneys. You will enjoy the convenience of working in a metropolitan area while gaining valuable trial experience alongside experienced Attorney's. Please see the full position descriptions on our website <http://donaanacountyda.com/> Submit Cover Letter, Resume, and references to Whitney Safranek, Human Resources Administrator at wsafranek@da.state.nm.us

Full-time Legal Assistant/Paralegal

Quinones Law Firm LLC is a well-established defense firm in Santa Fe, NM in search of a full-time paralegal with minimum 5 years of Legal Assistant/Paralegal experience. Please send resume to quinoneslaw@cybermesa.com

Paralegal

MARRS GRIEBEL LAW, LTD. is an Albuquerque law firm serving businesses and their owners who find themselves dealing with business disputes. We aim to provide our clients with responsive, sensible, and efficient legal services that meet their broader business objectives. Come join our growing team. Paralegal Job Responsibilities: Document review, organization, and analysis; preparing document summaries and indices; Working directly with clients regarding document retrieval and discovery response; Assisting with the preparation, filing and service of pleadings; Coordinating the collection, review and production of documents and responding to discovery requests; Assisting with trial preparation including the assembly of exhibits, witness binders and appendices for depositions and court filings; Summarizing deposition transcripts and exhibits; Researching case-related factual issues using in-house files and outside reference sources. Benefits of Working with our Firm: We are a small firm that rewards hard work Salary begins at 50K and up depending on experience and production; We offer a generous compensation plan and full benefit package; Hours can be flexible and working remotely is allowed if desired. Skills, Education and Experience Requirements: Research and investigation skills; Ability to prioritize workload and assignments with moderate level of guidance; Bachelor's Degree preferred; Paralegal certificate from an ABA accredited program preferred, or a combination of education and/or experience; 2+ years of significant and substantive litigation experience as a paralegal; Basic legal drafting skills for less involved filings – simple motions; Managing medium to large-scale document production experience; Proficiency with Document Review Software (Adobe) and MS Suite; SharePoint experience preferred. To apply, please send resume to hiring@marrslegal.com.

Member Services Projects & Events Manager

The State Bar of New Mexico (SBNM) seeks qualified applicants to join our team as a full-time (40 hours/week) Member Services Projects & Events Manager. The successful applicant will support the activities of State Bar practice sections, committees, commissions, and divisions ("groups") and coordinate implementation of the groups' and other State Bar/Bar Foundation programs and events. \$45,000-\$47,000 annually, depending on experience and qualifications. Generous benefits package included. This position qualifies for partial telecommuting. Qualified applicants should submit a cover letter and resume to HR@sbnm.org. Visit <https://www.sbnm.org/About-Us/Career-Center/State-Bar-Jobs> for full details and application instructions.

Paralegal

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

Legal Assistant

Stiff, Garcia & Associates, LLC, a successful downtown insurance defense firm, seeks Legal Assistant. Must be detail-oriented, organized, and have excellent communication skills. Bilingual in Spanish a plus. Competitive salary. Please e-mail your resume to karrants@stiffllaw.com

Paralegal

The City of Albuquerque Legal Department is seeking a Paralegal to assist an assigned attorney or attorneys in performing substantive administrative legal work from time of inception through resolution and perform a variety of paralegal duties, including, but not limited to, performing legal research, managing legal documents, assisting in the preparation of matters for hearing or trial, preparing discovery, drafting pleadings, setting up and maintaining a calendar with deadlines, and other matters as assigned. Excellent organization skills and the ability to multitask are necessary. Must be a team player with the willingness and ability to share responsibilities or work independently. Starting salary is \$24.68 per hour during an initial, proscribed probationary period. Upon successful completion of the proscribed probationary period, the salary will increase to \$25.89 per hour. Competitive benefits provided and available on first day of employment. Please apply at <https://www.governmentjobs.com/careers/cabq>.

eNews

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We are so excited that our new website is ready! For the last six months we have been busy transitioning to a new association management system (AMS) which has now replaced our membership database and website. The transition is complete and we are so excited that we can welcome you to the new experience.

Find us now at www.sbnm.org! Our new look, new members can earn 15 credits, licensing renewal, event participant spot, an updated

Advertise in our email newsletter, delivered to your inbox every Friday.

Benefits:

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State Bar of
New Mexico

Est. 1886

Contact Marcia Ulibarri,
at 505-797-6058 or email marcia.ulibarri@sbnm.org

Paralegal

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

Paralegal For Busy Medmal Practice

Hinkle Shanor LLP is seeking an experienced paralegal to join their Albuquerque office in 2023! The Albuquerque office of Hinkle Shanor is heavily specialized in medical malpractice defense litigation. Ideal candidates will have 2-3 years of experience. Substantial consideration will be given to candidates with prior medical malpractice litigation paralegal experience. Interested candidates should submit a resume and cover letter. Highly competitive salary and benefits. All inquiries will be kept confidential. Please email resumes and cover letters to recruiting@hinklelawfirm.com.

Services

Santa Fe Mediation Services

Mark Ish and Jamie Sullivan are pleased to announce their association to conduct mediations throughout Northern New Mexico. Combined, they have over 80 years' experience litigating and resolving civil lawsuits and claims on behalf of plaintiffs and defendants across New Mexico. Contact information as to availability at the following: Mark Ish, (505) 988-4483, markish@felkerishlaw.com; Jamie Sullivan, (505) 988-4483, jamie@brennsull.com.

Office Space

Offices For Rent

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

All-Inclusive North Valley Office Suite

Locally owned and operated. Move-in ready suite ideal for a solo attorney. Conveniently located in the North Valley with easy access to I-25, Paseo Del Norte, and Montano. Visit our website www.sunvalleyabq.com for more details or call Jaclyn Armijo at 505-343-2016.

Private Office Suite in Law Office

Private office suite in law building for rent. Includes separate clerical common area, access to conference room, and kitchenette. Only a few blocks from all court houses located at 900 Lomas NW. Contact Kim @ 505-331-3044 or email baيامonte4301@gmail.com

Miscellaneous

For Sale:

1) Quality cherrywood Desk with matching Credenza 2) Classic oak Conference Table. Formerly owned by Turner Branch – \$500 each. Call/Text : 505-559-3690.

2023 Bar Bulletin Publishing and Submission Schedule

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

Advertising will be accepted for publication in the Bar Bulletin in accordance with standards and ad rates set by publisher and subject to the availability of space. No guarantees can be given as to advertising publication dates or placement although every effort will be made to comply with publication request. The publisher reserves the right to review and edit ads, to request that an ad be revised prior to publication or to reject any ad. **Cancellations must be received by 10 a.m. on Thursday, three weeks prior to publication.**

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

The publication schedule can be found at www.sbnm.org.



Rodey Law Firm

Welcomes New Attorneys

Associates:



Jonathan Dominguez

- Health Law and Medical Malpractice Defense
- Professional Liability
- General Litigation



Madison Jones

- Business Formation and Transactions
- Estate Planning



Brian Vogler

- Business Formation and Transactions
- Bonds and Securities

Of Counsel:



Holly Armstrong

- Health Law and Medical Malpractice Defense
- Professional Liability
- General Litigation



Melissa Kountz

- Labor and Employment Law



Minal Unruh

- Health Law and Medical Malpractice Defense
- Professional Liability
- General Litigation

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SAM BREGMAN

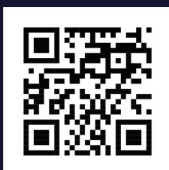
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